

C. Migration Policy Development²¹

1. Introduction

For the most part, 2006-07 has been a relatively “quiet” period in international migration for OECD members, without new major perturbations in flows. This has provided governments with time to reflect on their policies, introduce new measures and in some cases embark on substantial structural and institutional changes in the organisation of their administration of migration policy and process. Some of the legislative or operational changes represent the continuation or completion of unfinished business, others are new initiatives. During the period under review almost all OECD countries brought in legislative change. Australia, Finland, France, Mexico, the Netherlands and Sweden had changes of government, the consequences being that proposed Bills fell with the old government and/or new directions were taken by their successors with new programmes for dealing with migration. In the United States, failure to get agreement on new legislation has created a hiatus, pending new elections in 2008.

As the EU expanded in May 2004 and January 2007, national jurisdictions found it necessary to set in train a process of new and amended legislation and procedures that is still continuing. EU legislation has also had an impact on policy developments in virtually all OECD countries which are EU members.

This subsection C of Part I presents a systematic review on a topic by topic basis of the main areas addressed by new policy developments. Its objective is to identify those areas where policy has been most active and to indicate what the main directions have been. It begins by reviewing a range of structural and institutional developments in ministries and agencies in the delivery of policy objectives. The next two points adopt a more inter-state perspective, reviewing international agreements and, for the European OECD countries, the specific effects of EU legislation and EU enlargement. Specific policy areas follow, namely border control, labour migration, social integration and residence, citizenship, humanitarian policy and international students. Each point shows the particular perspective on the theme adopted by countries, pointing out similarities and differences. An overarching question is: are OECD countries moving in similar directions and hence what degree of commonality can one observe in the developments and changes that have occurred?

2. Structural and institutional reforms in the development and delivery of policy

The evolving face of international migration and the consequent need for governments to adapt their policies and procedures have caused a number of them to undergo a range of structural or institutional changes in the way they deliver policy. In some cases there have been fundamental reorganisations of or within ministries. They include strategic shifts such as the United Kingdom’s introduction of a points-based system (PBS), or new specialised ministries or ministerial departments, as in Finland, France, Hungary and Romania. In others institutional developments have been confined to certain elements of policy only. They reflect greater state involvement in the delivery of services, together with clearer lines of responsibility, closer linking of migration and integration – formerly the responsibility of different areas of government, better

monitoring and data systems and better co-ordination between regional and national governments.

Major structural changes

Four countries, the United Kingdom, France, Hungary and Romania, have carried through major structural shifts, placing migration policy and service delivery within separate, semi-autonomous governmental units.

In the United Kingdom, the transition to a new points-based system for immigration, commencing in February 2008, has occurred in the context of a fundamental overhaul of the Home Office's Immigration and Nationality Department (IND). This has involved the creation of the Borders and Immigration Agency (BIA), to replace the IND, initially as a "shadow agency" of the Home Office from April 2007, becoming a fully-fledged agency in April 2008.

The Agency will make decisions related to the details of operations and will have significant operational freedom in this regard. BIA representatives will be on the front-line on immigration issues that receive media attention and will be held accountable to Parliament and the public for agency performance. The objective is to clarify lines of accountability regarding the operational aspects of policy implementation and to establish clearer lines of responsibility for ministers, civil servants and central and regional administrators.

Within the BIA, two new advisory committees, established in 2007, aim to guide immigration policy and help steer its implementation. The Migration Advisory Committee (MAC) will attempt to identify skill gaps in the labour market and establish a shortage occupation list for migration purposes. Its first report is due in the summer of 2008. The Migration Impacts Forum (MIF), which had its first meeting in 2007, will assess the wider, more qualitative, social implications of immigration in local regions and help ensure that public services, such as housing, education, health and social care can respond to its challenges.

France, too, engaged in significant structural reform to create a central ministry dealing with all major aspects of immigration, the Ministry of Immigration, Integration, National Identity and Co-development. These include better management of immigration and combating irregular movements; fostering integration; maintaining national identity and citizenship; and promoting development in sending countries, especially those of the South.

Two other countries have also undergone major structural change in policy delivery. Following the 2006 elections, the Hungarian Ministry of the Interior, formerly in charge of alien administration, ceased to exist, to be replaced by the Ministry of Justice and Law Enforcement, within which a separate Department for Migration was established to co-ordinate migration policy with other policy fields. The new Department is now responsible for developing a migration strategy for Hungary and the associated long-term migration policy measures necessary.

As in Hungary, Romania established a new Office for Immigration in 2007, bringing together parts of the Ministry of the Interior. Its remit includes entry visas, employment and stay, according to the provisions of the laws. It also has responsibilities in the field of asylum, including decision making and return to safe third countries. It manages records relating to foreigners and liaises with similar institutions abroad. The Office has also taken

over responsibility from the Ministry of Labour and Family for matters relating to migrant employment. These include setting employment conditions, issuing work permits, specifying the categories of immigrant workers and identifying shortage occupations.

New institutional developments within countries

Although falling short of major structural reform of the delivery of immigration policy, a number of countries have made institutional changes to parts of their operations. These have tended to be connected with the delivery of integration services. Examples are found in Portugal, Norway, Finland, Poland, Japan, Ireland, Canada and New Zealand.

During 2007, the High Commissariat for Integration and Ethnic Minorities in Portugal was reformed, given more financial and administrative autonomy and renamed the High Commissariat for Immigration and Intercultural Dialogue (ACIDI). It has responsibility for integration matters through “one-stop shops” in Lisbon and Porto as well as for developing links with other institutions at local level. Associated with ACIDI’s creation, the government has also approved a plan for immigrant integration, covering a range of measures and identifying the government bodies responsible for each measure, and has established goals for 2009.

Similar developments have occurred in Finland and Norway. In the former, the administration of migration issues was reorganised at the beginning of 2008 through the creation of a single entity within the Ministry of Interior responsible for migration and integration. Certain units from within the Ministry of Labour along with selected bodies concerned with asylum will be relocated together. The change will be accompanied by a new data system for migration and asylum issues which is due to come into operation during 2009. In Norway, in October 2007 the Ministry of Children and Equality was given co-ordinating responsibility for all forms of discrimination. A new Plan of Action relates to labour, welfare, social exclusion, language, gender equality and participation. Overall there are 28 measures involving eight ministries.

Other examples of new institutions are found in Poland, where the government has established a Migration Policy Commission to review all aspects of policy, and in Japan where a new reporting system on the employment of foreigners has been introduced. In Ireland, the new Minister of State responsible for integration now has his/her own Office.

Among the settlement countries, Canada has seen two institutional developments. First, in 2007 the new Foreign Credential Referral Office was launched. It will help internationally trained individuals, both overseas and in Canada, find appropriate information to put their skills to work in the Canadian labour market. Second, a Memorandum of Understanding between the federal, Ontario and City of Toronto governments, the first such collaboration across the three levels of government, focuses on improving immigrant outcomes in employment, education, training, citizenship and civic engagement. Other framework agreements between federal and provincial authorities related to the Provincial Nominee system, the aim being to increase the number of skilled immigrants. Finally, New Zealand implemented a range of measures during 2007 as part of the Settlement National Action Plan. The measures were designed to identify best practice and cover gaps in service delivery for migrants across a range of policy areas.

3. International agreements between countries

Several countries have signed bilateral agreements, for diverse reasons. Some relate to irregular migrants, either for the purposes of protection or readmission. For example, in 2006 Romania concluded an agreement with Spain concerning the protection of unaccompanied Romanian minors living in Spain. It also concluded agreements with Luxembourg and the Netherlands on the readmission of persons in an irregular situation. Conversely, the limited effectiveness of repatriation with respect to irregular migration has led to proposals in Spain for bilateral co-operation framework agreements, including elements of labour migration. The Slovak Republic is in the process of negotiating an agreement with Ukraine on cross-border co-operation. Italy made an agreement with Morocco, signed in 2005 and adopted in 2007 to govern entry to Italy of Moroccans for paid seasonal and non-seasonal employment.

A different approach to international co-operation occurred in Bulgaria where Parliament amended the Law on Personal Data Protection to allow the authorities to restrict the emigration of young people if they had committed a crime abroad.

4. The implications of EU legislation

Unlike other OECD countries, EU member countries have had to respond to directives and regulations from the European Commission and to decisions taken in the Council (see Box I.8). This usually involves incorporating measures from the supra-national body into their own legislations. In the normal course of events this is a continuous process. In anticipation of the 2004 and 2007 enlargements most of the existing member countries decided to impose transition periods before granting full access to their labour markets to citizens of some or all of the new accession countries. Over the last couple of years the EU15 governments have been reviewing these policies and the associated legislation, with a view to either extend the transition or to end it and allow full access. Governments of the EFTA countries, which are also signatories to freedom of movement conventions, have behaved likewise. Governments of the new EU members have faced a different situation. They have been engaged in a process of legislative change to conform to EU legislation (*acquis communautaire*).

Policy developments induced by EU enlargement in EU15 countries, Norway and Switzerland

Over the last few years, all of the EU15 countries have taken steps to manage access to their labour markets of citizens of the new members. EFTA members have also been changing their legislation to accommodate the free movement provisions of the EU. For the most part, transitional arrangements for the A8 accession countries are coming to an end. Any remaining restrictions are confined to Bulgaria and Romania.

The Netherlands, among the older EU members, has taken action to increase access to its labour market for citizens of the acceding countries. Initially, the Dutch government opted for a transitional period of two years in which workers from the new EU member countries did not have access to the Dutch labour market but still needed a temporary work permit. In May 2006, this transitional measurement was prolonged for another year. However already by 2006 many restrictions on foreign workers from Poland and other CEE countries had been annulled. Although foreign workers from the new member countries of 2004 still needed a temporary work permit, these were issued more easily and often

Box I.8. Developments in EU immigration policy

During 2007 developments occurred in four areas.

a) Adoption of a harmonised legislative framework

The European Union's legislative efforts are clearly moving towards economic immigration.

In 2007 the Commission adopted two proposals for directives. The first was aimed at establishing a common set of rights for all third country nationals admitted to work in the European Union and at implementing a single permit covering both residence and access to work. The initiative not only concerns migrant workers, but also persons admitted to the European Union on another basis (family members, students, etc.) who also have access to the labour market. This proposed directive does not concern the conditions of admission of migrant workers, which will continue to be the responsibility of member States, in particular with regard to the volume of immigration.

The second proposal for a directive concerns the admission of workers for the purpose of highly qualified employment. It is aimed at facilitating and accelerating the admission of appropriate third country nationals through the creation of a "Blue Card" that will grant them a more advantageous status than that provided for under ordinary law; this is aimed at making the European Union more attractive in the global competition among countries to attract the most highly skilled labour. For a Blue Card to be issued, the applicant must present a work contract or a binding job offer valid for at least one year. The member State receiving an application must respond within 30 days, and may conduct labour market tests. The Blue Card is in principle valid for two years, during which any change in employment conditions or the employment relation is subject to the prior authorisation of the member States.

b) Co-operation in combating irregular immigration

Internal border controls in the Schengen area were eliminated for land borders in December 2007 for the 15 earlier member States and for 9 of the 10 of the new member States (except for Cyprus) that entered the EU in 2004 and for airports in March 2008. This process will be extended to Romania, Bulgaria and Cyprus once they have proven in the Schengen evaluation process that they satisfy all the required compensatory measures.

In the fight against irregular immigration, in May 2007 the Commission proposed a directive providing for sanctions against employers of illegally staying third country nationals. The objective is to reduce the employment available to illegally staying persons – which is a major pull factor within the European Union that acts as a magnet to would-be illegal immigrants – punishing those who employ illegally staying third country nationals.

A new Regulation creating Rapid Border Intervention Teams was adopted in July 2007. It is designed to enable the Frontex Agency for the Management of Operational Cooperation at the External Borders to deploy, at the request of a member State faced with an exceptional influx of persons trying to enter its territory illegally, a rapid intervention team composed of national border guards of other member States.

c) Co-ordination of management of legal migration flows

In December 2007, the Commission adopted a communication entitled "Towards a Common Immigration Policy" in which it outlined future policy development. It argued in favour of a renewed commitment to developing a common policy by focusing on the need for the Union and its member States to co-operate more effectively in its implementation.

