



MATCH
HIRING AFRICAN TALENTS

A COMPARATIVE ANALYSIS OF LABOUR IMMIGRATION
SYSTEMS IN EUROPE TARGETING HIGHLY-SKILLED
WORKERS AND RECOMMENDATIONS FOR MORE
EFFECTIVE PROCESSES



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The general objective of the MATCH project was “to develop a well-functioning legal pathway for labour migration between four EU countries (Belgium, Italy, Luxembourg and the Netherlands) and two African countries (Nigeria and Senegal)”. The project aimed at enabling qualified talents from Nigeria and Senegal to complete a job placement or a traineeship in companies based in MATCH destination countries where specific sectorial labour shortages have been identified. Although the project was primarily targeting the ICT and digitalization sectors, the project did provide support with the pre-selection of talents across many economic sectors, such as the agri-food industry, the automobile industry, the energy sector and the chemical industry. The project allowed to implement flexible mobility initiatives that meet the needs of companies with a combination of “hybrid” mobility (combining remote work and physical work assignments in Europe), long-term relocations to Europe and remote working arrangements. The skills mobility partnership put in place by the MATCH project did also contribute to the transfer of hard and soft skills between Europe and Africa thanks to training activities provided to the talents by the project partners and the employers. In addition, and in support to the mobility component, MATCH implemented complementary activities such as skills development, capacity building and knowledge sharing with the countries of origin. Although both the general objective and the specific objectives of the project remained unchanged throughout the entire duration of the project, the management of the project was adjusted to the rapidly evolving sanitary and economic context and project activities were substantially modified with four successive amendments to the Grant Agreement.¹

Although IOM recognizes the important need to address labour mobility frameworks targeting migrant workers at all skill-levels, it is important to note that this report provides a comparative analysis of immigration systems with a specific focus on highly skilled migrants across the project’s host countries. Following an executive summary, this report describes the overarching common EU framework on highly skilled migration, identifies key elements specific to national contexts before zooming in on a select good practices and obstacles across the four countries under analysis, drawing on distinctive features as well as similarities across contexts. It formulates specific recommendations for more effective labour immigration systems targeting highly skilled workers; and provides country-specific guidelines for improved labour immigration processes in the respective contexts under review.

¹ Amendments reference numbers: AMD-83760-1; AMD-83760-2; AMD-83760-4 and AMD-83760-8.

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Executive Summary

The effectiveness of a labour migration system – largely determined by its level of simplicity, speed and transparency – influences the willingness and ability of the private sector to hire foreign talents and can, by the same token, affect the attractiveness of the labour market as a whole. This report provides a descriptive and comparative analysis of the labour immigration systems in Belgium, Italy, Luxembourg, and the Netherlands, highlighting ongoing good practices and existing obstacles that impact the effectiveness of the labour migration processes in those countries.

Despite a common European framework on key labour immigration processes for the entry and stay of highly skilled talents in EU labour markets, an overall lack of harmony in labour migration frameworks creates varying degrees of attractiveness to different EU labour markets – each with their own barriers. All countries under review nevertheless exhibit good practices that can inspire other EU Member States and contribute to better effectiveness and faster immigration procedures for highly skilled talents wishing to live and work in Europe. In **Belgium** and **the Netherlands**, for example, the conditions around minimum salary thresholds are appropriately nuanced so that the obtention of a work permit becomes more accessible for younger foreign professionals compared to other EU countries. **Italy**'s immigration system foresees a fast-track scheme for registered employers wishing to hire foreign talent, allowing for speedier and a more predictable hiring processes for employers. In **Luxembourg**, the EU Blue Card is valid for a defined profession regardless of the employer when coming to work in Luxembourg. This flexible approach allows foreign talents to change employer once in Luxembourg, rendering the Blue Card scheme more flexible.

Notwithstanding these ongoing good practices, key overarching obstacles to an efficient labour immigration system still remain present in the countries under review. These include complex and lengthy application processes, extensive bureaucratic requirements, opaque and difficult-to-access procedural information, as well as lengthy foreign degree recognition and verification systems. The smooth and effective access to labour markets, for both the foreign professional and their accompanying dependents, are also key determinants to the overall attractiveness of a particular system. A lack of guarantees around the social rights of foreign workers and their family members have also proven to compromise the quality of the foreign workers' integration prospects in host countries, and sometimes also their willingness to migrate for work at all.

The MATCH destination countries (Belgium, Italy, Luxembourg and the Netherlands) have taken steps to address some of the structural obstacles that impede efficient international recruitment processes. Fast-track and trusted employer schemes have for example helped lower processing times as well as alleviate document requirements, making international talent acquisition more cost-effective and reliable. Legally defined and realistic salary thresholds enshrined in national legislations have helped reduce the need for individual work permit reviews and create coherent and transparent eligibility requirements. Digital information about immigration options and digital filing of applications can also smoothen the process for international recruitment and better manage expectations around requirements, processing times and application outcomes – both for employers and foreign talents.

Drawing on the feedback collected from the MATCH project stakeholders and existing best practices identified in MATCH destination countries, the report proposes a series of structural, operational and legal measures to strengthen existing labour migration systems in Europe:

- **Structural measures**

Formalize structural interstate cooperation on labour migration between destination countries and third countries – For a more structured approach to labour mobility, EU Member States are encouraged to enter bilateral or multilateral partnerships with third countries of interest, in line with the EU’s proposal to enhance cooperation and engage in Talent Partnerships with third countries. Bilateral labour migration agreements (BLMAs) can also lay the foundations for a long term and sustainable partnership on labour mobility. BLMAs can help set out standard and faster practices around visa obtention, degree verification and the portability of social rights while guaranteeing that labour standards protecting foreign talents and their families are met.

Invest in the skills development and educational institutions in origin countries – A strategic long-term solution to circumvent lengthy degree verification processes could be for destination countries to invest in programs supporting educational institutions in countries of origin tied to sectors of interest. Educational institutions in countries of origin will thereby guarantee high-quality standards of education which *de facto* align with those in the destination country. In the long-term, this would contribute to the development of countries of origin, as well as unlock ready-to-work foreign talents. This will benefit both the countries of origin and destination through skills development and stronger educational institutions.

Explore sponsorship and fast-track schemes to facilitate and speed up the immigration process – Building on existing models in the Netherlands and Italy, other EU Member States are encouraged to design national sponsorship and fast-track schemes for sponsors and/or registered employers seeking to hire third country nationals (TCNs). This would do not only create more predictability for businesses through semi-automatic work permit delivery, but would also help guarantee quality-assurance of companies hiring foreign talents in terms of compliance with labour standards. This can, in turn, render employment in those countries more attractive.

- **Operational steps**

Digitalize immigration processes for faster, more transparent and efficient processing – Quick filing and processing, digital data feeds, well-trained staff and clearly defined decision-making guidelines to optimize the procedures for international recruitments. Ideally, e-government application platforms should serve as an interface between authorities, employers and the applicant for submission, evaluation, status updates, and correspondence. Such platforms do not only streamline communication channels but also allow for quicker decision outcomes and lower error-rates in case processing. Such digital platform should comply with data protection regulations in order to prevent abuses. Trainings should be regularly organised in order to help employers and applicant navigate the system.

