



EMN Ad-Hoc Query on EE AHQ on Immigration Quota Systems and Practices

Requested by Barbara ORLOFF on 21st December 2016

Residence

Responses from Austria, Belgium, Blocked / Unknown, Croatia, Czech Republic, Estonia, Finland, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (21 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:

Currently, the Aliens Act of Estonia stipulates that the annual volume of immigration to the Republic of Estonia is limited with a quota of 0.1% of the permanent resident population of Estonia. The law, however, exempts several categories of migrants from being included in the calculation of the quota (e.g. family members, students and researchers, aliens who are permanently settling in Estonia). Shortly also ICT sector workers and investors will be excluded from the quota.

In 2016, for the first time, the quota will be filled before the end of the year, which means that some of those third country nationals, who are otherwise eligible for a residence permit, will have to wait until the next year before they can be issued a residence permit, creating a backlog of applications. Due to this backlog, amendments to the Aliens Act of Estonia could be considered. In order to do so, the Estonian Ministry of the Interior would like to obtain relevant information from other Member States on their policies on quantitative immigration restrictions and to identify good practices in this field.

Questions

1. 1) Are there any quantitative/numeric restrictions for immigration used in your MS? If yes, please, specify if they apply to all third-country nationals in general or apply solely to specific immigrant groups (e.g. unskilled workers etc.).
2. 2) If you answered YES to the first question, can you explain how the quantitative/numeric restrictions are established (i.e. by law, regulation, administrative decree etc.) and if they are reviewed on regular bases?
3. 3) If you answered YES to the first questions, what was the (political) rationale for establishing these restrictions?
4. 4) If you answered YES to the first question, please explain the formulas behind the restrictions (in Estonia, for example, immigration quota is 0.1% of the permanent population)?
5. 5) If you answered NO to the first question, please explain what has been the (political) rationale for not imposing quantitative/numeric restrictions on immigration or if your MS has had restrictions in the past, for abolishing them?
6. 6) If you answered NO to the first question, is your MS planning or considering to establish quantitative/numeric restrictions on immigration in the future? What are the (political) reasons, planned formulas and period for doing so?

Responses

	Country	Wider Dissemination	Response
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	Austria	No	
	Belgium	Yes	<p>1. No, Belgium does not use quantitative/numeric restrictions for immigration. Belgium does have an annual quota for the resettlement of refugees (for 2016 and 2017, the quota is 550 people each year), which is determined by the Government (the State Secretary for Asylum Policy and Migration). It is also worth mentioning that a quota system can be used in the framework of the “working holiday visas” (WHV) programmes. Belgium has concluded bilateral agreements with 5 countries (Australia, Canada, New Zealand, Taiwan and South Korea) to set up said programmes. Through these programmes, the signatory States aim at strengthening their cooperation and promoting a better mutual understanding by allowing their young nationals to spend a holiday in the other State for a maximum of 12 months, while having the possibility to work to supplement their financial means. However, the main purpose of the participants’ journey ought to be holidaying while working is seen as secondary. There are restrictions concerning the possibility to work (e.g. duration of the employment). It is also not possible for the participants to extend their stay or to change their immigration status while in Belgium. The number of participants per year can be subject to a quota (for example, there is an annual quota of 200 participants for South Korea), which may be revised annually by mutual consent between the parties.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. Belgium does not use quantitative/numeric restrictions for labour migration. This can be explained by different elements, including: Belgium has a demand driven labour migration system, based on fulfilling the recruitment needs of individual employers in the country. Individual work permits are granted to third country nationals who have concluded an employment contract with an employer to work in Belgium. The system is based on quite restrictive conditions (e.g. labour market tests), but certain categories of migrants (e.g. the highly skilled) are exempt from the labour market test and other conditions. Quotas are not necessary in an efficient demand-driven system for labour</p>