As part of this process, in August 2007 the Commission proposed to formalise the European Migration Network (EMN) and to improve the flow of statistics on migration and international protection to Eurostat. The creation of financial funds within the general programme "solidarity and the management of migration flows" is intended to make it possible to deepen co-operation between the Commission and member States and among the States themselves.

Box I.8. Developments in EU immigration policy (cont.)

Integration policy was marked by the first informal meeting of the European ministers responsible for integration, held in May 2007, which led to the adoption of conclusions on the strengthening of integration policies in the EU by the Council of Ministers for Justice and Home Affairs.

d) Integration of immigration policies and foreign relations

The intention to implement the Rabat Action Plan on Immigration and Development (July 2006) and the Tripoli Declaration on Migration and Development (November 2006) was confirmed at the second EU-Africa Summit held in Lisbon in December 2007, during which an action plan for the 2008-10 period was adopted with a view to implementing the new strategic partnership between Africa and the European Union. One of the eight priority actions concerning “migration, mobility and employment” is in fact aimed at implementing the Tripoli Declaration.

During 2007 readmission agreements were concluded with Russia, Ukraine, Moldova, Montenegro, Macedonia, Bosnia Herzegovina and Serbia. This progress in the East and the Balkans, which contrasts with the status quo of negotiations with Africa, was made possible by offering these countries agreements aimed at facilitating the granting of short-stay visas.

A new policy initiative is the Commission’s communication on circular migration and mobility partnerships between the European Union and third countries issued in May 2007. Under circular migration, migrants who have already been admitted into the EU and respect the rules governing the length of their stay would be offered facilities enabling them to go back and forth between their country of origin and the European Union. Examples include seasonal workers, students and occupational trainees, researchers, persons participating in intercultural exchanges and volunteers.

without a resident labour market test. Norway, meanwhile, in 2006 extended transitional regulations for A8 nationals until 2009, with further easing since January 2008. Bulgaria and Romania have been included in these arrangements since 2007.

From June 2007, the Swiss labour market has been open to immigrants from the EU15 although restrictions (i.e. a labour market test, controls on earnings, jobs and numerical limits) still apply to salaried workers from the eastern European countries which joined the EU in 2004. High standards of qualifications for cross-border service providers (in construction, horticulture, domestic and industrial cleaning, security) will be maintained and also for workers with residence permits of less than four months (who are not subject to the numerical limits).

The accession of Bulgaria and Romania required changes in existing systems. In most cases restrictions have been applied. Switzerland decided not to grant similar access to workers from Bulgaria and Romania as that for the 2004 accession countries while Norway, Luxembourg, Greece and Belgium have included Bulgaria and Romania in their existing transitional arrangements from 2007. However, there have been exceptions. In 2007 Italy put in place a provisional regime for one year for certain categories of Bulgarian and Romanian workers but opened up the principal sectors immediately, particularly for agriculture, tourism, domestic work and construction and also entertainment and some metalworking. Like Italy, Hungary has opened up its labour market for Romanian and Bulgarian citizens partially. Where the Hungarian labour market is in need of labour, access into the labour market is facilitated; in occupations where there are no labour shortages,

work permits are still required for Bulgarians and Romanians. The United Kingdom, which had allowed virtually free access to its labour market to the A8 countries, imposed transitional arrangements for Bulgaria and Romania, citizens of which have privileged access to the Seasonal Agricultural Workers Scheme and the Sector-Based Scheme. These are the former low-skilled migration programmes which are being slowly phased out.

Changes in Central and Eastern Europe resulting from EU accession

Central and Eastern European countries have been busy incorporating EU legislation into their own. Legislative changes particularly relate to long-term residence, humanitarian policy and free movement for EU nationals. In 2006-07 the Czech Republic, Lithuania, the Slovak Republic, Hungary, Bulgaria and Romania all introduced new legislation to incorporate the legal provisions required by EU legislation. In Bulgaria and Romania new provisions were introduced which related to the free movement for member nationals and to the treatment of asylum seekers as well as the expulsion of foreigners and the mutual recognition of decisions taken by another member state. Lithuania amended its Law on the Legal Status of Aliens, in order to accommodate EU directives relating to EU nationals and their families. Legislative developments in the Slovak Republic involved EU-induced changes to the permit system. The period of residence before a permanent residence permit could be granted was reduced from ten to five years and a simplified entry procedure now allows for the possibility of obtaining a long-term visa and a business licence at the same time. In late 2007, following an EU directive, an amendment to the Act on Residence of Aliens established a new procedure for admitting third country nationals for the purposes of scientific research.

Several new member countries have changed their asylum legislation as a result of joining the EU. Cases in point are the Czech Republic, where changes now allow refugees to take up employment without a resident labour market test and Bulgaria, which amended its refugee law to allow participation in the EU fund supporting integration and protection measures, thus providing more resources for refugees.

Hungary was alone in both accepting the right of free movement but also adopting the principle of reciprocity. The government passed a new Act in 2007 accepting the right of free movement inherent in the EU treaties and extending the provisions to resident third country nationals. A major result of the new regulation is the provision of the right of permanent stay, seen as a key element of the promotion of social cohesion. The Act ensures the right of permanent stay to all EEA citizens and their family members following five years of uninterrupted and legal stay in Hungary. Hungary applied reciprocity in the labour market in the first phase of the transitional period as from 1 May 2004 with regard to existing member countries which applied restrictions in their national legislation *vis-à-vis* Hungarian citizens. In 2006, Hungary was the only member country from the EU8 to keep such measures in force towards older member countries.

Adapting to the Schengen system

The Eastern European countries, together with Switzerland, have been adapting to the EU's information systems. In 2007, Romania began to implement the EURODAC fingerprint database system. In anticipation of the Czech Republic joining Schengen, the possibility of prolonging a Schengen visa granted by other EU countries has now been incorporated into Czech law. In 2006 travel documents with biometric data were introduced. Lithuania also took the necessary steps to accede to the Schengen accords. During 2007 the Slovak Republic

made preparations for joining Schengen, particularly on its eastern border with Ukraine where a new surveillance system has been put in place. Changes were also made to border crossings with Poland and Hungary. In the autumn of 2008 Switzerland will become a full signatory to the Schengen and Dublin agreements, adopting full co-operation on security, a common policy on short-stay visas, and individual responsibility for granting asylum. Hitherto, its participation in committees and councils has been provisional.

5. Border control and illegal migration

Countries are continuing to introduce new measures to deter those who do not have the right to be on their territory. Broadly speaking, three themes dominate policy making. The first is to manage their borders in such a way that unauthorised entry is strictly controlled. The second is the attempt to prevent trafficking and the associated abuse of individuals. The third focuses on those who are already in the country but are in an unauthorised position.

Management of borders

Stricter border management is a common theme among OECD members, related to issues of security as well as the control of irregular flows. For the most part, developments have either been in the form of reorganisation of control authorities and/or better operational management. New Zealand and the United Kingdom have introduced both. The New Zealand government has established an interdepartmental group (Border Sector Governance Group) to improve border control, make operational improvements and provide better information. There have also been operational innovations: in 2007 a Risk Targeting Programme was launched to profile potential risk passengers. In the same year, the United Kingdom Borders Act created a single border force to guard ports and airports with new police-like powers. All visa applicants are fingerprinted, and the Act introduces a new system to count people arriving and departing and to bring in ID cards.

In the United States border control has become more tangible, with the Secure Fence Act of 2006. Procedures have also been tightened: the Western Hemisphere Border Initiative of 2007 requires nearly all travellers entering the United States to show passports, including United States citizens and others from western hemisphere countries, formerly allowed in upon showing birth certificates.

For most countries which have introduced new measures, policy is geared to reducing flows of irregular migrants and sending them home. Better border management in Spain is at the heart of the strategy for dealing with irregular migration and is based on three pillars: improving entry management, better regulating legal channels of flow and assisting countries of origin. In order to develop the strategy, a parliamentary sub-commission was set up with the aim of bringing about administrative and regulatory reforms deemed necessary to modernise management. The resulting plan involves the co-ordination of eight ministries. A new plan for security in the Canaries is aimed principally at preventing irregular migration. As in other countries, Spain is exporting its border controls. Attaches from the Interior Ministry have been deployed in several West African countries to help in the fight against irregular migration, in effect pushing the border overseas. Negotiations and collaboration are underway with African transit and origin countries to speed up the process of identification and repatriation. Its longer term strategy is to increase levels of communication between countries and develop shared responsibility. The limited

effectiveness of repatriation is to be overcome by bilateral co-operation framework agreements.

Human smuggling and trafficking

Attempts by government to combat people smuggling and human trafficking reflect both local concerns and legislative changes to incorporate international agreements.

Some countries are more on the front line than others. Bulgaria and Mexico are examples of the former. The Centre for Co-operation with the Black Sea Countries, established in Bulgaria, was strengthened in 2007 with a view to better protecting its border. A Southern Border strategy was designed by Mexico, at the heart of which is the need to provide better border security. It includes better documentation of border crossings, supervision of border flows and strong action against people smuggling and trafficking. Better international co-operation against smuggling gangs includes international treaties and better mechanisms regarding extradition.

Countries more remote from the main sources of smuggled and trafficked migrants have also developed policies to combat trafficking. Norway introduced a Plan of Action against human trafficking to extend over the period 2006-09. However Norway, like some other countries, has also introduced measures designed to help the victims of trafficking. In part these measures are designed to encourage trafficked individuals to come forward or stay and testify against the traffickers. In part, they are a response to the abuses of personal security that trafficking entails. A temporary residence permit for the victims of trafficking in Norway is extended to six months and includes access to health care and social assistance. Outreach activities among foreign prostitutes have been strengthened and there are plans for witness protection. Victims of trafficking in Finland may be granted a permanent residence permit. Two other countries have brought in measures sympathetic to the plight of trafficked persons. The Slovak Republic has made amendments to residence law that allow victims of trafficking to stay for a period of forty days while their circumstances are being clarified; the period is extendable. Bulgaria has taken the practical steps of opening reception centres for the victims of trafficking.

Measures to deal with unauthorised migrants within countries

The measures in this context are targeted at various groups and include punishment of employers of illegal workers; repatriation and deportation; readmission; and policies for groups of unauthorised migrants. In contrast to other countries, Turkey has introduced more lenient policies.

Several countries have introduced measures aimed at employers of unauthorised workers. Employer sanctions legislation introduced in Australia in 2007 makes it a criminal offence knowingly to allow an illegal worker to work or to refer an illegal worker for work. In the United Kingdom, the new Points-Based System imposes on sponsors the need to check documents. A hierarchy of penalties that include prosecution is aimed at both employers and workers and is designed to prevent illegal working. Austria has introduced new rules to prevent undeclared household and care work.

One of the drivers behind new legislation in France, applicable in 2007, was the fight against irregular immigration. Three main measures relating to deportation were tightened: interdictions to entering French territory; escort to the French borders of persons in France without adequate papers; arrest and deportation of persons who

constitute a danger to public order or to the State. In December 2006 a circular revised the system for repatriation of unauthorised immigrants. It included measures concerning those returning voluntarily with a plan for resettling in their country of origin; providing financial assistance, counselling, administrative support, dialogue with the country of origin to facilitate resettlement; help with preparing to leave and dialogue with the country of origin to plan resettlement; ensuring humanitarian repatriation; and helping those immigrants involuntarily deprived of employment and who wish to return home. In a similar effort to dispatch those without a right to stay, Norway is engaged in readmission negotiations with six more countries in addition to the 18 already in existence.

As with France, Switzerland incorporated specific measures to deal with irregular migration in its new general legislation. A new law coming into effect in January 2008 redefines the principles and conditions pertaining to immigrants into Switzerland from non-EU countries. The law has tougher measures to deal with smugglers, illegal employment and marriages of convenience.

The policy situation in the United States is fluid. 2006 saw intensified debate within Congress, State and local authorities about immigration. Border control remained the key issue, but discussions included the possibility of a new guestworker programme. Measures by the federal government to strengthen the southern border were accompanied by actions among some local jurisdictions which, concerned about lax enforcement, approved their own ordinances regarding unauthorised aliens. These included making English the local jurisdiction's official language, punishing businesses illegally employing immigrants and landlords who rent to them. In contrast, other municipalities declared themselves "sanctuary cities" passing ordinances that prohibited municipal employees from helping to enforce federal immigration law. The result is that central control over border policy and policies that address unauthorised migration have been weakened.