Facilitate bilateral degree verification processes – The obtention of a work permit may require the recognition of talents’ formal qualification and degrees which can delay the overall hiring process. Although, the degree verification is just a step in the overall process of recognition of skills, diplomas and qualifications framework agreements between educational institutions (and competent authorities) in the countries of origin and destination on the general recognition of specific degrees can help reduce the administrative burden of case-by-case degree verification practices and add more predictability to application outcomes.

- **Legal measures**

Relax labour market access rights and promote the portability of social rights – In view of improving the integration prospects of foreign talents and their dependants, dependants should automatically be able to live and work in EU Member States at the same time as the foreign worker. Flexible immigration practices with flexible labour market access rights and simultaneous processing systems for work and residency permits *de facto* ensure better integration opportunities for the foreign worker and their family. Facilitating the portability of their social rights, including pension schemes and health coverage, can also work as a positive incentive while ensuring foreign workers and their dependents' basic social rights are upheld.

Transpose key international labour standards on recruitment and migrant workers' protection into national legislation – In addition to duly transposing the more flexible conditions proposed in the Blue Card Directive recast, EU Member States are encouraged to fully transpose key international labour standards, including on ethical recruitment and migrant workers' protection. Stronger legislative frameworks to protect foreign workers' rights and provide equal treatment on a par with national citizens would not only build more equity and credibility in the immigration system, but it would also render the overall system more sustainable through better protection of foreign workers within European labour markets.

Introduction

In light of the growing skills-shortages faced by European labour markets at all skills levels and the growing competitiveness on the international labour market stage², EU Member States have an important imperative to improve the effectiveness of their immigration systems for migrants in all skill categories. Migrant workers have ample choice to engage in different international markets and do opt for speedy, flexible, transparent and low-burden immigration systems. As for companies in European labour markets, they can be disincentivized to engage foreign talents in the face of complex procedures and heavy bureaucratic requirements. Indeed, the experiences of employers, foreign talents and other stakeholders under the MATCH project have pointed to important deficiencies in the immigration systems of the projects' four target countries (Belgium, Italy, Luxembourg and the Netherlands); deficiencies which have shown to impede the international recruitment process of foreign talents in European companies.

As a first observation, employers and foreign candidates participating in the MATCH project have indeed reported difficulties in clearly identifying the necessary steps involved in the immigration process. The lack of availability, accessibility and clarity of information around it has shown to compromise the willingness and ability of both companies and foreign talents to engage in the process from the outset. Even if information portals exist in most countries under review, many have proven to be difficult to navigate, or offering only partial information. Considering the complexity of immigration systems, easily retrievable and reliable information about immigration requirements, expected timelines and steps for all parties involved in the immigration process is paramount to successful international recruitment. To increase transparency around the immigration system employers and potential employees would benefit from better understanding the immigration options available to them, the eligibility conditions for specified options, the success rate of applications, and the average time for application processing. Comprehensive and easy-to-navigate governmental portals as well as responsive information centres are needed to support well-informed decision-making and expectation-management.

Secondly, the immigration process duration, which varies widely from case to case, generates a lack of predictability which weighs heavily on an employer's business-planning and decision-making capability. Corporate and financial planning needs often mean that positions have to be filled rapidly and within a specified timeframe. This has in turn shown to disincentivize employers from hiring foreign talents, from the outset³. In terms of application processing, all countries under review dispose of a complex decision-making ecosystem where different governmental authorities have a role to play, and impact on the decision-making timeline of any given visa application case. Stronger transversal coordination and communication across different concerned departments can significantly improve visa application processing. Strict deadlines in adjudication of applications may be helpful in addressing processing times as well as increasing the level of legal certainty for the applicant and the employer. Systems which produce a high rate of unexpected rejections will discourage employers from hiring foreign nationals altogether. Clear deadlines and procedures can also significantly reduce the case-processing capacity required for an individual application and alleviate existing backlogs.

The recognition of qualifications and/or degrees in the countries under review have also appeared to be lengthy, cumbersome and heavily bureaucratic, further delaying the entire international recruitment process. In all four countries, there is room for reducing requirements on degree verification for a range of non-regulated professions. Pre-agreed certification processes for specific degrees, educational institutions, or professions in a specific country

² See European Commission, Communication on Attracting Skills and Talents to Europe, April 2022.

³ In the case of low-skilled migration, inefficient system can lead to employers resorting to the informal market, leading to protection risks for workers as well as a push factor for irregular migration.

of origin would minimize the need for case-by-case review of qualifications. An alternative and more long-term, proposition would be for EU Member States to invest in and help reform vocational and educational institutions of interest in select countries of origin so that the skills of graduates automatically align with EU standards. This would guarantee a foreign talent pool that is qualified at the standard required by the host EU MS – improving degree recognition processes in the framework of international recruitment. This would also contribute to increase the educational level in countries of origin and would benefit their development on the longer run.

Digitalization of government services and functions across all countries have progressed to different degrees. Given the heavily bureaucratic *status quo* of immigration systems under review, the potential for simplification through digitalization is substantial provided that robust safeguards are in place to prevent abuses and ensure compliance with data protection regulation. Support and training should be provided to end users to help them navigate the system. To facilitate and speed up the process, digitalization efforts need to adopt a user-journey perspective, possibly building-in interactive support for users in the form of call centres and/or chat bots that employers and potential foreign employees alike can resort to.

Immigration systems that allow parallel processing of workers' and dependents' permits can also be more attractive to foreign workers to promote family life and avoid higher living costs associated with dual households. Moving beyond the immigration processes *stricto sensu*, the legislative frameworks in place around the labour market access rights and the portability of social rights of workers and their dependents has also shown to determine the attractiveness of an employment opportunity. Evidence was shown throughout the implementation of the MATCH project where a few talents did turn down offers from employers in cases where there was limited prospects for the family members. Legislative frameworks that automatically allow a foreign workers' dependants to live and work in the host country offer better prospects for their overall integration and well-being in the host country.

Overall, the structural deficiencies identified across the different countries under review can be addressed with structural solutions. In addition to simplifying and digitizing the systems in place and improving internal governmental coordination and communication flows, the countries under review could also consider entering structural labour migration partnerships with target third countries of interest. Such partnerships, which could be inspired by elements of [IOM's Skills Mobility Partnership model](#) and move in the direction of the EU's forthcoming [Talent Partnerships](#), have the potential to set an overarching framework that improve visa application procedures for applicants while also offering long-term solutions to align skills and qualifications between countries at stake. On the integration side, a structural partnership between EU Member States and third countries could also give way to facilitate access to the labour market and the portability of social rights for foreign workers and their families. Taken altogether, this would speed up the international recruitment process and its predictability, while setting guarantees for a smoother integration of foreign workers and their dependants in the workplace and society at large - all of which would increase employers' appetite for foreign talents and the EU's attractiveness.