			<p>migration. Furthermore, quotas do not guarantee an efficient match between demand and supply. For the Belgian Regions and the German speaking Community (responsible for labour migration policy), an efficient matching between labour demand and supply is the priority. The use of an immigration quota could also have unwanted effects in practice. For example, certain companies could rapidly apply for a certain number of immigration quota places (which they might not use), and other companies – who only apply for the places when needed – would then not be granted said places. Finally, the experience of other countries using immigration quotas shows that the quotas are often not filled, which implies that the quota does not always serve its purpose.</p> <p>6. There are no plans to establish quantitative/ numeric restrictions on immigration for the time being in Belgium. It is worth mentioning that the issue of immigration quotas has been discussed in Belgium in the past. For example, in the early 2000's, the Committee on Home Affairs of the Senate examined the advisability of introducing quotas on foreign workers. Furthermore, in 2003, the then Belgian Minister for Home Affairs declared that he was in favour of introducing immigration quotas at European and Member State level (see for example: http://www.lalibre.be/actu/belgique/des-quotas-d-immigres-voire-51b8814ae4b0de6db9a988a4).</p>
	Blocked / Unknown	Yes	<p>1. France does not apply quotas to manage migration flows. Derogations from this principle exist under bilateral agreements. There are two types of bilateral agreements: - Working Holiday Agreements. These agreements allow young people between 18 and 30 to take extended holidays in France for up to one year and to take employment as an incidental aspect of this stay. With the exception of Australia and New Zealand, the number of participants is limited and set annually between the partner-countries. - Fifteen agreements on coordinated management of migration flows or of labour-related migration have been signed between France and the following countries: Benin, Burkina-Faso, Cap Verde, Congo, Gabon, Mauritius, Montenegro, Russia, Senegal, Serbia, Tunisia, Cameroon, Georgia, Lebanon, and Macedonia. Five countries signed an agreement to promote exchanges among young professionals: Argentina, Canada, USA, Morocco and New Zealand. These agreements grant 100 to 1500 visas for a period of up to one year.</p> <p>2. The number of participants for each bilateral agreement is set annually by decree or at the date of signature.</p>

			<p>3. N/A</p> <p>4. N/A</p> <p>5. The policy on management of migration flows in France is not based on quotas but on a list of "hard-to-fill" jobs.</p> <p>6. N/A</p>
	Croatia	Yes	<p>1. 1. There is no general annual volume of immigration like the one set in the Republic of Estonia. But there is a quantitative/numeric restrictions regarding employment permit system for certain categories of activities and professions where employment can be permitted for TCNs (within this quota the number of work permits for each of these activities is determined).</p> <p>2. 2. Quota is established by the Decision of the Government of the Republic of Croatia for each year.</p> <p>3. 3. The annual quota for the employment of foreigners is determined in accordance with the migration policy and taking into account conditions on the labor market.</p> <p>4. 4. The Ministry responsible for labor makes a proposal for the annual quota for employment of foreigners on the basis of the opinion of the Croatian Employment Institute, the Croatian Chamber of Economy, the Croatian Chamber of Crafts and representatives of social partners. As said above, it is set for each year, in accordance with the migration policy and taking into account conditions on the labor market.</p> <p>5. 5. N/A.</p> <p>6. 6. N/A.</p>
	Czech Republic	Yes	<p>1. NO.</p>

			<p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. A national Employee Card or an EU Blue Card is always granted for specified job vacancy which passed the labour market test and therefore the labour migration inflow changes according to the situation in the labour market and number of available Czech jobseekers.</p> <p>6. There is no agreement between social partners on introducing such measure.</p>
	Estonia	Yes	<p>1. Yes, in Estonia there is an immigration quota. The annual immigration quota is the quota for foreigners immigrating to Estonia, which shall not exceed 0.1 per cent of the permanent population of Estonia annually. The permanent population is considered to be Estonian citizens living in Estonia, third-country nationals who have a long-term residence permit and who are living in Estonia and EU citizens with a permanent residence rights and their family members. The following persons are not included in calculating the fulfillment of the immigration quota: 1) Estonians; 2) the spouse of an Estonian citizen, an Estonian a TCN, who resides in Estonia on the basis of a residence permit, to whom a residence permit is issued to settle with the spouse; 3) a minor and adult child, parent and grandparent and a ward of an Estonian citizen, an Estonian and a TCN, who resides in Estonia on the basis of a residence permit, to whom a residence permit is issued to settle with the close relative; 4) a TCN who is granted a residence permit for study; 5) a TCN who is granted residence permit for employment with the purpose of research activities on condition that the TCN has appropriate professional training and education, or as a lecturer in Estonia in an educational institution which complies with the requirements established by the legislation; 6) a TCN who is granted a residence permit for the participation in criminal proceedings; 7) a TCN to whom the issue of a residence permit is justified and who does not present a threat to the interests of Estonia and who settled in Estonia before 1 July in the year 1990 and has not left to settle in another state after the indicated deadline; 8) a citizen of the United States of America; 9) a citizen of Japan and; 10) a TCN who has been granted the residence permit considering the fulfillment of immigration quota, and who thereafter has not left to settle in another state; 11) a TCN who has been granted a residence permit</p>