The current period has not been one of large new regularisations; nevertheless, measures of this kind continue in various forms. New legislation in Greece in 2007 reopened a prior regularisation by broadening eligibility. For example, unauthorised migrants who had attended public educational institutions were made eligible for regularisation. Spain adopted a discretionary continuous regularisation mechanism for those unauthorised immigrants who can demonstrate their integration into Spanish society.

Both Germany and the Netherlands have made it easier for some unauthorised groups to stay. The Dutch parliament decided to give a "general pardon" to asylum seekers who had applied for asylum before 2001 and who were still present in the Netherlands. Germany has taken action to make it easier for some people without a residence permit to stay. Foreigners whose deportation has been suspended and who have lived in Germany for many years were, from July 2007, granted a right to stay "on a trial basis" for a period of two and a half years with the possibility of extension. They must show they can earn their own living. After four years they are given unlimited access to the labour market.

More practically, in Turkey a new shelter for irregular migrants was opened in Istanbul. The accession of Bulgaria and Romania has meant a form of "quasi-regularisation" for their citizens who were formerly living under an irregular status in other EU member countries. In Japan those living unlawfully in the country now have access to medical care and other welfare services.

6. Policies with respect to labour migration

Most OECD governments have changed or adopted new policies towards labour immigration. A few have also concerned themselves with emigration and/or return. Among the former the overall trend is to focus on skilled workers, including the highly skilled, especially with respect to shortage occupations.

Skilled workers, selection and shortages

All OECD countries are seeking highly qualified workers and many of them are also in the market for skills at the trade or technical level. These requirements are reflected in new policy developments in a number of countries. For many governments a principal objective of labour immigration policy is to acquire and maintain a favourable position in attempts to attract highly qualified workers.

This is a policy that is being developed in several countries. Following a Cabinet policy paper in 2006 (“Towards a modern migration policy”) the Dutch government announced a general shift in its immigration policy towards a more proactive and selective approach to attracting high-skilled migrants. Other countries behaved similarly. Amendments to Germany’s immigration legislation brings in new rules which are designed to attract highly qualified persons especially those needed to promote economic development. New legislation in France, entering force in November 2007, gives precedence to labour immigrants who satisfy particular skill needs. The French government drew up a list of 150 occupations, including some less-skilled, for which the new EU members of 2004 were eligible and a shorter list of 30 mostly technical occupations open to third-country nationals.

In the United Kingdom the new points-based system is specifically designed to select persons with those skills regarded as beneficial to the national economy (Box I.9). Tier 1, the old Highly Skilled Migrant Programme, includes four categories: General (highly skilled migrants and the self-employed), Entrepreneurs, Investors (high net-worth individuals) and Post-Study (international graduates from United Kingdom universities). Qualifying individuals will be offered unrestricted access to the United Kingdom labour market without a prior job offer or sponsor for a defined period of time – two years for Post-Study applicants and three years for the other categories that can lead to settlement. Points will be awarded against primary attributes, such as age, qualifications, the availability of sufficient funds to support themselves and their dependants, and English language capabilities (Box I.9). Tier 2, based on the old work permit system, will allow employers to become sponsors of foreign workers. The Tier will include intra-company transferees who automatically have the right to enter; shortage occupations from a list compiled by a new Migration Advisory Committee; and other skilled occupations which will be subject to a resident labour market test.

Several countries have introduced a type of “green card”. The Employment Permits Act of 2006 in Ireland introduced one for skill shortage occupations which do not require a resident labour market test. Overall, the reformed system is part of a policy of meeting most labour needs from within the enlarged EU with relatively small numbers of very highly skilled coming as work permit holders in the future. The card is issued for two years in the first instance with the expectation that it will result in long-term residence. The occupation list is a restricted one for jobs paying 30-60 000 Euros, but more extensive for those paying more than 60 000. At the lower end of the salary band, shortages are of labour rather than of skills. Card-holders are

entitled to be accompanied by their spouses and families. The Act also made changes to the conditions for intra-company transferees coming as temporary management staff. These transferees have also been the subject of policy developments in Japan where an amendment in 2006 to the Immigration Control Act granted the staff of foreign companies a new and separate residence status (Intra-company transferee).

Attracting skilled workers and dealing with shortage occupations have been preoccupations in Denmark which has also introduced a new points-based “green card” scheme. Coming into operation from October 2007 it sets out conditions whereby points may be accumulated based on salary, qualifications and a shortage list. It allows skilled

Box I.9. A comparison of the Australian and UK points systems

The new points-based management system (PBS) in the United Kingdom is modeled to some extent on the Australian General Skilled Migration (GSM) points test. There are significant differences, however, notably that the GSM grants permits of unlimited duration whereas PBS permits (Tiers 1 and 2) are always temporary, even if the migration movements may be for permanent settlement. Tier 2 in particular can include some movements of workers arriving for temporary assignments.

The table below compares the distribution of points in the two systems for Tier 1 (General) in the United Kingdom and GSM in Australia. Both are intended to lead to permanent settlement. The GSM programme is designed to attract skilled people and their families as migrants to Australia. Tier 1 in the United Kingdom has replaced the former Highly Skilled Migrant Programme. It is designed to allow highly skilled potential migrants to apply for entry to the United Kingdom without already having a job offer; in this it differs from the new Tier 2 which will also use a points system but will be for temporary migrants only.

In the United Kingdom Tier 1, 95 points must be accumulated. Of these, 10 come from a compulsory language test to prove that the migrant speaks English to the required standard and 10 from demonstrating maintenance through possession of sufficient funds to support the migrant in the United Kingdom. Anyone unable to pass the language and maintenance tests cannot qualify. A further 75 points are required from four attributes: age, qualifications, previous earnings and United Kingdom experience. In the GSM, 120 points are required to pass, and a level 100 to enter the pool for possible future consideration.

The GSM points allocation covers a more comprehensive range of attributes which partly overlap with that in the PBS but there are also major differences. Australia specifies a target level of GSM migrants accepted each year whereas there is no cap or quota for Tier 1 migrants in the United Kingdom. This absence of any numerical limit in the United Kingdom system reflects the fact that it is more selective than the Australian one. Despite devolution to Assemblies in Scotland, Wales and Northern Ireland, immigration policy remains in the hands of central government. In consequence, there is no “regional” component in the United Kingdom comparable with Designated Area Sponsorship or State/Territory Nomination in Australia, for example.

Perhaps the most important difference is that the United Kingdom emphasises past earnings as being the best guide to likely future labour market success for Tier 1 migrants, based on experiences with the Highly Skilled Migrant Programme. Previous salary is measured relative to rates in the country in which it was earned. In contrast, in the Australian GSM, points for shortage occupations and occupations on a skilled occupation list, in addition to work experience and other factors, are taken as predictors for successful labour market integration. For the new Tier 2 in the United Kingdom, points will be allocated for shortage occupations; however, the final points list for Tier 2 workers in the United Kingdom is not yet finalised.

Box I.9. **A comparison of the Australian and UK points systems** (cont.)

	UK/HSMP	Australia/GSM
Language ability	10	15-25
Maintenance	10	
Age	5-20	15-30
Qualifications/Academic	30-50	5-25
Skilled Occupation		40-60
Work experience in occupation		5-10
Recent earnings	5-45	
Spouse/partner skills		5
Shortage occupation		15-20
United Kingdom/Australian work experience	5	10
Regional Study		5
Designated area sponsorship		25
State/Territory Government Nomination		10
Professional Language skill		5
Number required	95	100 – 120
		pool – pass

migrants the right to stay in Denmark and apply for jobs for up to six months. Further, in order to attract skilled workers, the existing job card scheme was expanded in 2007 with more shortage occupations added to the list open to third country nationals.

Portugal has modified its quota system and labour market test. The system was put in place at the end of 2007. The resident labour market is tested for local candidates through the internet and the global network of Portuguese embassies and consulates is mobilised to obtain candidacies from abroad. The Ministry for Employment and Social Solidarity has the option of an “exclusion” list for occupations for which no authorisation will be granted, although it has not yet exercised this option. The procedure is that a foreign worker responds to the offer, obtains a work contract and then gets a residence visa. It relies on a high level of co-ordination among the various parts of the administration and the effectiveness of the database linking internal labour demand with applications from foreign workers. The new United Kingdom system will also rely on a new IT system linking its embassies and consulates.

Elsewhere, the new Alien’s law in Switzerland, in force since January 2008, abolished constraints on professional and geographical mobility by skilled foreign workers within the country. Japan is also looking to attract certain highly skilled immigrants: researchers and data processors in facilities and businesses located in special zones may now stay for five years instead of three.

Global competition for skills is spreading. Some of the eastern European countries are now also actively encouraging immigration by the highly skilled as well as developing policies to confront labour shortages. During 2007 the Czech Ministry of Industry and Trade began work on the expansion, planned for 2008, of green cards offered to selected groups of professionals in short supply on the Czech labour market. Entry procedures are to be speeded up, reducing the administrative burden on both employer and worker, a change that should make it easier for highly qualified people, including intra-company

transferees, to enter the labour market. Green cards will be issued initially for a maximum of three years after which it will be possible to apply for permanent residence.

Lithuania, too, is seeking foreign workers to counter shortages of professionals resulting from high levels of emigration. From the end of 2006, the procedure for issuing work and residence permits for aliens whose profession is in shortage in Lithuania was simplified. Multiple entry visas are available and the list of shortage occupations is revised every six months. This change is expected to increase labour migration. In Poland, growing shortages have led to further easing of the requirements for access to the labour market. Employment without a work permit is now legal for global company executives engaged in business activity for three months over a six-month period. Recruitment has also become cheaper for employers: in 2007 fees paid when applying for a work permit or for an extension of a work permit were reduced considerably. Changes to Romania's work permit scheme include a new residence permit for work purposes, replacing two separate permits.

In Bulgaria in contrast, the government has sought to prevent Bulgarian employers from taking on foreign labour, with increased fines for those doing so without permission. At the same time, however, government-supported studies have identified certain labour shortages, leading to debates about appropriate measures to deal with them, including attracting labour from Viet Nam, Macedonia and Thailand, although no actual steps have yet been taken.

The traditional settlement countries have been reviewing their policies as well, with the intention of attracting in more skilled people. In September 2007 the Australian government introduced a broad range of changes to the General Skilled Migration (GSM) categories to improve their efficiency and effectiveness in selecting migrants who are able to enter the labour market quickly. Greater emphasis was placed on English language ability and skilled work experience in allocating points. These changes are underpinned by a new, simpler visa structure, reducing the previous 11 classes to four. In addition, all GSM visa applications can be lodged electronically from anywhere in the world. In addition, changes to the regional visa system mean that it is easier for students and working holiday makers ("backpackers") who have work experience in Australia to stay. In 2008 the new Australian government laid down a marker for its policy direction, increasing the GSM target with an emphasis on skilled immigrants.

The New Zealand government decided in 2007 to encourage employers to accept foreign professional and technical staff by providing them with guidance and advice on how to improve their management of foreign workers. For example, employers are obliged to help foreign workers find another job in cases of redundancy. Changes were also made to the Skilled Migrant Category to align points more closely to match migrant characteristics with labour market needs.

Managing inflows of low skilled workers

Several countries now acknowledge shortages in low skilled occupations and have adopted measures designed to manage better flows of workers to fill them. In Poland, the right to employ seasonal workers from Ukraine, Belarus and Russia without a work permit has been extended from agriculture to other sectors of the economy. Workers may be employed for six out of 12 months, rather than three out of six months, granting more flexibility to extend stay. In Switzerland between November 2006 and November 2007, the Federal Council raised the quota of short-stay permits (one to two years) for non-EU

immigrants. Their distribution between the cantons has been revised; the Confederation also reserves the right to award higher quotas to those cantons which need them. High standards of qualifications for cross-border service providers (in construction, horticulture, domestic and industrial cleaning, security) will be maintained and also for workers with residence permits of less than four months. Korea, too, has relaxed its work permit rules for foreign workers by giving them more opportunity to extend their stay.