Existing frameworks on labour migration to the EU

Belgium, Italy, Luxembourg, and the Netherlands, being four Member States of the European Union, share core commonalities in their legal framework on labour migration under the umbrella of the EU acquis on labour migration. Such commonalities are primarily linked to elements related to the entry and stay of third country nationals (TCNs) as well as to short-term travel rules, border policies and broader labour migration frameworks, stipulated in the set of EU Directives and regulations on migration. As for labour market access rules and broader integration policies, they remain subject to national frameworks, leading to four distinctive labour migration systems. The following section provides an overview of the EU's acquis on labour migration, pointing to some of the deficiencies identified in the [Labour Migration Fitness Test](#) undertaken in 2019 as well as key improvements made in recent years to facilitate labour migration of highly skilled workers to the EU. The section then details and compares country-specific provisions in each of the MATCH target countries before summarizing the immigration options available to Senegalese and Nigeria nationals seeking to live and work in the MATCH target EU Member States.

EU labour migration acquis targeting highly skilled workers

Since the 2015 European Agenda on Migration, the EU has recognized that in light of EU's specific long-term economic and demographic challenges, migration has become an increasingly important tool to enhance the sustainability of the European welfare system and to ensure sustainable growth of the EU economy, highlighting a new policy on legal migration as one of its four pillars to better manage migration in the long run. The 2020 New Pact on Migration and Asylum reaffirms the importance of structured partnerships around labour migration to address EU's skills-needs in light of its growing shortages and increasing global competitiveness in the "race for talent". The EU's legal framework on labour migration for highly skilled workers is articulated around a series of Directives. Those relevant to highly skilled migration include the following:

- [The EU Blue Card Directive](#) – sets out the entry and residence conditions for highly qualified non- EU nationals wishing to work in a highly-qualified job in an EU country (other than Denmark, Ireland, and the United Kingdom), and for their families.
- [Intra-Corporate Transferees Directive](#) – sets out the conditions of entry and residence of TCNs in the framework of an intra-corporate transfers.
- [Students and Researchers Directive](#) – sets the conditions of entry and residence of TCNs for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.
- [Single Permit Directive](#) – proposes a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.
- [Long-Term Residents Directive](#) – sets the conditions under which non-EU nationals can obtain the status of long-term residents, which grant them a set of uniform rights, similar to those enjoyed by EU citizens.

EU fitness check on the EU labour migration acquis

In March 2019, the European Commission (EC) published a [Legal Migration Fitness Check](#). It assesses the existing EU legislation in light of contemporary and future challenges, with a view to identifying issues, gaps, inconsistencies and ways of simplifying and streamlining the current EU framework in order to improve the management of legal

migration flows. From a general perspective, the fitness check confirmed that the provisions set out in the Directives still reflect the needs identified in the region, although some discrepancies have emerged over time. The key issues identified can be grouped in three areas:

- **Complex and inefficient application procedure and unclear rights** which in some cases prolong the procedures and decrease EU attractiveness for TCNs;
- **Certain categories of migrants are not covered** by scope of the Directive or any other EU legal instruments; there are differing rules on admission conditions for low- and medium-skilled;
- **Workers are not sufficiently protected from exploitation;**
- **A large margin of discretion is given to the Member States**, allowing for diverging rules, which in turn weakens harmonisation of the rules at the EU level.

The report further observed that the policy-specific objectives of the EU have evolved from setting common minimum standards on rights, admission and residence conditions for all TCNs to attracting TCNs in a market-responsive manner. The need to focus more on low/medium-skilled workers rather than almost exclusively on highly skilled workers was also noted. The report questions the adequacy of a sectoral approach to labour migration in opening legal pathways and identifies weaknesses intrinsic to the EU Blue Card Directive. Overall, the fitness check concluded that while the identified gaps in EU policies are mostly covered under national rules, they result in an overall fragmented system, which affects the coherence and the effectiveness of the legal framework. In addition, the report recommends that the EU ensures a stronger enforcement of the directives to improve their implementation and practical applications at national level.

Key EU policies on labour migration to Europe

Since the fitness check, the EU also published its [New Pact on Asylum and Migration](#) and subsequently its [Skills and Talent Package](#) further defining its EU-wide labour migration framework and proposing key changes for more efficient and more attractive immigration systems.

Indeed, on 23 September 2020, the EU published its proposals for its new integrated migration policy under the New Pact on Migration and Asylum. The proposal aims to put in place a common framework for asylum and migration management at EU level with integrated policymaking. Of relevance to the context at hand, the proposal includes extensive sections on international partnerships and attracting skills and talent to Europe in the face of highly competitive international labour markets.

The Pact proposes to attract skills and talent to Europe by establishing Talent Partnerships with third countries, creating an EU Talent Pool to better match skills and strengthening the EU's legal and policy frameworks in the area of labour migration, grounding its approach to labour and skills mobility in strong partnerships with third countries. The Pact also prioritizes engagement with African countries although it also notes the intention of expanding to other regions. These Talent Partnerships intend to place a greater focus on migrant workers' skills development, an essential component which the Pact seeks to integrate into the very fabric of labour mobility schemes to the EU. In parallel to establishing Talent Partnerships, the Pact also proposes to strengthen the EU's legal framework on legal migration by either revising or enforcing the implementation of a series of existing EU Directives relevant to labour migration and skills mobility.

While the Pact acknowledges that labour migration policy represents a national competence, it also highlights the need for an EU-wide framework to effectively regulate labour migration and attract highly skilled foreigners to the

block as a whole. More specifically, it calls on the European Parliament and Council to finalize the reform of the EU Blue Card Directive which would propose more inclusive admission conditions, improved rights, swift and flexible procedures and harmony between national and EU systems. The Pact also proposes to expand the category of migrants targeted by the Directive so as to include highly skilled beneficiaries of international protection. In addition, the Pact proposes to review the Directive on Long-term Residents to promote and facilitate the inter-EU mobility of workers and to undertake a review of the Single Permit Directive to simplify the admission procedures for all third-country workers – both of which should attract more skilled workers to the European market. Since legislative proposals put forth in the Pact, the EU Blue Card Directive revision was adopted in 2021 and an impact assessment report commissioned by the EC on the Single Permit Directive has been finalized proposing three policy options to improve and facilitate access of foreign workers to the EU. A proposal adopted in April 2022, accompanied by an impact assessment, also aims at making it easier to acquire EU long-term resident status for foreign workers living and working in an EU Member State.