			<p>for study if he or she is applying for a residence permit on any basis; 12) an alien who has been granted a residence permit on the basis specified in point 2) or 3) if he or she is applying for a residence permit on any basis;13) an alien who is granted a residence permit for settling permanently in Estonia.</p> <p>2. The maximum limit of the immigration quota is stipulated by the Aliens Act and the immigration quota for a specific year is established by a regulation of the Government of the Republic taking into account the permanent population of Estonia. The Minister of the Interior may establish a distribution of the quota for different types of residence permits or a temporal distribution of the quota.</p> <p>3. One of the rationales when establishing the immigration quota has been the country's capability to integrate third-country nationals into the society.</p> <p>4. The next year's immigration quota is calculated from the sum of permanent residents (Estonian citizens living in Estonia, third-country nationals who have a long-term residence permit and who are living in Estonia and EU citizens with a permanent residence rights and their family members) who are registered in the Estonian Population Register at the moment of establishing the quota.</p> <p>5. N/A</p> <p>6. N/A</p>
	Finland	Yes	<p>1. As such there is no general quota for immigration. The only quota Finland has is a quota of 750 resettled refugees per year. The refugee quota has its basis on legislation and a decision on the allocation of the quota is made each year.</p> <p>2. N/A</p> <p>3. N/A</p>

			<p>4. N/A</p> <p>5. In Finland there has been no political discussion regarding the imposition of quantitative or numeric restrictions on immigration. Any person who wishes to apply for a residence permit or asylum may do so, and they will be granted a permit if the necessary requirements are met, regardless of how many permits have already been granted during the year in question.</p> <p>6. Finland is not considering such restrictions.</p>
	Germany	Yes	<p>1. There are no quantitative/numeric restrictions for Immigration used in Germany.</p> <p>2. n/a</p> <p>3. n/a</p> <p>4. n/a</p> <p>5. There is no need to establish restrictions on Immigration.</p> <p>6. See answer to 5).</p>
	Hungary	Yes	<p>1. Yes. They apply to third-country nationals employed at the same time in Hungary.</p> <p>2. Article 7(6) Act IV of 1991 on the Promotion of Employment and on Unemployment Benefit authorizes the minister responsible for employment to determine in a degree the maximum number of those third-country nationals, who can be employed in Hungary at a given time in total, or on the jurisdiction of the individual state employment agencies, as well as in certain professions. According to Article 2(1)-(3) of 19/2015. (VII. 3.) Decree of the Ministry for National Economy set out that the total number of third-country nationals employed at the same time with work permit, EU Blue Card cannot exceed a monthly average of free vacancies reported in the preceding year. This shall be understood as a number of unfilled vacancies in the beginning of the month and the number of vacancies reported during the month rounded to the nearest thousand. The number of third-country</p>