The settlement countries have been reviewing their policies towards low skilled workers. In 2006-7 Canada announced a number of improvements to the Temporary Foreign Workers Programme. They included extending the maximum duration of the work permit for those with less formal training from one to two years, and for live-in caregivers from one to three years. Since mid 2006, working holidaymakers in Australia, who form a large element of the country's temporary migrants in low-skilled jobs, can now study or train for up to four months (previously three) and work for up to six months (previously three) for one employer. A new Recognised Seasonal Employer policy was introduced in New Zealand in 2007 to meet the needs of horticulture and viticulture. After resident workers, Pacific Islanders are prioritised.

Emigration and return of migrants

Emigration and return migration are an issue that particularly affects sending countries. Changes related to this have been notably reported in the new EU member countries, although strategies vary significantly. For example, the Bulgarian government continues to support emigration of its citizens and is trying to encourage other countries to open their borders to them. In contrast, Lithuania has adopted a strategy, for which the Ministry of Social Security and Labour has prime responsibility, which aims to increase the activity rate of the workforce and to achieve zero net migration. It has sought to encourage economic migrants to return to Lithuania, by facilitating close contacts with Lithuanians living abroad and increasing co-operation with all institutions involved in migration.

In a similar vein, in 2006 the Portuguese government removed the special financial benefits, such as special interest rates and tax exemptions, given to Portuguese emigrants.

Labour markets and EU enlargement

Accommodating their labour markets to the enlarged EU has led to varying responses, with Bulgaria and Romania coming under particular scrutiny. The United Kingdom has delayed the introduction of its low-skilled Tier 3 in the new Points-Based System, for the moment allowing vacancies to be filled only by nationals of those two countries. Ireland has followed a similar track to that of the United Kingdom. It, too, opened its labour market to the new member countries in May 2004 and its new policy reforms have the aim of meeting most labour needs from within the enlarged EU with relatively small numbers of very highly skilled coming as work permit holders in the future.

Belgium and Luxembourg have put Bulgarians and Romanians on the same footing as those from the A8: they must have a work permit but can benefit from the faster processing to gain a permit for occupations where there is a shortage. The provisional measures taken in May 2006 governing the issuing of work permits in Luxembourg for A8 citizens have been extended for another three years and since January 2007 include those workers coming in from Bulgaria and Romania. Switzerland has decided that labour market restrictions imposed on A8 citizens prior to May 2004 will still apply to salaried workers (i.e. preference for some nationalities, controls on earnings, jobs and quotas). Hungary decided

that its reciprocity measures *vis-à-vis* EU member countries should also be applied to Romania and Bulgaria. Italy and Spain have imposed nominal registration requirements.

Other labour policy areas

Three other sets of measures relate to the rules on entry of entrepreneurs, migration agents and the treatment of *au pairs*.

New legislation in Germany has made it easier for the self-employed to set up business: their ventures can have a lower investment amount than hitherto and the number of jobs that need to be created has been reduced. In the United Kingdom the old investors category has been incorporated within Tier 1 of the new Points-Based System. A new Active Investor Migrant Policy came into effect in New Zealand in November 2007. It is sub-divided into three categories based on the level of investment and the assessed level of risk and, as in the United Kingdom, will operate through a points system.

Measures designed to increase the professionalism of migration agents have been adopted by both Australia and New Zealand. Australia has introduced a new entry level course which is now prescribed for those wanting to become agents. New Zealand passed an Immigration Advisers Licensing Act in 2007 in order to make the provision of advice a licensed, recognised profession. The Act establishes an Immigration Advisers Authority to administer the licensing process which will come into operation during 2008 with licensing mandatory from 2009.

Two countries have introduced new measures relating to *au pairs*. In both Norway and Denmark conditions for granting them permits have been tightened in order to prevent abuse.

7. Integration, residence and citizenship policies

During the period under review a majority of OECD countries have introduced new measures relating to entry and entitlement to residence permits and/or to promote integration. Two themes dominate: the linking of residence and work permits and a general trend towards measures designed to promote faster economic and social integration.

Closely linked with this, the route to permanent residence and citizenship, as well as the conditions under which it is granted, has become a major political issue in a number of OECD countries. There are complex reasons for this. In some cases security concerns underlie a perceived need for immigrants to show commitment to the rights and privileges associated with the citizenship of their adopted country. Several countries have introduced measures to strengthen the immigrants' links and loyalty to the host society. In other cases, citizenship ceremonies and language tests have become a reaction to what some see as the perceived failures of multiculturalism. More pragmatically, in some countries success in integration is measured by the extent to which incoming communities naturalise. On the whole, countries have moved towards making it more difficult for immigrants to naturalise.

Entry and residence permits

For the most part new legislation or rules adopted by OECD countries have relaxed conditions under which residence permits are issued for labour migrants, whereas entry conditions for family migrants have been tightened. In some cases legislation relating to

entry and residence is part of a much more comprehensive package. Germany's new Immigration Act, for example, brings together in one legislative package a number of existing ordinances relating to rights of residence and employment. It creates the legal basis for justifying a right of residence for employment purposes and through a "one-stop shop" a work and residence permit will be issued together. Third country nationals in Germany who have lived there for five years can be granted permanent residence and can take any paid employment.

The Irish government's proposals are also wide ranging and comprehensive. The Employment, Residence and Protection Bill (2008) proposes to reform systems for dealing with a broad range of matters relating to immigration, residence and removal from the state. Provisions relate to: visas; entry into Ireland; residence permits and the rights that go with them; detention and removal; marriages involving foreign nationals; judicial review of decisions; a reformed system of dealing with asylum applications.

Among other countries which have tightened their rules with respect to entry and residence are France and Belgium. The conditions governing benefits for foreigners resident in France who wish to have their families join them have been tightened. In Belgium, foreigners wishing to marry a non-EU national now have to be aged at least 21 instead of 18 and there are checks to ensure that over a three-year period spouses are actually living together. Greece has combined its work and residence permits into a single residence permit which allows labour market access. The rules which govern the granting of a residence permit for purposes of study are now similar to those governing family reunification. Finland has redefined its residence permit rules to include the right to work and study. In Hungary the upper limit for the duration of a residence permit is now five years. A relaxation of residence permit rules is occurring. In Italy, the process of obtaining a permit has been changed. At the end of 2006 the Italian government established a new procedure for granting and renewing residence permits through the network of post offices so it is no longer necessary to go to an immigration office. This was further modified as the application procedure moved onto the Internet in late 2007, eliminating the large queues at post offices. A Decree in 2007 also simplified procedures for business people and tourists who no longer have to obtain a residence permit for stays of less than three months, a requirement that was in any event largely ignored.

Japan and Korea have both modified their policies. In the former, new guidelines in 2006 relaxed conditions associated with "a contribution to Japanese society" making it easier to obtain permits. In an effort to eliminate overstay, a new measure in Korea will mean that foreign workers who do not break laws and acquire minimum level skill qualifications will be given a residence permit. In New Zealand, from July 2007 the cap on the number of residence places for overseas partners and dependent children of New Zealand citizens was lifted.

Social integration

Achieving better social integration is an ongoing objective in all OECD countries and it is no surprise that many of them have introduced new measures in this area. Constraints on immigrants are tending to be relaxed, immigrant groups are better targeted by policies and there is a growing tendency for more coherence in service provision between different levels of government.

Switzerland's new legislation, coming into effect at the beginning of 2008, is designed to improve the situation of foreigners resident in Switzerland legally and will relax some of the constraints on them particularly when changing occupation, job position, canton or when family reunification is involved. If integration has been successful after five years (instead of ten as previously), a settlement permit will be granted. Family unification where there are children of less than 12 months will be speeded up to enable faster integration. The right to remain will be upheld in the event of separation or divorce provided integration has been successful.

In several countries integration policy involves partnerships at different levels of government. In both Switzerland and Austria improved integration is a joint project of federal and regional governments; in Italy and Canada the central government is working with municipalities. The Swiss view is that integration should be improved by co-operation between the Confederation, the cantons and the communes. Priorities are: courses for special training and for language learning for both foreigners in the labour market and for refugees; promotion of coexistence in the communes; and developing skills centres. In Austria, although responsibility remains with the regional authorities for the most part, in 2007 the government set up a central "integration platform" to co-ordinate efforts in integration policy. In the same year, Germany held its second national integration summit, a key outcome of which was greater flexibility in the provision of integration courses. In Italy, a new financial law in 2006 created a new fund for municipalities to finance initiatives aimed at the social inclusion of migrants and their families. Canada in 2006 made new funding available to large urban centres to support integration measures and a long-term plan was launched towards attracting, integrating and retaining French-speaking immigrants in communities across Canada.

Partnership in integration policy is also a characteristic of the Danish approach. A new multiparty welfare agreement in 2006 aims to improve employment for immigrants and their descendants, using wage subsidies, measures to increase activity rates, partnerships between the central government, the social partners and municipalities, and more job advisors. Subsidies to local authorities from 2008 are designed to incite them to increase their integration efforts.

Often, particular immigrant groups are directly or indirectly targeted. This tends to focus on children of immigrants and on women. For example, in 2007 the Danish Ministry for Integration initiated an integration programme for immigrant women designed to increase their employment opportunities and further the integration of their children. Luxembourg has also targeted immigrant children by preparing them alongside *Letzeburgisch* for the international *baccalauréat* as a step towards social integration.

Encouraging integration in labour markets

A perennial problem in OECD countries is the exclusion, or insufficient inclusion, of immigrants and their children in labour markets. This is an ongoing area of policy in most countries where reducing unemployment levels and increasing participation rates are essential if social inclusion is to be achieved. More often than not, improving qualifications and language skills are seen as essential. In some countries, governments are relying on measures to improve training programmes and the efficiency of labour markets more generally; in others special measures are focused on immigrants.

Germany and Sweden have adopted the former approach. The priority in Germany is to improve the qualifications and activity rates of all those outside the labour market, rather than bringing in new migrants to fill gaps and shortages. Such groups include women, older persons and persons of a migration background who are already living in Germany. Vocational training, counselling and skills evaluation are part of the integration strategy. Sweden too has adopted a holistic approach to the integration of disadvantaged groups into the labour market, although there is a strong focus on the particular difficulties faced by immigrants. The government's proposals for a new system for labour immigration include a broad package of reform. It will become easier to start and run a business; language instruction and mentoring will help immigrants into jobs; there will be training initiatives for young people; and special job packages for the long-term unemployed among whom immigrants are over-represented. Specific initiatives include the subsidisation of payroll costs for persons excluded from the labour market, aimed particularly at persons above the age of 55 and young people.

A white paper was presented in Norway in April 2008, discussing future labour needs and proposing appropriate policy measures for the entry and stay of labour migrants. Concern about the degree of responsibility exercised by employers has prompted an action plan against "social dumping" designed to protect wage levels and working standards. The plan includes better inspection of employers, responsibility of contractors to ensure that sub-contractors pay legal rates and introduction of ID cards for construction workers.

In other countries better labour market integration is promoted as the key to better relations between immigrants and non-immigrants. In Finland, the relationship between work and residence permits is being changed to allow working rights to be included in most residence permits (with the exception of work in certain sensitive fields).

The role of language testing

A particularly important aspect of integration policy consists of measures to improve migrants' ability to speak the language of the host country. Much migration research has demonstrated that this is the most important factor in successful integration into society and the labour market. This is reflected in the allocation of points to language ability in all countries operating points-based systems (Box I.9).

It is not surprising, therefore, that language training is in the suite of policies adopted by countries to improve both social and labour market integration. In Sweden, for example, a broad package of reform contains measures to promote language instruction and mentoring to help immigrants into jobs. A new scheme, "Step-in jobs", introduced in July 2007 offers new arrivals the opportunity to combine language training with part-time employment and is intended for asylum-seekers and their dependents. For Switzerland, the priorities in integration policy are courses for special training and language learning for refugees and foreigners in the labour market, helping to promote coexistence in the communes, opening up institutions and developing skills centres. In Finland too, increased language instruction is to be provided in order to promote integration.

Passing a language test is or is to become compulsory for those migrants wanting a long-term stay in an increasing number of countries. In Germany, the priorities and main tasks of the Federal Government's integration policy are to promote occupational integration and the teaching of the German language. From August 2007 a new ordinance provides more flexibility in teaching as well as more targeting on young people and those

who are illiterate. Participation in these courses is generally compulsory for those lacking a basic knowledge of German. The more stringent family reunion requirements in Germany now include passing a language test. An amendment to the Aliens Residence Act in the Czech Republic has introduced the need to prove knowledge of the Czech language as a necessary precondition for permanent residence, while in the Slovak Republic the language test prior to citizenship is to become more rigorous. In Denmark, since 2006 refugees and other immigrants applying for permanent residence must sign an integration contract which includes a commitment to pass a language test. Spousal reunion will only be allowed if the resident immigrant has passed an immigration test in Danish language skills and knowledge of Danish society. Foreigners aged 16-64, wishing to come to France for purposes of family reunion, must take a test in their country of residence for proficiency in French and understanding of French values; if they fail they must undergo a course of instruction and retake the test. The test also applies to foreigners married to a French citizen when they apply to stay for longer than three months.