Recast of EU Blue Card Directive

On 7 October 2021, the European Council adopted the [Revised EU Blue Card Directive](#) with the intention to streamline and harmonize the current EU Blue Card infrastructure throughout the region. The new conditions set therein address some of the key shortcomings identified in the Fitness Check by further standardizing the conditions of entry and residence for highly skilled migrants across the board, expanding the eligibility criteria and access to labour markets, and facilitating intra-EU mobility for principal permit holders and their dependents alike. The revised directive entered into force on the 17th of November 2021. EU Member States are expected to transpose the revised Directive into their national legislation by the 17th of November 2023. The new EU Blue Card Directive introduces the following changes:

- **Expanded eligibility to highly skilled beneficiaries of international protection:** Beneficiaries of international protection will be eligible to apply for an EU Blue Card, thereby expanding the pool of talent to which this Directive is applicable.
- **Easier qualifications and skills equivalency:** New rules proposed to facilitate the recognition of professional skills for occupations in the ICT sector. Applicants with professional experience equivalent to a higher education qualification in some specific sectors will also be eligible to apply – thereby alleviating degree verification requirements for professionals in that sector.
- **Laxer policy to change position or employers:** During the first year, Blue Card holders are only required to complete a new labour market test if they wish to change position or employer. After this period, Blue Card holders may be subject to an obligation to notify a change in their situation to the relevant national authorities.
- **More flexible threshold salary requirements:** To qualify for an EU Blue Card, the salary threshold is reduced to between 1 and 1.6 times the average gross annual salary, making it more accessible to potential foreign employees. The minimum duration for a contract of employment is also foreseen to be reduced from one year to six months allowing for temporary assignments.
- **Eligibility to family reunification:** To attract and retain highly skilled workers from outside the EU, dependants of EU Blue Card holders are now able to accompany them and access the EU labour market. These new conditions provide positive incentives for highly skilled workers to work in Europe and facilitate their overall integration in European societies.
- **Enabled intra-EU mobility:** EU Blue Card holders, and their family members, will also be able to move to a second Member State based on simplified mobility rules after one year of employment in the first Member State. Periods of time spent working in different Member States will also be taken into account, facilitating easier access to the EU long-term resident status.

The transposition of these changes into national legislations should facilitate the work permit process for highly skilled workers, expand the pool of eligible workers, improve workers' and their dependents' integration process, and protect them from employer dependency – all of which should ultimately render the EU more attractive to highly skilled workers seeking to work in the EU labour market.

Single Permit Directive

The main objectives of the Single Permit Directive are to establish a single application procedure for a combined work and residence permit and guarantee a common set of rights for eligible TCNs, based on equal treatment with nationals of the Member State that grants the single permit. The proposal adopted on 27 April 2022 aims to streamline the application procedure and make it more effective.

Currently, the overall duration of application procedures has shown to deter employers from international recruitment as well as foreign workers from engaging in the EU labour market. Reducing this duration is expected to help increase the EU's attractiveness and thereby better address EU labour shortages in key economic sectors. The proposal also includes new requirements to strengthen the safeguards and equal treatment of TCNs as compared to EU citizens and improve their protection from labour exploitation. Under the proposed new rules, the Single Permit will no longer be linked to one single employer. This means that within the permit's validity period, workers will have the right to change employers while continuing to reside in the Member State, allowing for more inter-employer mobility within the EU labour market. This is expected to both facilitate labour matching at foreign workers' skill-level and reduce vulnerability to labour exploitation as workers' regular status will no longer be tied to a single employer, the latter point being particularly pertinent to low-skilled migration. Finally, the proposal includes new obligations for Member States to oversee inspections, monitoring and sanctions against employers infringing national provisions. While this is less relevant in the context of this report which focuses on highly skilled workers, much less prone to exploitation, such guarantees can still be encouraging to foreigners wishing to work and live in the EU.

On 21 November 2022, the rapporteur for the Single Permit Directive published a draft report proposing to shorten the processing time of applications to 90 days instead of four months, set a minimum validity for the permit, allow the beneficiaries to change employers as well as stay in the country of destination in case of unemployment for up to nine months. The European Commission's (EC) [Impact Assessment Report](#) evaluates three policy options, with varying levels of EU intervention in terms of facilitating the application procedure of TCNs to work and reside in an EU country. The first option proposes to enhance the implementation of the Directive through the exchange of best practices and the development of a Single Permit Handbook/recommendations. The second option foresees a legislative intervention aimed at streamlining the application procedure, and improving equal treatment rights by way of recommendations while the last option proposes legislative changes to improve equal treatment rights as well as improving protection from labour exploitation. While the impact assessment expresses favor for option 3 as the most viable and efficient option in structurally addressing the existing shortcomings of the Directive, the fate of the Single Permit Directive still remains to be determined at EU institutional level.

Long-Term Residence Directive

The Long-Term Residents Directive allows Member States to grant long-term resident status and associated rights to TCNs, including beneficiaries of international protection, who have resided for five years legally and continuously in a Member States, also fulfilling a set of other conditions such as a stable income.

In 2019, the EC published its second [implementation report](#) on the Long-term Residents Directive providing an updated overview of how Member States have been transposing and implementing the Directive. In its report, the EC concluded that the implementation of the Long-Term Residents Directive improved across the EU since 2011. However, it draws attention to some important issues that continue to undermine the full achievement of the Directive's main objectives, partly those linked to the integration of TCNs settled on a long-term basis in the Member States and the effective achievement of an internal market.

Similarly, to the 2011 report, the 2019 findings show generalized implementation issues of the Directive's intra-EU mobility provisions. Notably, only a few long-term residents have exercised the right to move to other Member States. This is mainly explained by three factors. First, in some cases the exercise of this right is subject to as many requirements and conditions as those entailed by a new application for a residence permit, acting as a disincentive to move internally. In other cases, the competent national administrations appear to lack knowledge around the procedures involved. National administrations also reportedly found it difficult to cooperate with their counterparts in other Member States in order to engage seamlessly in that inter-EU mobility process. Finally, the Commission's 2019 report also found that most Member States did not actively promote the use of the EU Long-Term Residence status and continue to almost exclusively issue national long-term residence permits unless TCNs explicitly ask for the EU permit – many of whom are not sufficiently aware of this alternative option.

According to the Commission, the proposal adopted on 27 April 2022 aims at facilitating acquisition of the long-term resident status, by allowing TCNs to cumulate residence periods in different Member States to fulfil the duration of residence requirement; and by clarifying that all periods of legal residence should be fully counted. The proposal also aims to strengthen the rights of long-term residents and their dependents, including their right to move and work in other Member States. Allowing TCNs who are already EU long-term residents in one Member State to change jobs and move to another Member State for work can help improve labour market effectiveness across the EU, addressing skills shortages and counteracting regional skills imbalances. It can also improve the EU's overall attractiveness to foreign talent. The proposal additionally foresees a mechanism to ensure better coherence between the EU long-term residence permit and national permanent residence permits in terms of procedures, equal treatment, and access to information, so that TCNs have a real choice between the two permits. It also facilitates circular migration by making it easier for long-term residents to return to their country of origin without losing their rights, benefiting both the countries of origin and the countries of residence. In its Resolution of 20 May 2021, the European Parliament welcomed the Commission's planned review of the Long-Term Residence Directive and considered it an opportunity to enhance mobility while simplifying and harmonizing procedures.

These legislative changes combined – and their future transposition into national legislations – should not only harmonize the labour migration system at EU and national levels but will also play into a stronger and more attractive immigration system for potential foreign talents wishing to live and work in Europe.

National labour migration policies and legislative frameworks

Apart from the standards laid out in the above EU-wide Directives, more specific labour migration rules and processes are set at national levels. These include legislations and regulations governing the following:

- **Work permit types, salary calibration and labour market protection** – Member states can freely establish the restrictiveness of their labour migration regimes via different means in view of protecting their labour markets.
- **Recognition of degrees** – Degree recognition requirements and processes are largely subject to national policy.
- **Immigration authority and application process** – Member States are free to request documentation, define eligibility criteria and manage the immigration process at their full discretion.
- **Information and communication policy** – Member States define the level of accessibility, transparency and clarity of information around the immigration options and processes available to potential foreign workers and hiring employers.