			<p>nationals employed on the basis of a permit issued under international agreements on the exchange of employment shall also be included in the number of third-country national whose employment is allowed at the same time. Such maximum number is published by the minister for employment by 1st February of the given year. The current (2016) maximum number of third-country nationals employed at the same time is 49 000. It shall also be stated that the maximum number of authorization for employment that may have been issued in line with the above described formula in the previous years is a multiple figure of the actually issued authorizations. Consequently, the ceiling figures thus set impose no impediment whatsoever in the way of the employment of third-country nationals.</p> <p>3. -</p> <p>4. See answer to question 1.</p> <p>5. -</p> <p>6. -</p>
	Ireland	Yes	<p>1. There are no quantitative/numeric restrictions for immigration used in Ireland. The employment permits system is based on labour market need. Other categories of immigrants must fulfill the conditions of various immigration categories - for example, atypical worker scheme for workers outside the employment permit system or students.</p> <p>2. N/a</p> <p>3. N/a</p> <p>4. N/a</p> <p>5. N/a</p>

			6. N/a
	Latvia	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. The reasons for not imposing numeric restrictions: - the number of applications for residence permits in Latvia is not very high and it does not create any risk of uncontrolled influx of low-qualified labour force, foreign students etc.; - the quota system is difficult to administrate; - the postponing of applications only for the reason of fulfilling of quota can create serious obstacle for commercial activities.</p> <p>6. Latvia is not planning to introduce quota system</p>
	Lithuania	Yes	<p>1. No.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. Lithuania has never had quantitative restrictions and to the best of our knowledge.</p> <p>6. Not to the best of our knowledge.</p>
	Luxembourg	Yes	1. No.

			<p>2. N/A</p> <p>3. N/A.</p> <p>4. N/A.</p> <p>5. Luxembourg has always been characterized for having an open economy that is an employer driven economy and it depends heavily on foreign work force. The large majority of the Luxembourg's foreign residents and working population benefit from the freedom of movement. At the 1st January 2016, foreigners represent 47% (=269.175) of the total population of the Grand-Duchy of Luxembourg. From this population 85% (=229.506) are EU citizens and only 15% (=39.669) are third-country nationals. On the labour market the situation is almost the same: From 382.751 salaried workers, 56% (=215.983) are residents and 44% (=166.768) are cross-border workers coming from Belgium, France and Germany. The residence salaried population is composed by 50,0% (=107.954) of nationals, 44% (=95.640) of other EU nationals and 6 % (=12.389) of third-country nationals. From 393.352 salaried workers, the cross-border workers coming from Belgium, France and Germany represent 45%. The residence salaried population is composed by 49.7% of nationals, 44% of EU nationals and 6,3% of third-country nationals. Seen that the Luxembourg economy is centered on finance, banking, insurance and services, there is a high demand for highly qualified workers who cannot be found anymore in the Greater Region. Highly qualified workers (EU Blue Card holders) are not subject to the labour market test. For obtaining the EU Blue Card the third-country national must have a labour offer with a salary that is at least equal to 1,5 times the gross average annual salary (73.296 euros) or 1,2 times (58.636,80€) in professions for which the government has noticed a particular need to employ third-country nationals. Third-country nationals who are skilled or low skilled must pass the labour market test in which EU citizens, Luxembourgish nationals and legally resident third-country nationals will have priority for the vacant position.</p> <p>6. No.</p>
	Netherlands	Yes	<p>1. No. The Netherlands has no absolute quantitative/numeric restrictions for immigration. Only for resettlement and relocation we have a quota concerning the amounts of persons the Netherlands aims to resettle and relocate per year. There is only one exception on this general rule and that regards the</p>