Citizenship and civic integration policy

During 2006-07, some governments took the opportunity to clarify their naturalisation laws, especially in relation to children. Furthermore, debates in national media about what it means to be a citizen have tended to polarise opinion while at the same time encouraged governments to look hard at how to treat those who come to settle. Turning denizens into citizens has become an important element of policy.

Policies towards citizenship have taken a number of forms, sometimes within the broader context of civic integration strategies, often involving some form of test. The Netherlands, Norway, Poland, Australia, United Kingdom, Austria, Portugal, the Slovak Republic and Lithuania have all taken steps in this direction.

Since 1998, the Netherlands has a system of civic integration programmes; including compulsory language courses for newly arrived immigrants. In March 2006, this system was complemented by the Civic Integration Abroad Act, by which foreign nationals between the ages of 16 and 65 coming to the Netherlands for marriage or family reunification as well as to reside here as a spiritual leader or religious teacher, must sit a civic integration test prior to entering the Netherlands. The exam is taken orally, in Dutch and consists of two parts. In Part 1, knowledge of Dutch society is tested, including Dutch geography, history, political organisation, parenting and education and the Dutch health system. Part 2 tests knowledge of the Dutch language. Only when they pass this civic integration exam, are migrants eligible for a provisional residence permit necessary to enter the Netherlands.

The significance of national identity lies behind legal changes in Poland. In September 2007 a new Act defined what it means to belong to the Polish nation and applies to those of Polish origin living in the former USSR. Applicants need proof that at least one parent or grandparent or two great grandparents were Polish. They must also have some knowledge of the Polish language and cultural traditions. Those who meet these requirements are entitled to a residence visa and can take up employment on the same basis as Polish nationals.

In several cases, governments have brought in new and comprehensive citizenship Acts. Examples include Norway and Australia. A new Nationality Act came into force in Norway in 2006 and contains an extensive list of conditions for Norwegian citizenship.

Applicants are generally not allowed dual nationality, have to have lived in Norway for seven years and must have language skills. At the age of 12 a child of foreign parents can apply for Norwegian nationality without the consent of the parents.

The Australian Citizenship Act came into effect in July 2007, replacing a 1947 Act. The duration of lawful residence in Australia required prior to an application for naturalisation, was increased from two to four years, including one year of permanent residence. Other conditions concern security issues; strengthened revocation provisions in the event of criminality; new provisions for children; and removal of age limits for registration of citizenship by descent. There is also now a citizenship test which includes English language and knowledge of Australia and of the responsibilities and privileges of Australian citizenship. Most permanent residents applying for naturalisation will be required to pass the test.

In its latest (2008) pronouncement on citizenship, the United Kingdom government is proposing a fundamental overhaul of the system for acquiring British citizenship. It consists of a three stage route to citizenship, including a new probationary period of citizenship, requiring new migrants to demonstrate their contribution to the United Kingdom at every stage or leave the country. Full access to benefits is being delayed until migrants have completed the probationary period. Migrants have to improve their command of English to pass probation. Persons committing an offence resulting in prison are barred from becoming a citizen. Those committing minor offences will have a longer probationary period of citizenship. Migrants who contribute to a new community fund for managing the transitional impacts of migration or who get involved in their communities through volunteering are able to acquire British citizenship more quickly. The proposals have opened up a vigorous debate.

Elsewhere acquiring the nationality of the host country has been made more difficult. The reformed Alien Law in Austria, which came into effect in 2006, introduced barriers to family reunion and formation by requiring the sponsoring partner in Austria to have a regular income at or above the minimum wage. It also made it harder to gain Austrian citizenship. The Slovak Republic amended its Act on Citizenship during 2007 to allow closer screening of applicants as well as other changes in the rules. Waiting periods have been increased, from five to eight years for a foreigner residing in the Slovak Republic and from three to five years for a foreigner married to a Slovak citizen.

In contrast to the developments in other countries which tended to make access to citizenship more difficult, a new regulatory framework for facilitating the access to Portuguese nationality by the children of foreign parents came into force at the end of 2006. If both parents are born abroad, their child can obtain Portuguese nationality either at birth or later, provided the parent has lived in Portugal for five years. Attendance of basic schooling in Portugal or having lived in Portugal for ten years when the age of 18 is reached can facilitate naturalisation.

In Lithuania, citizenship policy has taken on an element of selection. The amended (in 2006) Law on Citizenship now allows Lithuanian citizenship to be granted to foreign nationals who are regarded as of merit and whose naturalisation is in the public interest. Such people do not have to meet the same requirements as do others. More restrictively, a decision by the constitutional court in late 2006 meant that dual citizenship is now granted only in exceptional cases whereas formerly it was freely available.

Citizenship ceremonies

Citizenship ceremonies are not new and have been common practice in New World OECD countries but rare in Europe. This is changing. The Dutch in 2006 brought in a national “naturalisation day” to give the reception of Dutch citizenship a more ceremonial character and to emphasise the importance of obtaining Dutch citizenship. Participation in the naturalisation ceremony is compulsory. Citizenship ceremonies are also being introduced on a broader basis in other countries, for example in Germany, but are generally not compulsory.

8. Developments in humanitarian policies

About half of OECD countries have introduced new measures to deal with asylum issues. A majority relate to changes of procedures but measures dealing with the conditions under which asylum seekers are allowed to stay and integrate into labour markets are also important. Other issues tackled relate to returns to countries of origin, conformity to EU legislation and the treatment of children.

Changes in procedures

Changes in procedures introduced by governments are mainly designed to simplify and speed up the asylum decision process, although a range of other issues are involved. These include changing the balance of responsibility in federal states, dealing with backlogs and modifying appeals procedures.

Belgium, France, Switzerland and Ireland have sought to speed up the process, although in different ways. In Belgium only one step (rather than two) is now involved and it is estimated that the complete asylum procedure will take one year maximum. New legislation in France implies that since mid-2007, rejected asylum applicants may not remain in official reception centres for more than one month; in some cases their stay may be longer than one month until alternative accommodation is found (*e.g.* a hotel); their rights to social services cease after one month, unless their medical condition requires urgent care.

Substantial revisions to the 1999 asylum law have introduced new conditions that will come into effect in stages during 2007 and 2008 in Switzerland. The principal changes are that appeals may be lodged in registration centres and at airports; a new admission status providing for provisional stay was created; and new models for financing the stay and support of asylees were developed. As a result, the policy of refusing entry on the grounds of insufficient documentation has been revised to encourage asylum seekers to retain all their documentation; entry will be granted where the absence of papers can be explained, the quality of the asylum seeker is obvious and where there is the possibility of further investigation. To help this, the maximum period of detention prior to deportation has been extended from nine to 18 months – and for 15 to 18 year olds to 12 months. Financial support for repatriations will be improved except for EU citizens who may not benefit (from May 2007). In contrast, those awaiting deportation are not entitled to social benefits. There has also been a shift in the balance of responsibility between the cantons and the federal government. Cantons may issue a residence permit if an asylum seeker has been living in Switzerland for five years from the time of the original request and if there is evidence of integration – cantons have the opportunity to regularise some outstanding cases. There will be a new system of financing between cantons and the confederation regarding social

benefits to refugees – cantons will be compensated by the confederation and there will be a flat rate for recognised refugees and those with a temporary residence permit. The confederation will develop a programme for repatriation, chiefly financial aid and incentives. From 2008, asylum procedures will be simplified and speeded up – cases will be reviewed at Federal level instead of by the individual cantons as at present.

The Irish Employment, Residence and Protection Bill of 2008 proposes a reformed system of dealing with asylum applications as part of its overall review of immigration law. It should result in a simplified procedure. Proposed changes include a shift to a single determination procedure meaning that all protection claims, including claims for both asylum and subsidiary protection, would be examined under a similar procedure. Applicants would be obliged to set out all grounds on which they wish to remain in the State (including non-protection-related reasons for permission to remain) at the outset of their claim, and all of these matters would be examined together. The Bill also proposes the establishment of a Protection Review Tribunal, replacing the Refugee Appeals Tribunal.

In Norway, as in Ireland, new legislation adopts a broader refugee concept, going beyond the 1951 Convention to include those deemed worthy of subsidiary protection status. The right of family reunion for refugees is strengthened. While at present those who are eligible for subsidiary protection must be able to support their family economically this will no longer be the case when refugee status is conferred. However, the rules regarding subsistence requirements will be tightened. Minor procedural changes were also made in Finland where the Act on Integration of Immigrants and Reception of Asylum seekers, amended in 2006, clarified responsibilities among authorities. This was supplemented in the same year to provide services for the victims of trafficking. Finally, in New Zealand, a new policy was implemented in July 2007 to allow refugees to sponsor family members.

Procedural changes in Sweden relate to the appeals system. In spring 2006 migration courts replaced the Aliens Appeals Board, moving appeals from an administrative to a judicial process. With the new procedures, the grounds on which a residence permit is granted or rejected were clarified. If the Migration Board rejects an appeal, the Board and the asylum-seeker meet together in the Migration Court – previously the appellant would not have been there. Hence the system is made more transparent. Further changes were that the new Aliens Act extends the concept of refugee to include those in fear of persecution because of their gender or sexual orientation. In addition, from mid-2006 municipalities assumed responsibility for accommodating unaccompanied asylum-seeking children.

In Lithuania and Denmark, for example, the policy focus has been on return. In the former in 2006 the Ministries of Interior and Social Security signed an agreement with the European Social Fund for money to increase the efficiency of asylum procedures and to improve conditions for asylum seekers. Projects focused on voluntary returns and reintegration assistance. Denmark amended its Aliens Act in 2006, introducing new rules concerning the education and activity of rejected adult asylum seekers. The measures aim to prepare such people for return to their countries of origin. Following this, in June 2007 a further amendment introduced a new contract scheme for rejected asylum seekers who agree to voluntarily return. It allows certain groups of these to benefit from six to nine months of education and training in Denmark prior to return. At first the scheme will only apply to Iraqis but if successful, it may be extended to other nationalities.

Changes in procedure in Bulgaria and Romania are mainly a response to EU membership. In 2006 the refugee law in the former was amended to allow participation in the EU fund supporting integration and protection measures, thus providing more resources for refugees. In 2007 the Law on Asylum Seekers and Refugees was amended to harmonise the Bulgarian legal framework with EU requirements on matters such as dealing with asylum applications, minimum standards for temporary protection and family reunion. In the summer of 2006 a new ordinance in Romania, dealing with the legal provisions necessary for joining the EU, included measures to harmonise the treatment of asylum seekers with EU norms.

Entitlements and conditions for asylum seekers

Issues here mainly relate to access to labour markets. Switzerland, Sweden, Germany, and the Slovak and Czech Republics have adopted policies extending access, in Belgium the reverse is the case.

As part of its major review, Belgium has changed the conditions under which asylum seekers may live while their cases are being considered. They may no longer benefit from a temporary work permit; they will not get financial aid but will still get material support while their case is being examined (shelter in a detention centre, food, clothing, medical care, social psychological and legal aid and some pocket money).

Swiss revisions to its asylum law also include changes to access to the labour market for asylum seekers but in the opposite direction. Access to the labour market has been improved for provisionally admitted persons; family reunification can take place after three years and after five years there is the possibility of a permanent residence permit. Sweden has also taken steps to improve labour market access. From January 2007, municipalities were given additional funding to facilitate the entry of refugees into the labour market.

Under new German legislation, refugees who are entitled to asylum according to the Geneva Convention are also entitled to a residence permit giving access to the labour market. Other groups, with a lesser asylum status and with a residence permit are granted only secondary access to the labour market.