Main work visa categories targeting highly skilled TCNs and eligibility criteria

In **Belgium**, issuance of the single permit is contingent upon the TCN obtaining an employment offer or work contract from an employer in Belgium with secondment also being possible. The TCN must show evidence of a diploma equivalent to at least a bachelor's degree spanning three years. The requirement of diploma recognition is limited to regulated professions (such as doctors, nurses, dentists, architects, psychologists, lawyers). The expected yearly gross salary must be higher than the applicable salary threshold, which varies from one region to another⁴ with each region publishing their thresholds annually. The permit is valid for up to three years, depending on the length of the work contract, and renewable for an unlimited period of time. Under this scheme, employers are expected to safeguard working conditions including working time and paid leave on a par with national employees. Unless otherwise foreseen, TCNs planning to work in Belgium for less than 90 days are required to obtain a short-term work permit for which eligibility criteria are essentially the same as for the single permit. The single permit for executives is also available to TCNs following similar conditions to the traditional single permit, except for the yearly gross salary threshold which needs to be aligned with regional salary requirements. In addition, the foreign national needs to fill a managerial position in order to qualify.

In view of obtaining a Blue Card, a TCN wishing to work in Belgium must have a work contract with an employer in Belgium for a duration of at least one year and evidence of a higher education of at least three years. Under the Blue Card, secondment is not possible. Upon obtention, the EU Blue Card is valid for a maximum duration of three years. The yearly gross salary threshold is significantly higher than for the national single permit for highly skilled workers⁵, making it less accessible to TCNs.

In addition to the above permit options, Belgium also offers a single permit for shortage occupations listed by the [Flemish](#) or [Walloon](#) government (with no secondment possible)⁶. Such permits are valid for one year and renewable depending on whether the occupation undertaken is still in shortage on the labour market. Shortage occupations in Belgium include care sector workers, accountants, construction workers. TCNs wishing to work in these sectors

⁴ As of 2022, in Brussels: EUR 44,097; in Flanders: EUR 45,096 or EUR 36,076.80 for those who are less than 30 years old or for nurses; in Wallonia: EUR 44,097.

⁵ As of 2022, in Brussels and Wallonia: EUR 57,019; in Flanders: EUR 54,115

⁶ To date, the Brussels-Capital Region does not publish such a list.

are exempt from labour market testing (LMT) since they fall under the shortage occupation list of the Belgian regional governments. TCN are required to obtain a work contract with an employer in Belgium. While there is no specific salary threshold applicable to this category, employers are obliged to pay at least the minimum wage for the employment sector concerned. Compliance with this obligation is ensured by the regional authorities in charge of labour immigration and labour inspection. In contrast to the other permits under review, no educational requirements apply, unless the shortage occupation at hand is a regulated profession.

TCNs who do not qualify for any of the above are subject to LMT. In LMT cases, TCNs must also obtain a work contract with an employer in Belgium (with no secondment possible). If successful, the permit is granted for one year with possible renewal for up to 3 years. Similarly to the shortage occupation permit, while there is no salary threshold applicable in this category, employers are bound to pay TCNs at least the minimum wage applicable for the sector and profession concerned. In order to pass the LMT, the hiring employer must submit evidence of their inability to source a suitable candidate from the Belgian and European labour market – but the LMT process and requirements differ from one region to another. In Brussels and Wallonia, the regional employment services, [Actiris](#) and [Forem](#) respectively, will perform the LMT after the submission of an application. In Flanders, the application will be automatically deemed admissible if a vacancy is published on the website of the regional employment service [VDAB](#) for a period of minimum six weeks ahead of the submission of the application. In addition, the vacancy must remain published during the submission and processing of the single permit application.

In **Italy** the main permit type for skilled workers is the EU Blue Card scheme, which is open to skilled professionals who have concluded a local contract with an Italian employer. It is generally granted for up to two years, or for the contract duration plus three months (whichever is shorter). The eligibility criteria include a university diploma of at least three years certified by the country of origin and validated by the Italian consular post in the country of issuance. It must be checked by the Italian embassy or consulate of the issuing university. The TCN must have a job offer and employment contract of minimum one year for a position classified in the Italian Institute of Statistics classification of occupations, the [National Classification of Professions](#) (ISTAT). The salary level must be equal or higher to the values established in the Collective Bargaining agreement (CCNL) for the position covered.

In Italy, the EU intra-corporate transfer (ICT) work permit is applicable to managers, specialists and trainees who are temporarily assigned to work for the Italian subsidiary of their firm. The maximum length of assignment as a manager or specialist is three years and one year for trainees, after which there is a cooling-off period of three months, during which the employees must return to their country of origin. For a TCN to obtain an ICT work permit, the affiliation between the home and host corporate entity must be proven by way of official documentation. The TCN must also have at least three months of tenure with the sending entity and remain employed by it during the period of work in Italy. As for the salary threshold, it must be equal or higher than the values established in the CCNL for the job position covered.

Italy also offers a national intra-company transfer (ICT) work permit option for those who are seconded to Italy from abroad. The ICT work permit is applicable to managers or middle-level managers for which the maximum length of assignment is five years. After one year of assignment, the Italian company is allowed to transfer the assignees into a local employment contract. For a highly skilled TCN to obtain an ICT work permit for secondment, the affiliation between the home and host corporate entity must be proven by way of official documentations. The TCN must also have at least six months' tenure with the sending entity and remain officially employed by the sending entity during his/her stay in Italy.

For all other non-EU workers that cannot benefit from any of the previously described options, Italy sets an annual quota applicable to TCNs, including nationals from Senegal and Nigeria through the “Decreto Flussi”.⁷ The decree offers foreign workers the opportunity to work in Italy in specific shortage occupations. The annual programming of entry quotas is jointly established by the Ministry of Foreign Affairs and International Cooperation, the Ministry of Interior, the Ministry of Labour and Social Policies, and the Ministry of Agricultural and Forestry Policies in consultation with the Regions, trade associations, social partners, and unions. For 2022, the quota was set to 27,700 work permits for (non-seasonal) employed and self-employed workers, in addition to the 42,000 available places for seasonal employment.

Similarly to Italy, in **Luxembourg** the EU Blue Card is the work permit applicable to skilled migrants although Luxembourg’s eligibility criteria differ from other countries under review. To be eligible, the TCNs needs to have completed a higher education, with no specific recognition process for foreign diplomas, or five years of relevant work experience. The applicant must also obtain a one-year employment contract with a Luxembourgish company with a salary threshold of at least 1.5 times the average gross annual salary (2022: EUR 83,62). While degree verification requirements are laxer in Luxembourg compared to other countries under review, the salary thresholds established are more difficult to meet. A TCN may be eligible for the EU Blue Card with a lower salary for employment in one of the shortage occupations determined by the government if it is still at least 1.2 times the Luxembourg average gross annual salary (in 2022, EUR 66,902.40). Shortage occupations include mathematicians, system analysts, software developers, application programmers, database designers and administrators.