			<p>Asian restaurants. The ministry of Social Affairs and Employment has introduced quota for the admission of qualified cooks from Asia for the coming three years. The quota is: 1.800 in 2017, 1.400 in 2018 and 1.000 in 2019. The reason for this specific quota is a shortage of qualified Asian cooks. With the decreasing numbers of Asian cooks that can obtain a residence permit for work, the minister of Social Affairs and Employment aims to put pressure on the Asian restaurant sector to increase its efforts to recruit and train jobseekers in the EU for these jobs. If this is successful, admission of Asian cooks would no longer be necessary after three years. The quota has been established in an administrative decree, based on the Aliens Employment Act. The Dutch parliament had approved the introduction of the quota.</p> <p>2. n/a The number of resettlement is established through national political debate. The numbers of relocated asylum-seekers is based upon specific numbers set out in an Annex to the Council-Decision.</p> <p>3. n/a</p> <p>4. n/a</p> <p>5. The Netherlands has never imposed quantitative/numeric restrictions. Regarding asylum seekers, the basic principle of the government's policy is that the Netherlands offers protection to persons fearing persecution or persons facing a risk of suffering serious harm in their country of origin. Introducing a restriction on the number of asylum seekers would also come in conflict with the obligations of the Dutch Government under various treaties (such as the Geneva Convention relating to the status of refugees) and various directives of the EU. Therefore it was not considered as a serious option by the Dutch government. (Answers to parliamentary questions by the Minister for Immigration, Integration and Asylum. 23 August 2012. Kamerstukken II, 2011-2012, Aanhangselnummer 3226) Persons who seek to work in the Netherlands are only admitted if this serves an essential interest to the Netherlands. Generally speaking the Netherlands is very open and welcoming to TCN's who contribute to the country but restrictive for others. Different types of residence permits exist for different types of work. For low and medium skilled work in the Netherlands the employer must be in possession of a work permit for the migrant (regulated by the Ministry of Social Affairs and Employment: the Foreign Nationals Employment Act). A work permit</p>
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			<p>will only be granted if the employer proves he cannot find a suitable candidate in the Netherlands or other EEA-countries. A work permit is not required for highly skilled work. For self-employed persons it will be established if the business is of essential interest to the Netherlands using a ‘point based system’. In this system, points are awarded for the education level of the applicant, the innovative nature of the business, the prospects and the finances. TCN’s who are in an innovative start-up must work together with an approved accelerator or incubator. Recent graduates are offered a job search visa. For family reunification and other forms of ‘humanitarian’ migration, ‘absolute’ quantitative/numeric restrictions would in all likelihood come into conflict with the right enshrined in article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Immigration control in the Netherlands is based on the application of strict conditions for obtaining a residence permit. An individual assessment of each application for a permit is a basic principle of the Netherlands system of administrative law.</p> <p>6. No, the Netherlands is not considering to establish quantitative/numeric restrictions on immigration in the future.</p>
	Poland	Yes	<p>1. No</p> <p>2. n/a</p> <p>3. n/a</p> <p>4. n/a</p> <p>5. No</p> <p>6. No</p>
	Slovak Republic	Yes	<p>1. No. There are no restrictions for immigration in the Slovak Republic.</p> <p>2. N/A</p>

			<p>3. N/A</p> <p>4. N/A</p> <p>5. Based on the low number of third-country nationals' applications for residence in the territory of the Slovak Republic, it has not been necessary to set immigration quota for admission of third-country nationals or other regulation ways of admission of foreigners.</p> <p>6. Currently, no such measures are planned.</p>
	Slovenia	Yes	<p>1. No.</p> <p>2. /</p> <p>3. /</p> <p>4. /</p> <p>5. In 2010 Slovenia abolished quotas for third country nationals to entering labour market. Establishing controlling mechanism for entering labour market was sufficient guarantee for possible misused of the labour market system.</p> <p>6. No.</p>
	Spain	Yes	<p>1. Yes. There aren't quantitative/numeric restrictions for immigration in Spain as such, but there is a collective management procedure for contracts in origin in which the Ministry of Employment and Social Security, bearing in mind the national employment situation, may approve an annual forecast of occupations and previous employment figures that may be covered through this procedure, to which you will only have access to those foreign workers who do not stay or reside in Spain.</p> <p>2. The previously mentioned procedure has been established through the Foreign Nationals' Rights and Freedoms Act 4/2000 (article 39), as well as by its Regulation procedures, ruled by the 557/2011</p>