Some of the eastern European countries have been changing their asylum policies, mainly to bring them into line with EU norms. In the Slovak Republic, amendments to labour legislation allow work permits to refugees and those whose cases are still being considered and those granted asylum are entitled to an enhanced social benefit. An amendment to the Asylum Act introduces the notion of supplementary protection for those not granted asylum but who are in need of humanitarian protection from unjust treatment in their own countries. The protection extends to spouses and children, is for a period of one year and is renewable. In the Czech Republic, the law was also changed to allow refugees to take up employment without a resident labour market test.

9. International students

In recent years there has been a growing awareness of the role played by the international migration of students in the global mobility system. Until the early 1990s, the prevailing paradigm was “education for aid”. Student mobility was predominantly from poorer (usually former colonies) to richer (colonial power). It was characterised by a generally philanthropic (some might say paternalistic) approach, associated with low fees

for overseas students. Over the past fifteen years, “education for trade” evolved as the prevailing paradigm. International students were seen as cash cows for educational institutions, reducing the need for state funding. Fees were increased and immigration rules amended to allow them to work while studying. They were seen as contributors to the economy instead of requiring subsidisation. Postgraduates especially were seen as new knowledge creators who could contribute to economic growth either directly or indirectly. International student policy has now become a tool in the international competition for high level skills.

International students and the labour market: Post study

A large number of OECD countries have relaxed their regulations on international students, allowing them to stay on and look for or take up work. In 2006 the Netherlands took steps to enlarge the residence opportunities for international students after graduating there. The Dutch government now proposes to give foreign students the opportunity to stay in the Netherlands and to seek work for up to three months after graduation. If they do not find work as highly skilled migrants within that time, they must still leave the Netherlands. They can only receive a residence permit allowing them to work if they find highly skilled employment. International students graduating from Austrian universities may now change their status to become permanent residents as highly skilled workers.

From late 2007, employers wishing to take on foreign graduates from German universities are exempt from a resident labour market test if their employment corresponds to their studies. In general, it has become easier for foreign researchers and students to enter, stay and obtain employment.

Policy towards international students and the labour market is undergoing fundamental change in the United Kingdom. In May 2007 the International Graduate Scheme (IGS) was launched to replace the more limited Science and Engineering Graduate Scheme (SEGS). This is a precursor to the Tier 1 Post-Study category, and is a response to the drive in a number of countries to compete for the retention of growing numbers of international students. The IGS enables all non-EEA students who have successfully completed their degree (regardless of discipline) at an approved higher education institution in the United Kingdom to remain in the country for up to 12 months and compete for work. The future Post-Study category is likely to extend this period to two years, bringing it into line with the Fresh Talent Working in Scotland Scheme (FTWSS), and to restrict access to international graduates with at least a lower second class (2.2) degree.

Ireland has moved in the same direction. In April 2007 the Third Level Graduate Scheme was implemented, allowing non-EEA graduates from Irish universities to remain in Ireland for six months after graduation to find employment and apply for a work permit or green card. During the six month period they are allowed to work. The “six-month” rule also applies in Finland where one of the aims of the Migration Policy Programme is to encourage the immigration of students and researchers. An amendment to the Aliens Act in 2006 was designed to make it easier for non-EEA students to enter the Finnish labour market. Such graduates can now obtain a work permit to search for a job for up to six months and a residence permit for job search for ten months.

In France, new legislation in 2006 was designed to encourage master's graduates of the highest ability to stay on and find employment. Such targeting of particular types of skill is seen in the policy measures of other countries. A government committee in Sweden has proposed that it should be made easier for foreign students who have found a job in Sweden to stay in the country and work after finishing their studies. Encouraging them to stay is also policy in the Slovak Republic where international students and researchers are now allowed to stay for up to 90 days without a temporary residence permit.

In Canada, international students are seen to have a role in spreading the benefits of immigration to more of Canada's regions as well as helping Canada maintain its competitive edge in attracting international students. In collaboration with provinces and territories, the Post-Graduation Work Permit Programme was significantly changed in 2008 by extending work permits to up to three years for international students who have graduated from public tertiary and certain private institutions.

In other countries, changes in regulations relating to international students are making it easier for them to obtain permanent residence permits. In the Czech Republic, in 2006 the Alien Residence Act was amended to encompass various EU Directives including one relating to the status of students. Other amendments relate to easier entry for researchers.

International students and the labour market: During study

Most countries which have introduced legislation or rule changes have also moved in the direction of encouraging international students to enter their labour markets during the time they are studying. International students in France wishing to work while studying do not need work authorisation provided employment does not exceed 60% of their time in any one year. Norway has also made it easier for international students to access the labour market during their studies. A change in legislation in 2006-07 allows students a general part-time (20 hours per week) work permit – an offer of employment is no longer a prerequisite. Further measures, facilitating the transition to work after completing education are being considered. In mid-2007 Australia made changes to its national code dealing with students. These related to welfare for those aged under 18. Course providers are now required to specify course progress policies and to implement early intervention policies to help students at risk of failing. They are also required to monitor attendance. From April 2008 international students in Australia are given work rights when granted their initial student visa, with the proviso that neither they nor their dependents can undertake work until they have commenced their course of study.

Elsewhere, international students have been put on a par with domestic students. In Finland they have the same right to work as Finnish students while studying, although they must have their own health insurance. Plans are to make it easier for them to stay in Finland and become citizens.

Luxembourg, too, has changed its procedures for international students. A working group drawn from higher education, the work permit service of the Ministry of Foreign Affairs and the Ministry of Employment has augmented the administrative procedure governing the issue of work permits to students from third countries taking paid employment while still studying and which came into force at the beginning of the new academic year in 2007. The conditions are: the student must be a registered second year student in the University of Luxembourg leading to a bachelor degree; first-year students

may qualify for a work permit if their paid employment is within the University; Master and doctoral students may qualify for a permit from their first year; the permit is renewable if the student re-registers in the University; the permit may be withdrawn if the student does not attend the course satisfactorily or abuses the terms of permit issue. The permit will be issued for paid employment not exceeding 10 hours per week during session up to the end of June – after that date a permit may be issued for more than 10 hours of paid employment per week during the long vacation.

The new points-based system in United Kingdom for the first time places international student entry into the same regime as many other immigrants. International students will be covered by Tier 4 of the Points-Based System and will need to be sponsored by an educational institution that has a sponsor licence from the Border and Immigration Agency. A certificate of sponsorship may only be issued under Tier 4 if the sponsor is satisfied that the migrant both intends and is able to follow the course of study concerned. Tier 4 will commence in 2009. Under Tier 4 (students) an accreditation regime has been established to ensure that only bona-fide institutions are able to act as sponsors.

10. Conclusion

OECD countries appear to be moving in a similar direction with respect to policy trends. But not all countries are moving at the same rate. Even in Europe where the European Union has a certain influence on national legislation and practices, national differences, experiences and perceptions as well as the political landscape affect the nature of policies that have and can be implemented.

Overall, the trend seems to be moving towards a demand-led set of policies, characterised by the selection of immigrants and with the rights and responsibilities of migrants more clearly laid out. Countries still have to respond to supply-side generated flows, notably with respect to asylum, low-skilled immigration, irregular migration and, to some extent, family reunion and formation, but there is now a much stronger focus on proactive rather than reactive management of migration.

In the European countries, many policy changes were influenced by EU directives relating particularly to free movement and humanitarian issues. Enlargement of the European Union has demanded responses from existing and from new members, and also from non-EU members such as Norway and Switzerland. The consequence has been a plethora of amendments to national legislations. Many countries, (Germany, Poland and Portugal are examples) have used this opportunity to introduce more comprehensive changes in immigration legislation; others, like Belgium and Norway, have made less comprehensive changes. Most existing EU members are coming to the end of the transition periods before full freedom of movement for the 2004 accession countries. However, several countries such as Germany and Austria have extended them – albeit generally with a range of occupations being exempted from the transition arrangements. With the exception of Finland, Bulgaria and Romania have not been granted free labour market entry by the EU15 countries, although some, such as Italy and Spain, have imposed only nominal procedures.

Institutional changes have been central to migration management and policy delivery in several countries. These have involved combining responsibilities for immigration matters into newly created separate ministries or ministerial branches. Major shifts in this direction have occurred in Hungary, Romania and the United Kingdom, to a lesser extent in

Finland, Norway and Portugal. Elsewhere, the devolution of some elements of policy to regional and local authorities has led to new divisions of responsibility between the different levels of government: examples include Australia, Austria, Canada and Switzerland.

Many countries have sought to divert irregular flows into regular channels as part of a twofold strategy to open borders to legitimate (and generally selected) migrants while closing them to those entering or staying illegally. The Mediterranean countries have been particularly active in this, often with the help of bilateral agreements with sending and transit countries. In North America both the United States and Mexico are vigorously pursuing policies to close up their southern borders. Several countries, including Bulgaria, Norway, Romania, the Slovak Republic and Turkey have taken steps to protect the victims of trafficking by allowing them to stay temporarily and giving the authorities the chance to obtain evidence against the traffickers.

The management of labour migration is the single biggest topic of policy change. The tide is flowing very much towards measures that attract highly skilled labour that will increase global economic success. Particularly competitive are the traditional settlement countries, especially Australia and New Zealand, along with a growing group of European countries, notably Denmark, France, Germany, Ireland, the Netherlands and the United Kingdom. Others are not far behind, including several eastern European countries, notably the Czech Republic and Poland. The Asian countries, Korea and Japan, have remained generally aloof from this competition. Growing attention is also being paid to foreign graduates of domestic universities who are seen as potential settled immigrants (Australia, Canada, New Zealand) or highly skilled recruits into domestic labour markets (Austria, France, Germany, Luxembourg, Ireland, Netherlands, United Kingdom). At the other end of the occupational spectrum, shortages of some low-skilled workers are acknowledged and responses have varied. For example, Australia has adapted its working holiday makers scheme to fulfil the role, whereas the United Kingdom will rely on Bulgarians and Romanians.

Integration policies are being strengthened, particularly through a more transparent approach to residence permits which are increasingly being combined with work permits (Finland, France, Greece, Hungary). In some cases immigrant minorities are the main focus of integration policies but Germany and Sweden, for example, have introduced policies for social inclusion that embrace all in society who are marginal, not just immigrants. Overall, all countries are seeking faster integration both economically and socially. As part of this process, countries are increasingly requiring citizenship tests on such matters as the history, geography and culture of the host country as a condition for being granted a residence permit (Netherlands) or obtaining citizenship (Australia, United Kingdom). Language tests are increasingly common both to enter and stay. In the traditional settlement countries such tests are long established, but they are now required in the Czech Republic, Denmark, Germany, the Slovak Republic and the United Kingdom. Language instruction for immigrants is now strengthened in several other countries, including Sweden and Switzerland.

Although not the focus of policy development that it was in the early years of the millennium, asylum policy changes continue in most countries. They tend to take the form of procedural changes rather than wholesale reviews of policy although Belgium, Ireland and Switzerland have introduced major new asylum legislation. The thrust of policy

development is twofold: towards reducing inflows of asylum seekers while taking steps to integrate better those accepted. Hence, most countries that have introduced new measures have done so to speed up the determination process and to promote the return of those rejected (for example, Belgium, Denmark, France and Lithuania). For those accepted, the trend is to make access to the labour market easier (Czech Republic, Germany, the Slovak Republic, Switzerland).

Succinctly, the main policy trends in OECD countries might be usefully summarised as follows:

- The introduction of new administrative structures to better manage migration.
- In Europe, the adaptation of national legislation to EU standards.
- A general tendency towards promoting labour migration.
- The development of policies and practices to speed up the integration of immigrants.