The EU Blue Card permit is valid for the duration of the work contract (plus three months) with a maximum duration of three years (renewable for open-ended contracts). During the first two years, the residence permit is valid for a specific profession, in a specific sector, regardless of the employer. Unlike Belgium, Italy and the Netherlands, this flexible approach to change-of-employer offers better residency guarantees to foreign workers wishing to work in Luxembourg. A change of sector and/or profession is only possible if authorized by the Minister of Foreign and European Affairs. After two years, the TCN can take up any highly skilled employment in any sector. TCNs can also apply for the EU intra-corporate transferee (ICT) permit which is suitable for intra-company transfers of managers, specialists, and graduate trainees. The eligibility criteria are similar to those established for ICTs to Italy.

In **the Netherlands**, the Highly Skilled Migrant permit is used for locally hired foreign talents with specific skills or high potential, sponsored by a Dutch recognized sponsor company. This status is generally granted for the duration of the contract and can range from four months to five years. Extensions beyond the initially granted validity period are possible through re-submission of application. In order for a TCNs to qualify for such a permit, the interested employer must be listed as a “recognized sponsor” (*erkend referent*) with the Dutch Immigration Authority (IND). The TCN must receive a salary of at least EUR 4,840 gross/month for foreign nationals who are 30 years old or older; and EUR 3,549 gross/month for foreign nationals under 30. For foreign graduates of a Dutch university or a top-ranking international university⁸ who apply within three years of their graduation date the salary threshold is significantly reduced. This nuanced approach to salary thresholds allow for more flexibility and make obtention of the permit more accessible to junior professionals.

Alternatively, highly skilled workers interested to work in the Netherlands can apply for the EU Blue Card. Similarly to Belgium, this option is less popular in practice due to more restrictive eligibility criteria. The EU Blue Card is available for highly skilled TCNs who meet the salary threshold of EUR 5,670 gross/month and fulfil specific

⁷ It is important to clarify that non-EU workers that enter Italy for the purpose of employment through the channels for high-skilled labour described in the previous section do not fall under the quotas introduced with the Flows Decree.

⁸ The educational institution must be listed in at least two of the following lists: Times Higher Education World University Rankings; QS World University Rankings; Academic Ranking of World Universities).

educational requirements. It can be granted for the duration of the employment contract plus three months, for up to four years with possible extensions upon application. To qualify, the foreign national must have a local employment contract valid for at least one year with a minimum monthly salary of EUR 5,670 gross and must also demonstrate completion of a higher education programme with a duration of at least three years by submitting either a certified copy of a Dutch higher education diploma or a foreign diploma accredited by the Dutch Education Agency. A credential evaluation describing the comparative value of a foreign diploma compared to the Dutch equivalent system must also be obtained.

In the same vein as Italy and Luxembourg, the EU ICT permit is available to TCN managers, specialists, or trainees. It can be granted for any duration between 90 days and three years for managers and specialists, or between 90 days and one year for trainees. The permit is generally granted for the duration of the assignment with an extension possible up to a maximum duration of three years. The remaining eligibility criteria are similar to those established by the Italian and Luxembourgish authorities.

There are different types of short-term work permits in the Netherlands, including the short-term intra-corporate transfer (ICT) work permit and the short-term highly skilled migrant work permit. The main criteria for the former include a salary threshold of at least EUR 5,132.16 gross/month, bachelor's or master's degree, or comparable work experience. It is required that the home employer and the host entity are part of the same corporate group with an annual turnover of at least EUR 50 million.

The main criteria for the short-term highly skilled migrant work permit include a minimum salary of EUR 5,132.16 gross/month (for employees over 30 years of age) or EUR 3,762.72 gross/month (for employees under 30 years) and registration of the host entity with the IND as a recognized sponsor. Similarly to the short-term ICT work permit, assignments cannot exceed 90 days over a period of 180 days.

Processing the admission of highly skilled foreign workers

When a TCN is hired by a company to work in **Belgium** for over 90 days, the employer needs to file an application for both a work and residence authorization, combined into a “single permit”, at the relevant regional employment administration. The work authorization is processed by the regional administration while the residency authorization is handled by the federal administration in charge of immigration.

A digital filing system is currently operational for single permit applications but is yet to be developed for short-term work permits or for self-employed worker permits. Employers are required to introduce their single permit application onto the platform and upload several documents⁹ The employer must also pay the application fee of EUR 126. The regional Ministry of Employment is then responsible for assessing the admissibility of their application. Once declared admissible, both the regional Ministry of Employment and the Immigration Office process the application. In practice, the processing time fluctuates depending on the workload and capacity of the responsible administrations but can range from three to four months although the legal deadline is set to four months as of the admissibility decision. This deadline can be extended in case of complex applications which require, for instance, recognition of qualifications and diplomas. In some cases, and particularly for applications linked to regulated professions, TCNs may be required to follow specific trainings to fulfil the profession in Belgium. Such requirements, which differ from Wallonia to Flanders, may take up to five months, with additional costs (EUR 200) borne by the employer. If

⁹ The following documents are requested: a copy of the TCN's passport, a medical certificate, the proof of health insurance, the work contract, relevant diplomas and criminal record. The certificate of coverage for social security and assignment letter are also required in case of a temporary secondment

documents submitted are not in French, Dutch, German or English, they may also need to be translated and legalized, which adds to the application process and imposes further costs to the employer.

Once the application for a single permit is approved by the relevant authorities in Belgium, the TCN must apply for a long-term visa at the competent Belgian embassy or consulate. The visa processing time can fluctuate from one country to another depending on the administrative backlog and the waiting time at the consular post. Once in Belgium, TCNs are not allowed to start working based on their long-term stay visa as they must register first in the town responsible for delivering the single permit. The Flemish region adjusted its practice allowing TCNs to work upon single permit approval and take up employment faster.

The single permit is valid for the duration of the work contract. If the contract is concluded for an undefined period of time, the single permit is valid for three years for highly skilled/EU Blue Card holders and executive permit holders. The LMT and shortage occupation permits are valid for one year but are renewable. Work permits are renewable without any cooling-off except for intra-corporate transferees. Despite digitalization progress made to date, the registration and permit renewal processes require in-person visits of the TCNs to the city hall to which they initially registered.

In **Italy**, the work permit application is formally initiated by the employer and filed via the online portal of the Ministry of Interior. Italian employers require a certificate from the Chamber of Commerce in order to recruit workers from outside the EU. Companies without the Chamber of Commerce certificate and “inactive” business statuses cannot sponsor work permit applications. Once submitted, the relevant immigration office assesses the application before submitting them to the labour office for additional checks after which it is assessed by the police for criminal checks. Once all parties involved issue a green light on the application, the immigration office uploads the work permit on the online portal. The processing time for the work permit approval varies depending on the proactiveness of the immigration offices and the internal workload at the time of submission. As a general observation, some offices tend to approve within ten to 12 weeks (e.g., Milan), whilst others can take up to six months (e.g., Rome).

Employers who wish to hire non-EU workers through the annual quotas established by the Flows Decree need to submit their applications within a limited window of time after the publication of the aforementioned decree. This window, informally referred to as the “click day”, generally corresponds to two months, but can sometimes be reduced to a few weeks or even days. Following the closure dates, applications are subsequently processed in chronological order of submission.