			<p>Royal Decree (article 167 et seq.). The figures are reviewed on an annual basis, in consultation with social partners, after receiving information from all the Autonomous Communities (regional level) about the situation of their labour market and labour shortages.</p> <p>3. This procedure contributes to protect the flexibility and labour market variations, that may change during a certain period of time, and it is very useful to take into account the needs of employers, adapting them to the job's offers in third countries.</p> <p>4. There are not formulas, since this procedure does not settle a restriction, but a way of adapting the needs of the Spanish labour market to the availability of foreign workers.</p> <p>5. -</p> <p>6. -</p>
	Sweden	Yes	<p>1. No</p> <p>2. NA</p> <p>3. NA</p> <p>4. NA</p> <p>5. Sweden has never had quantitative restrictions and to the best of our knowledge that has never been seriously discussed in Sweden.</p> <p>6. Not to the best of our knowledge.</p>
	United Kingdom	Yes	<p>1. Yes. The UK applies numerical limits to third-country nationals applying in the following work migration routes: Tier 2 (General) – the main route for skilled workers with a job offer. There is an annual limit of 20,700 for workers applying from outside the UK. Those applying in the UK are exempt, as are very high earners (£155k and above). Tier 1 (Exceptional Talent) – for world leaders</p>

and potential future leaders in the arts, sciences and digital technology. There is an annual limit of 1,000 places. Tier 1 (Graduate Entrepreneur) – for graduates identified as having credible business ideas and entrepreneurial skills to develop their businesses in the UK. There is an annual limit of 2,000 places. Tier 5 (Youth Mobility Scheme) – an exchange scheme for young people from participating countries and territories to experience life and work in the UK for 2 years. There are country-specific quotas. Other work routes (e.g. intra-company transfers, temporary workers, entrepreneurs and investors) are not subject to numerical limits.

2. The limits are set out in the Immigration Rules (<https://www.gov.uk/guidance/immigration-rules>), which are provided for by the Immigration Act 1971. Changes to the Immigration Rules must be laid before Parliament and generally come into force three weeks later. Changes are usually made at least twice a year, but the limits are reviewed less regularly. The Government has committed to maintain the Tier 2 (General) limit at 20,700 places per year throughout the current parliament (expected to end in 2020). There are no plans to change the current limits for Tier 1 (Exceptional Talent) and Tier 1 (Graduate Entrepreneur), which are both undersubscribed. The Tier 5 (Youth Mobility Scheme) quotas are reviewed annually.

3. The Government has committed to reducing net migration to sustainable levels (defined as less than 100,000 per year), and considers numerical limits to be a key method of achieving this. Limits are also used to increase the quality of applications by prioritising the most economically valuable migrants. The country-specific quotas for the Tier 5 (Youth Mobility Scheme) are designed on a reciprocal basis. Participating countries must have a similar scheme in place which UK nationals can use.

4. The combined limit for Tier 2 (General) and Tier 1 (Exceptional Talent) was calculated to ensure these routes made a proportionate contribution towards the overall target of reducing net migration below 100,000 per year. No specific formula was used to calculate the Tier 1 (Graduate Entrepreneur) limit. The route was piloted with 1,000 places in 2012. The limit was increased to 2,000 places in 2013 and has always been undersubscribed. There has been no need for a further review of the limit. The country-specific quotas for the Tier 5 (Youth Mobility Scheme) are set at 1,000 places, or the number of UK nationals that the partner country admitted under its reciprocal

			<p>scheme in the previous year, whichever is higher.</p> <p>5. N/A</p> <p>6. N/A</p>
	Norway	Yes	<p>1. Norway has quantitative restrictions only for some immigration groups. Within work migration there is a quota for skilled workers. The quota is set yearly by the Ministry of Labour and Social Affairs and has been set to 5 000 new permits a year. This permit can lead to a permanent residence permit. There is also a yearly quota for seasonal workers in agriculture and forestry, which is set by the Directorate for the Norwegian Labour and Welfare Administration. This quota has been set to 2 500 permits a year.</p> <p>2. See above</p> <p>3. The quotas were established as a simplification of the previous system(s), where each case was sent to the Norwegian Labour and Welfare Administration for a labour market evaluation. If the quota should be filled, there is still a possibility of a concrete labour market assessment for the relevant labour market (geographic and/or defined by occupation or industry).</p> <p>4. There is no concrete formula. The quota is set annually following an assessment of the labour market needs. Political considerations may also apply. Both quotas have remained the same level for years: approximately since 2002 for the skilled workers quota, and since 2010 for the seasonal workers quota.</p> <p>5. n.a.</p> <p>6. n.a</p>