Notes

1. The countries in Table I.1 have been divided into two groups, those for which the data can be standardised on the basis of a common definition (top part), and those for which they cannot (bottom part). The statistics of countries in the bottom part of the table may contain many short-term movements. For the purposes of the discussion, it has been assumed for the countries in the bottom half of the table, based on what is observed for other countries, that 70% of the movements overall are permanent-type. See Box I.1 for further information on international comparability.
2. Ireland has only joined this group in recent years.
3. This was generally done by applying the estimated participation rate for this group (obtained from the Labour Force Survey) to a total population figure for the group.
4. This is estimated from the International Passenger Survey, a border-crossing sample survey administered at airports and seaports. Long-term migrants are persons who declare themselves as entering the United Kingdom with the intention of staying for more than one year, adjusted to take into account those whose intentions change.
5. See www.interno.it/mininterno/export/sites/default/it/assets/files/14/0900_rapporto_criminalita.pdf, Table IX.6.
6. Data on international students for a significant number of OECD countries exist only since 2004.
7. There are no current figures for Greece, but the scale of the flows since the last census in the year 2000 suggests that the immigrant share of the total population is well over 10%.
8. It was also assumed that over a five-year period, a net 5% of all immigrants having entered during the previous five-year period have entered (left) the working-age population, because they have turned 15 or 65, respectively. The projection also assumes zero mortality for persons in or moving into the working-age population.
9. Germany, Japan, Korea and the Netherlands could not be included in this analysis because the data by country of origin for these countries was too limited, either because of sample size problems (Germany and the Netherlands) or because the population census identified only a small number of countries of origin (Japan and Korea).
10. The adjustment is necessarily restricted to countries of origin represented in the immigrant population of each destination country. For this exercise, the countries of origin varied in number from 138 (the Slovak Republic) to 210 (the United States).
11. Individual charts by country showing the educational attainment percentages for each level and age group can be found in the annex.
12. The EU15, excluding Germany and Italy, for which it is not possible to reconstruct a complete series for the entire period from European workforce survey data.
13. The figure for Italy represents only the period 2001-06, for which comparable data are available.

14. In Portugal's case, total employment stagnated between 2002 and 2006 (with in fact a slight decline between 2002 and 2003) while at the same time immigrant employment rose by more than 70 000 persons. A portion of this increase may however be attributable to the employment survey's improved coverage of the immigrant population.
15. In the United Kingdom, the employment survey shows that immigrant employment rose by 713 000 persons between 2002 and 2006 (326 000 between 2005 and 2006), while native-born employment fell by 89 000 over the same period (191 000 between 2005 and 2006).
16. Labour market access for immigrants has also deteriorated slightly in Luxembourg, but the changes are minor and the employment indicators are still very good.
17. A notable exception is Adsera and Chiswick (2007) who use pooled data from the European Community Household Panel (ECHP). However, the ECHP – as its successor, the European Union Statistics on Income and Living Conditions – has a number of disadvantages that hamper its use for analyses regarding immigrants (see Box I.6). A few empirical studies are available that compare wage gaps across a limited range of OECD countries, such as Aydemir and Sweetman (2006) on Canada and the US; and Basilio *et al.* (2007) on Canada, Germany and the United States.
18. Other factors such as different reservation wages for immigrants may also be at play.
19. This is assuming that higher education in the host country ensures good language mastery, which is not necessarily the case (see Birrell *et al.*, 2006).
20. Evidence from a number of OECD countries (*e.g.* Bevelander and Veenman, 2006) suggests that this wage premium is particularly strong for immigrants from non-OECD countries, after accounting for a broad range of socio-demographic characteristics.
21. This Subsection C was drafted by John Salt of the University College London and national SOPEMI Correspondent for the United Kingdom. It benefited as well from a contribution by Philippe de Bruycker, Free University of Brussels, in particular for Box I.8 on developments in European migration policy.

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Table of Contents

Editorial: Temporary Labour Migration: An Illusory Promise?	17
Introduction	21

Part I

RECENT TRENDS IN INTERNATIONAL MIGRATION

A. Trends in Migration Flows and in the Immigrant Population	28
1. Introduction	28
2. Permanent-type immigration	29
3. Immigration by category of entry	35
4. Unauthorised migration	39
5. The continents, regions and countries of origin of immigrants	40
6. Temporary migration.	47
7. The immigrant population – its size and characteristics	53
8. Migration of the highly educated	57
9. The evolution of the educational attainment of immigrants	61
<i>Annex Chart I.A.1. Percentage of native-born and foreign-born with low and high attainment levels, by age, circa 2001</i>	65
B. Immigrants and the Labour Market	68
1. Introduction	68
2. Labour market dynamics in OECD countries: the contribution of immigrant employment.	68
3. The sectoral and occupational distribution of immigrants.	72
4. Integration of immigrants into the labour market in OECD countries	74
5. A first glance at wage differentials between immigrants and native-born across the OECD.	78
<i>Annex Table I.B.1. Labour market situation of foreign- and native-born populations in selected OECD countries, 1995, 2000 and 2005-2006.</i>	87
<i>Annex Table I.B.2. Labour market situation of foreigners and nationals in selected OECD countries, 1995, 2000 and 2005-2006</i>	90
C. Migration Policy Development	93
1. Introduction	93
2. Structural and institutional reforms in the development and delivery of policy.	93
3. International agreements between countries	96
4. The implications of EU legislation	96
5. Border control and illegal migration	100
6. Policies with respect to labour migration	103

7. Integration, residence and citizenship policies	108
8. Developments in humanitarian policies	114
9. International students	116
10. Conclusion.	119
Notes	121
Bibliography	122

Part II

MANAGEMENT OF LOW-SKILLED LABOUR MIGRATION

Introduction	126
1. Low-skilled labour migration	126
2. Managed labour migration for the low-skilled?	133
3. Current unmanaged pathways	147
Conclusion	151
Notes	153
Bibliography	155
Annex II.A1.1. Temporary work permit programmes for low-skilled workers	158
Annex II.A1.2. Labour market tests in different OECD countries	159

Part III

RETURN MIGRATION: A NEW PERSPECTIVE

Introduction	162
Main findings	162
1. Measuring return migration	164
2. The determinants of return migration: from theory to practice.	177
3. Immigration policies and their impact on return migration	187
4. Return migration and the development of the origin country	197
Conclusion	202
Notes	204
Bibliography	207
Annex III.A1. Inflows and outflows of foreigners in selected OECD countries	213
Annex III.A2. Inflows and outflows of migrants from Australia, Belgium, Sweden, Austria and Japan, various nationalities.	215
Annex III.A3. Main voluntary assisted return programmes in selected OECD countries	217

Part IV

RECENT CHANGES IN MIGRATION MOVEMENTS AND POLICIES

(COUNTRY NOTES)

How to read the tables of Part IV	224		
How to read the charts	225		
Australia	226	Lithuania	258
Austria.	228	Luxembourg	260
Belgium	230	Mexico.	262
Bulgaria	232	Netherlands.	264
Canada	234	New Zealand	266
Czech Republic	236	Norway	268
Denmark	238	Poland	270
Finland	240	Portugal	272
France	242	Romania.	274
Germany	244	Slovak Republic.	276
Greece	246	Spain.	278
Hungary	248	Sweden	280
Ireland.	250	Switzerland	282
Italy	252	Turkey.	284
Japan.	254	United Kingdom	286
Korea	256	United States	288

STATISTICAL ANNEX

Introduction	291
Inflows and outflows of foreign population.	293
Inflows of asylum seekers	314
Stocks of foreign and foreign-born population	322
Acquisition of nationality	353
Inflows of foreign workers	366
Stocks of foreign and foreign-born labour	370
List of Sopemi Correspondents	392
List of OECD Secretariat Members involved in the preparation of this report	394

List of Charts, Tables and Boxes

Part I

RECENT TRENDS IN INTERNATIONAL MIGRATION

Charts

I.1.	Permanent-type inflows, standardised statistics, 2006	32
I.2.	Contribution of net migration and natural increase to population growth, 2006 . .	34
I.3.	Permanent-type immigration by category of inflow, 2006, standardised data . . .	36
I.4.	Change in inflows of migrants by country of origin, selected OECD countries, 1995-2005 and 2006.	42
I.5.	The foreign-born population in OECD countries, 2000-2006.	54
I.6.	Stock of foreign and foreign-born populations in selected OECD countries, 2006	55
I.7.	Expected net change in the working-age population over the period 2005-2020, at 2001-2005 net migration levels, as a percentage of the population in 2005. . . .	56
I.8a.	Difference between the percentage of foreign-born and of native-born persons with less than upper secondary education, 25-34 years old compared to 55-64 years old	62
I.8b.	Difference between the percentage of foreign-born and of native-born persons with tertiary education, 25-34 years old compared to 55-64 years old . . .	62
I.9.	Employment growth of total and foreign-born population, 1996-2009	68
I.10.	Immigrants' share in net change in employment, 1996-2002, 1996-2006	70
I.11.	Evolution in the employment rate of the foreign-born and gap with native-born, 2001-2006.	77
I.12.	Unemployment rate of immigrants relative to the native-born, 2006	78
I.13.	Median wage of immigrants relative to the native-born, 2005-2006	81
I.14.	Median wage and employment of immigrants relative to the native-born.	82
I.15.	Median wage by education level for native-born and foreign-born.	83
I.16.	The impact of differences in educational attainment on the wages of immigrants	84
I.17.	Wage levels of immigrants compared to native-born, by duration of residence . .	85

Annex

I.A.1.	Percentage of native-born and foreign-born with low and high attainment levels, by age, circa 2001.	65
--------	---	----

Tables

I.1.	Inflows of foreign nationals, 2003-2006	29
I.2.	Immigrant inflows to OECD countries by region or continent of origin, 2006 . .	40
I.3.	Top 20 countries of origin in 2006 for immigrant inflows into OECD countries and change since 2000.	41
I.4.	Inflows of temporary labour migrants, selected OECD countries, 2003-2006	49
I.5.	Inflows of asylum seekers in OECD countries, 2000-2006, trends and levels	50
I.6.	International and/or foreign students in OECD countries, 2000 and 2005	52
I.7.	Impact of the country-of-origin mix and of immigrant qualifications on the percentage of immigrants with tertiary attainment, circa 2001	58
I.8.	Share of the foreign-born in total population, labour force and employment, 15-64 years old	69
I.9.	Components of change in the growth of employment among immigrants . . .	72

I.10. Employment of foreign-born by sector, 2005-2006 average	73
I.11. Employment of foreign-born by occupation, 2005-2006 average	74
I.12. Change in the employment rate of the foreign-born population by gender, 2001-2006	75
I.13. Median wage of immigrants relative to the native-born, by country of origin and gender	83
I.14. Median wage of persons with tertiary education, immigrants compared to native-born, by origin of education and gender	84

Annexes

I.B.1. Labour market situation of foreign- and native-born populations in selected OECD countries, 1995, 2000 and 2005-2006	87
I.B.2. Labour market situation of foreigners and nationals in selected OECD countries, 1995, 2000 and 2005-2006	90

Boxes

I.1. The international comparability of immigration data	30
I.2. Labour force developments in countries undergoing demographic decline . .	31
I.3. Emigration at a glance in selected OECD countries.	33
I.4. The employment impact of the introduction of free-circulation regimes on labour migration from countries not covered by the regimes	37
I.5. Overview of migration to and from selected “potential” new OECD countries .	44
I.6. Data sources and methodological issues in comparing cross-country wages of foreign- and native-born populations.	79
I.7. Distribution of the wages of immigrants and native-born.	80
I.8. Developments in EU immigration policy	97
I.9. A comparison of the Australian and UK points systems.	104

Part II

MANAGEMENT OF LOW-SKILLED LABOUR MIGRATION

Charts

II.1. Percentage of foreign-born among low-educated labour force, by age, circa 2000 .	129
II.2. Percentage of foreign-born among low-educated labour force, 1995-2006	129
II.3. Low-educated foreign-born workers as a percentage of all workers by occupation, 2006	131

Tables

II.1. The low-educated in the total and foreign-born labour force, by age, 2006.	128
II.2. Labour force participation rate and unemployment rate of low-educated by place of birth, 2006	130
II.3. Inflows of temporary migrant workers, selected OECD countries, 2003-2006. . . .	134
II.4. Working holiday-makers in selected OECD countries, 1999-2006.	137

Annexes

II.A1.1. Temporary work permit programmes for lower skilled workers	158
II.A1.2. Labour market tests in different OECD countries	159

Boxes

II.1. Spanish labour migration authorisation system	140
II.2. GATS Mode 4 and international service providers	144