Once the work permit is issued by the relevant immigration office, the applicants can file for the D-Visa¹⁰ applications at the relevant Italian consular service. The processing time for the visa stamping can range between seven to 21 days from the time of submission. Once the D-visa is issued, the applicants the employer and employee must sign the “Contract of stay” at the immigration office within three days of the migrants’ arrival. The applicant must then apply for a residence permit at the local post office after which a fingerprint appointment takes place at the local police office, automatically scheduled by the authorities within one to five months of permit processing. The residence permit card is issued within one to three months from that point and must be collected by the applicant in person.

¹⁰ According to art. 47, comma 1 letter i) of EC Regulation N. 810/2009 ([Visa Code](#)), a “national visa” type D is a long-term visa (or long stay) which is issued by one of the Member States in accordance with its own internal legislation or that of the European Union. It is valid for a stay of more than 90 days in the territory of the Country which issued it.

Owing to these multiple steps, the overall immigration process in Italy can take between one to six months to process from the date of filing and may discourage both candidates and employers. For the national ICT and EU ICT permits it may take one to two more months to gather all the supporting documents ahead of filing, as well as up to five months for the obtention of the *Declaration of Value* under the EU Blue Card. TCNs can apply for an extension of their stay, based on an extended or still valid employment contract. Generally, renewal applications are approved within one to two months and can be submitted up to three months before the expiry date of the permit.

In **Luxembourg**, candidates initiate the work permit application procedure with the Immigration Directorate of the Ministry of Foreign and European Affairs (MFA). Although workers are expected to submit their application themselves, third parties can contribute to the procedure. The documentation required for a complete application includes original or certified true copies of identity documents, a criminal record certificate, diplomas and the employment contract. If the documents are not in German, French or English, an official translation by a sworn translator is required. From the date of submission, the MFA has three months to issue an application outcome. If no decision is received within this time, the application is automatically considered rejected. While the three months delay is shorter than in Italy, the default rejection can mean that admissible cases are rejected, undermining the system overall.

Once the temporary authorization to work is granted, future employees subject to visa requirements will need to request a long-term visa to enter Luxembourg. Foreign nationals have 90 days to file for such a visa at the embassy or consulate of/representing Luxembourg in their country of residence and present both the temporary authorization to work in Luxembourg and their valid passport from the time they are granted a temporary authorization to work. The application is processed with an approximate delay of 15 days, although processing times can vary from one diplomatic mission to the other.

When entering Luxembourg, TCNs are expected to register with their municipality and declare their arrival within three working days of arrival, after which they are allowed to start employment. TCNs are also required to undergo a medical check-up including a tuberculosis-test. Once medically cleared, TCNs can apply for a residence permit to the Immigration Directorate of the MFA. To be deemed complete, the TCNs is required to submit a housing contract, declaration of arrival and the temporary authorisation to work. This application must be lodged within three months of entry into Luxembourg.

It generally takes the government 45-60 calendar days to process an EU Blue Card application from the date of filing. After entry into Luxembourg, it usually takes another six to eight weeks to receive the final residence card. Foreign nationals can apply for an extension of stay in-country, provided that permit eligibility conditions continue to be met but renewal applications must be filed with the MFA two months before expiry of the current permit and should be prepared 90 days before expiry to ensure timely filing.

In the **Netherlands**, unlike all the other countries under review, the national work permit application for highly skilled talents must be sponsored by a Dutch employer registered with the IND as a recognised sponsor. Not only does the registration process take between three to four months, but filing fees for the sponsorship registration also cost EUR 4,212 for large companies and EUR 2,105 for SMEs. While such fees are reasonable for companies who regularly source foreign workers, most companies that plan to hire foreign talents punctually become quickly disincentivized. Once an employer becomes a sponsor and files the work permit application on behalf of a foreign talent, the outcome decision can take from three to five weeks from the moment the work permit application is lodged. For long-term work permits, the recognized sponsor system means that employers do not need to file supporting documents for every new application. The administrative burden is thus reduced significantly following the initial registration barrier. Similarly to Belgium and Luxembourg, documents submitted in other languages than

English and Dutch must be translated by a sworn translator. In certain cases, documents must be legalized, which can further delay the process and bring additional costs. Since applications for the EU Blue Card are not channelled through the sponsor system, processing times are much longer and can take up to three months.

Once the work permit is approved by the Dutch authorities, applicants can apply for a long-term visa at the relevant embassy/consulate of their place of residence. The entry visa must be collected within three months of approval and is issued with a three-months validity period. Upon arrival in the Netherlands, TCNs must collect their residence permit card and register at the town hall. Contrarily to other countries, TCNs are allowed to work as soon as they enter the Netherlands based on their long-term visa.

When the residence permit expires and the employment contract is extended, the employer must apply for extension before the last day of the permit's expiry. The employer can submit an application for extension three months before the permit's expiration date. If the renewal application was filed in time, the TCN can continue working while waiting for the decision. The IND issues a decision of extension within three months of application submission. Foreign nationals under the EU Blue Card scheme can also apply for an extension following similar procedures and requirements. Intra-corporate transferee permit holders can also extend their EU ICT Permit provided that their maximum cumulative stay does not exceed one year for trainees or three years for managers and specialists. Following this period, the foreign national must change immigration status, or leave the EU for at least six months before being able to re-apply (cooling-off period).

Labour market access and social rights of principals and their dependents

In **Belgium**, access to the labour market for highly skilled TCNs who obtain a work authorization to work in Belgium is at first restricted to a single employer, creating an initial dependency between the TCN and their employer as well as a risk of exploitation. After four years of employment in Belgium, TCNs can obtain a single permit with unlimited access to the labour market. Such a permit allows TCNs to change employer without prior authorization by the regional authorities. Preferential rules apply in the Brussels-Capital and Walloon regions to some nationalities which benefit from bilateral agreements¹¹. After five years of regular and continuous residence in Belgium, TCNs can apply for the long-term resident status which allows them to take up any employment in Belgium. To renew their residency permit, TCNs will have to submit a certification of completion of an approved integration and language course. When assessing a TCNs' integration efforts, authorities also consider their social and cultural ties and duration of their residency in Belgium, as well as any other evidence of integration provided. Immigration authorities can withdraw TCNs' residency rights if they determine a lack of integration effort on part of the TCN. Foreign workers' dependents are allowed to work in Belgium without requiring prior authorization, but cannot be self-employment. Continuation of their residency rights follow the same procedure as for TCNs.

In terms of the portability of foreign workers' social security rights, these are subject to bilateral agreements between the sending and host countries. For Belgium, such agreement are in place with 25 third countries, but no such agreement has been concluded with Senegal or Nigeria. In such cases, the portability of social rights is determined on a case-by-case basis depending on the applicable legislations in both countries. Old age pension rights from Belgium are portable outside of the country.