*Part III***RETURN MIGRATION: A NEW PERSPECTIVE****Charts**

III.1. Various cases of return migration	165
III.2. Timing of migration for an individual and observational equivalence.	165
III.3. Indirect estimation method of immigrants' exits from the destination country	168
III.4. Evolution of the cohort of immigrants who entered the Netherlands in 1993, by duration of stay	169
III.5. Method for estimating returns using a census in the origin country.	170
III.6. Retention rates of immigrants after 3 and 5 years of residence for selected European countries, population aged 15 and older	174
III.7. Distribution of age at return for selected countries	175
III.8. Share of immigrants born in Portugal and Spain returning from France to their origin countries, by average age at return	176
III.9. Proportion of return migrants by educational attainment among immigrants from Argentina, Brazil, Chile and Mexico	177
III.10. Return rates by origin and destination countries, as a function of observed employment rates differentials, circa 2000	180
III.11. Return to education in origin and destination countries and migration status . . .	183
III.12. Probability of remaining in the United States by immigration status and duration.	185
III.13. Probability of remaining in the Netherlands by immigration status and duration .	186
III.14. Percentage of people remaining in Norway in 2006 by reason for immigration and year of entry, non-Nordic persons.	186
III.15. Probability of remaining in Canada by visa class and duration	186
III.16. Number of forced returns in selected OECD countries, yearly average for the periods indicated and last available year, 2001-2007	190
III.17. Educational attainment of return migrants compared to that of the total population.	198
III.18. Occupations of return migrants compared to those of the total population. . .	199

Annexes

III.A1. Inflows and outflows of foreigners in selected OECD countries.	214
III.A2. Inflows and outflows of foreigners in selected OECD countries.	215

Tables

III.1. Estimates of re-emigration rates in selected European countries and the United States after 5 years of residence.	171
III.2. Proportion of return migrants among migrants from selected Latin American countries	174
III.3. International social security agreements, 2000	194

Annex

III.A3.1. Main voluntary assisted return programmes in selected OECD countries	218
--	-----

Boxes

III.1. Specialised surveys	167
III.2. Estimating return migration from labour force surveys	169
III.3. Return for retirement	176
III.4. Return to education and return migration	183
III.5. Some findings on return rates by entry category of migrants	185
III.6. Forced returns	190
III.7. The European Return Fund	192
III.8. Mobility partnerships and circular migration between the European Union and third countries.	195

Part IV

RECENT CHANGES IN MIGRATION MOVEMENTS AND POLICIES

Australia:	Flow data on foreigners	227
	Macroeconomic, demographic and labour market indicators	227
Austria:	Flow data on foreigners	229
	Macroeconomic, demographic and labour market indicators	229
Belgium:	Flow data on foreigners	231
	Macroeconomic, demographic and labour market indicators	231
Bulgaria:	Flow data on foreigners	233
	Macroeconomic, demographic and labour market indicators	233
Canada:	Flow data on foreigners	235
	Macroeconomic, demographic and labour market indicators	235
Czech Republic:	Flow data on foreigners	237
	Macroeconomic, demographic and labour market indicators	237
Denmark:	Flow data on foreigners	239
	Macroeconomic, demographic and labour market indicators	239
Finland:	Flow data on foreigners	241
	Macroeconomic, demographic and labour market indicators	241
France:	Flow data on foreigners	243
	Macroeconomic, demographic and labour market indicators	243
Germany:	Flow data on foreigners	245
	Macroeconomic, demographic and labour market indicators	245
Greece:	Flow data on foreigners	247
	Macroeconomic, demographic and labour market indicators	247
Hungary:	Flow data on foreigners	249
	Macroeconomic, demographic and labour market indicators	249
Ireland:	Flow data on foreigners	251
	Macroeconomic, demographic and labour market indicators	251
Italy:	Flow data on foreigners	253
	Macroeconomic, demographic and labour market indicators	253
Japan:	Flow data on foreigners	255
	Macroeconomic, demographic and labour market indicators	255
Korea:	Flow data on foreigners	257
	Macroeconomic, demographic and labour market indicators	257
Lithuania:	Flow data on foreigners	259
	Macroeconomic, demographic and labour market indicators	259
Luxembourg:	Flow data on foreigners	261
	Macroeconomic, demographic and labour market indicators	261
Mexico:	Flow data on foreigners	263
	Macroeconomic, demographic and labour market indicators	263
Netherlands:	Flow data on foreigners	265
	Macroeconomic, demographic and labour market indicators	265
New Zealand:	Flow data on foreigners	267
	Macroeconomic, demographic and labour market indicators	267

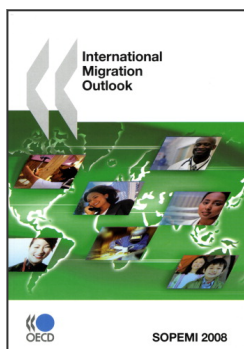
Norway:	Flow data on foreigners.	269
	Macroeconomic, demographic and labour market indicators.	269
Poland:	Flow data on foreigners.	271
	Macroeconomic, demographic and labour market indicators.	271
Portugal:	Flow data on foreigners.	273
	Macroeconomic, demographic and labour market indicators.	273
Romania:	Flow data on foreigners+.	275
	Macroeconomic, demographic and labour market indicators.	275
Slovak Republic:	Flow data on foreigners.	277
	Macroeconomic, demographic and labour market indicators.	277
Spain:	Flow data on foreigners.	279
	Macroeconomic, demographic and labour market indicators.	279
Sweden:	Flow data on foreigners.	281
	Macroeconomic, demographic and labour market indicators.	281
Switzerland:	Flow data on foreigners.	283
	Macroeconomic, demographic and labour market indicators.	283
Turkey:	Flow data on foreigners.	285
	Macroeconomic, demographic and labour market indicators.	285
United Kingdom:	Flow data on foreigners.	287
	Macroeconomic, demographic and labour market indicators.	287
United States:	Flow data on foreigners.	289
	Macroeconomic, demographic and labour market indicators.	289

STATISTICAL ANNEX

Inflows and outflows of foreign population	293
A.1.1. Inflows of foreign population into selected OECD countries	295
A.1.2. Outflows of foreign population from selected OECD countries	296
B.1.1. AUSTRALIA	297
B.1.1. AUSTRIA	297
B.1.1. BELGIUM	298
B.1.1. CANADA	298
B.1.1. CZECH REPUBLIC	299
B.1.1. DENMARK	299
B.1.1. FINLAND	300
B.1.1. FRANCE	300
B.1.1. GERMANY	301
B.1.1. GREECE	301
B.1.1. HUNGARY	302
B.1.1. IRELAND	302
B.1.1. ITALY	303
B.1.1. JAPAN	303
B.1.1. KOREA	304
B.1.1. LUXEMBOURG	304
B.1.1. NETHERLANDS	305
B.1.1. NEW ZEALAND	305
B.1.1. NORWAY	306
B.1.1. POLAND	306
B.1.1. PORTUGAL	307
B.1.1. SLOVAK REPUBLIC	307
B.1.1. SPAIN	308
B.1.1. SWEDEN	308
B.1.1. SWITZERLAND	309
B.1.1. TURKEY	309
B.1.1. UNITED KINGDOM	310
B.1.1. UNITED STATES	310
Metadata related to Tables A.1.1, A.1.2 and B.1.1. Migration flows in selected OECD countries	311
Inflows of asylum seekers	314
A.1.3. Inflows of asylum seekers into OECD countries	315
B.1.3. AUSTRALIA	316
B.1.3. BELGIUM	316
B.1.3. CANADA	317
B.1.3. FRANCE	317
B.1.3. GERMANY	318
B.1.3. NETHERLANDS	318
B.1.3. SWEDEN	319
B.1.3. SWITZERLAND	319
B.1.3. UNITED KINGDOM	320
B.1.3. UNITED STATES	320
Metadata related to Tables A.1.3 and B.1.3. Inflows of asylum seekers	321
Stocks of foreign and foreign-born population	322
A.1.4. Stocks of foreign-born population in selected OECD countries	324
B.1.4. AUSTRALIA	325
B.1.4. AUSTRIA	325
B.1.4. BELGIUM	326
B.1.4. CANADA	326
B.1.4. DENMARK	327
B.1.4. FINLAND	327
B.1.4. FRANCE	328
B.1.4. GREECE	328
B.1.4. HUNGARY	329
B.1.4. IRELAND	329
B.1.4. LUXEMBOURG	330
B.1.4. MEXICO	330
B.1.4. NETHERLANDS	331
B.1.4. NEW ZEALAND	331
B.1.4. NORWAY	332
B.1.4. POLAND	332
B.1.4. PORTUGAL	333
B.1.4. SLOVAK REPUBLIC	333
B.1.4. SPAIN	334
B.1.4. SWEDEN	334
B.1.4. TURKEY	335
B.1.4. UNITED KINGDOM	335
B.1.4. UNITED STATES	336
Metadata related to Tables A.1.4 and B.1.4. Foreign-born population	337

A.1.5. Stocks of foreign population in selected OECD countries	338
B.1.5. AUSTRIA.....	339
B.1.5. BELGIUM.....	339
B.1.5. CZECH REPUBLIC.....	340
B.1.5. DENMARK	340
B.1.5. FINLAND	341
B.1.5. FRANCE	341
B.1.5. GERMANY	342
B.1.5. GREECE.....	342
B.1.5. HUNGARY	343
B.1.5. IRELAND.....	343
B.1.5. ITALY	344
B.1.5. JAPAN.....	344
B.1.5. KOREA.....	345
B.1.5. LUXEMBOURG	345
B.1.5. NETHERLANDS	346
B.1.5. NORWAY	346
B.1.5. POLAND	347
B.1.5. PORTUGAL.....	347
B.1.5. SLOVAK REPUBLIC	348
B.1.5. SPAIN	348
B.1.5. SWEDEN.....	349
B.1.5. SWITZERLAND	349
B.1.5. UNITED KINGDOM	350
Metadata related to Tables A.1.5 and B.1.5. Foreign population	351
Acquisition of nationality	353
A.1.6. Acquisition of nationality in selected OECD countries.....	354
B.1.6. AUSTRALIA	355
B.1.6. AUSTRIA.....	355
B.1.6. BELGIUM.....	356
B.1.6. CZECH REPUBLIC.....	356
B.1.6. DENMARK	357
B.1.6. FINLAND	357
B.1.6. FRANCE	358
B.1.6. GERMANY	358
B.1.6. ITALY	359
B.1.6. JAPAN	359
B.1.6. KOREA	359
B.1.6. LUXEMBOURG	360
B.1.6. NETHERLANDS	360
B.1.6. NEW ZEALAND	360
B.1.6. NORWAY	361
B.1.6. POLAND	361
B.1.6. PORTUGAL.....	362
B.1.6. SLOVAK REPUBLIC	362
B.1.6. SPAIN	363
B.1.6. SWEDEN.....	363
B.1.6. SWITZERLAND	364
B.1.6. UNITED STATES	364
Metadata related to Tables A.1.6 and B.1.6. Acquisition of nationality	365
Inflows of foreign workers	366
A.2.1. Inflows of foreign workers into selected OECD countries	367
Metadata related to Table A.2.1. Inflows of foreign workers.....	368
Stocks of foreign and foreign-born labour	370
A.2.2. Stocks of foreign-born labour force in selected OECD countries.....	371
B.2.1. AUSTRALIA	371
B.2.1. AUSTRIA.....	372
B.2.1. CANADA.....	372
B.2.1. DENMARK	373
B.2.1. FINLAND	373
B.2.1. GREECE.....	374
B.2.1. MEXICO.....	374
B.2.1. NEW ZEALAND	375
B.2.1. SWEDEN.....	375
B.2.1. UNITED KINGDOM	376
B.2.1. UNITED STATES	376
Metadata related to Tables A.2.2 and B.2.1. Foreign-born labour force	377

A.2.3. Stocks of foreign labour force in selected OECD countries	378
B.2.2. AUSTRIA	379
B.2.2. BELGIUM	379
B.2.2. CZECH REPUBLIC	380
B.2.2. DENMARK	380
B.2.2. FINLAND	381
B.2.2. FRANCE	381
B.2.2. GERMANY	382
B.2.2. GREECE	382
B.2.2. HUNGARY	383
B.2.2. IRELAND	383
B.2.2. ITALY	384
B.2.2. JAPAN	384
B.2.2. KOREA	385
B.2.2. LUXEMBOURG	385
B.2.2. NETHERLANDS	386
B.2.2. NORWAY	386
B.2.2. PORTUGAL	387
B.2.2. SLOVAK REPUBLIC	387
B.2.2. SPAIN	388
B.2.2. SWEDEN	388
B.2.2. SWITZERLAND	389
B.2.2. UNITED KINGDOM	389
Metadata related to Tables A.2.3 and B.2.2. Foreign labour force	390



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