While this falls beyond the scope of this report, the broader integration policy of TCNs in Belgium is determined by different regional public integration agencies who are responsible for information and guiding TCNs on their rights and obligations; while also facilitating provision of basic services. The role of the private sector in the integration of

¹¹ This is not the case for Senegalese and Nigerian applicants.

migrants is limited in most cases to the workplace. The MATCH experience has also revealed that public-private partnerships to streamline integration policies in and out of the workplace are lacking in Belgium. Private sector entities engaged within MATCH pointed that a closer cooperation with public integration agencies could help tackle more effectively and efficiently challenges linked to international mobility, particularly when it comes to the housing of foreign talents. Recently a collective of private sector entities launched the “Talent Houses” initiative in various Belgian cities to facilitate housing of foreign workers in Belgium. Furthermore, the Flemish region is currently developing a comprehensive strategy with private sector actors to better support them in this area.

In **Italy** the change-of-employer rules are laxer than Belgium’s as EU Blue Card holders only need to obtain authorization within the first two years of their employment. After that period, change is possible within highly skilled occupations, as long as it is duly communicated to the labour authorities. After five years of regular and continuous residence in Italy, foreigners can obtain the long-term resident status with extended access to the labour market. Knowledge of the Italian language at least at the A2 level of the Common European Framework of Reference for Languages is however required. As for the acquisition of the Italian nationality, foreigner must have lived continuously in Italy for at least 10 years, double the time required in Belgium.

As for labour market access rights of dependants, all dependants are automatically granted work authorisation. Foreign nationals may include legal spouses, their underaged children as well as legally adopted and stepchildren in their permit applications. Dependent children over 18 can be included if they continue to be dependent because of serious health conditions resulting in permanent inability to earn a living. Financially dependent parents can only be included in very limited circumstances.

In **Luxembourg**, highly skilled workers are allowed to change employers within the first two years of the permit provided that they remain employed in the same profession/sector. After two years of holding an EU Blue Card, restrictions are lifted and TCNs can take up any highly qualified position, making it the laxest policy across the countries under review. To become eligible for a long-term residence status, TCNs must have regularly and continuously resided in Luxembourg for five years, adopting a similar policy to Belgium. However, more stringent conditions apply. TCNs must provide proof of a stable, regular, and sufficient income to cover theirs and their dependents’ cost of living as well as a long-term housing contract. The MFA processes application within a maximum period of six months from the date of submission. In the absence of response within that delay, the application is automatically considered rejected.

Luxembourgish nationality can be acquired through naturalization after five years of regular residence in Luxembourg, with the last year uninterrupted. Naturalization also requires command of the Luxembourgish language, as evidenced by a Luxembourgish language test pass certificate. TCNs also have to pass the “*Vivre ensemble au Grand-Duché de Luxembourg*” integration course. The naturalization procedure is free of charge, and applications are made at the commune of the applicant's place of residence.

Luxembourg allows for family reunification without any waiting period and applications for family reunification are processed at the same time as the principal's permit application. Family reunification permits can be granted to spouses or registered partners as well as their children under the age of 18. Contrarily to Belgium and Italy, family members are not granted work authorization based on their dependent status. To obtain such an authorization, they are required to obtain an independent work authorization permit by applying either to the EU Blue Card or the national work permit. If they do not qualify for the EU Blue Card as highly skilled workers, dependents undergo LMT during their first year of residence in Luxembourg.

In Luxembourg, the portability of social security rights (particularly old-age pension) is subject to bilateral or multilateral agreements. More than 15 bilateral agreements have been signed with non-EU countries, but no such agreements are in place with Senegal or Nigeria.

Under **the Netherlands'** national highly skilled permit scheme, TCNs can change employers without affecting their work-authorized status if the new employer is also a recognized sponsor and if salary and other permit conditions are met. The new sponsor must notify the immigration authority within 28 calendar days of the change. If the employment ends, the TCN has three months to find another employer provided that their permit is still valid. Under the EU ICT permit, a change of employer requires a new application.

Similarly to Belgium and Luxembourg, TCNs can apply for long-term residence in the Netherlands so long as they resided in the country for five years without interruption and complete civic integration courses. Some exemptions apply based on nationality and education. For instance, Turkish nationals and those who hold a degree for completed education in Dutch benefit from laxer rules. During the processing of the application, the foreign national must continue to hold a valid immigration status. When applying for nationality or permanent residence, TCNs are required to complete a civic integration exam at their own cost. Such a course can take four to seven months to complete.

Highly skilled TCNs can move and work in the Netherlands with by their family members. Eligible family members include spouses and registered partners over 21 years of age as well as children under 18 as well as legally adopted and stepchildren. Family members of skilled workers are exempted from taking the civic integration examination and are automatically granted work authorization based on their dependent status.

In practice, however, TCNs commonly face difficulties when it comes to the authorization of dependents to travel with them to the Netherlands. Partners only qualify for dependent status if they can submit sufficient evidence of a genuine, durable, and exclusive partnership for which detailed support documents are required. Partners must also submit a legalized and translated declaration of unmarried status. Children over 18 usually qualify for dependent status if their application was filed while under 18, while living in the family unit and financially dependent. Immigration authorities may require such individuals to change to another permit type upon their second renewal application. While dependents' residency rights may appear laxer, the burden of proof is sometimes higher and more difficult to meet.

The portability of social security rights is limited to individuals leaving the Netherlands.

Immigration status of Senegalese and Nigerian citizens in the MATCH countries

In the four destination countries of the MATCH project, Senegalese and Nigerian citizens have access to the following immigration options:

- **Short-term travel of up to 90 days within 180 days** – Senegalese and Nigerian nationals require visa type C for short-term travel for business or other purposes which they can obtain via the diplomatic post of the country of travel in the country of origin.
- **Long-term travel for purposes such as work and family reunification** – Senegalese and Nigerian nationals require a visa type D for long-term stays in the destination countries. Visas must be obtained at the diplomatic post of the country of destination in the country of origin. After entry to the country, a local registration process and additional immigration steps will follow leading to the issuance of a work and residence permit.

- **Intra-EU mobility** – Visa D is issued for a limited duration, usually spanning two to four years but can be extended in-country. This permit also allows short-term travel into other Schengen area member states for up to 90 days within 180 days for purposes of business trips or tourism. National work and residence permits generally do not convey the right to work in any other Schengen or EU member state, although this will change under the new EU Blue Card regulations.

Senegalese and Nigerian citizens are also protected by the following frameworks:

- **Equal treatment and anti-discrimination** – Nationals of Senegal and Nigeria who stay in one of the four destination countries enjoy protection by means of the national laws as well as the European fundamental rights framework, codified in the [European Convention on Human Rights](#), the [EU Charter of Fundamental Rights](#) as well as [Directive 2003/109/EC of 25 November 2003](#) concerning the status of TCNs who are long-term residents.

Existing good practices in MATCH target countries

A series of good practices for efficient and more accessible labour immigration systems have been identified in Belgium¹², Italy, Luxembourg, and the Netherlands in the framework of the MATCH project. Those include, but are not limited to, the digitalization of permit application and filing systems, the implementation of national fast-track schemes for registered employers, as well as the setting and nuancing of statutory and realistic minimum salary thresholds for foreign workers. Such practices are further elaborated below with illustrations from specific country examples.

Clear and accessible information portals

Information portals on the labour immigration process of a particular destination country constitutes the first entry point for employers and foreign talents in the international recruitment process. Clear and accessible information regarding the various immigration options and their application process can help foreign talents and the private sector gain the right expectations on steps involved, requirements and processing times from the outset.

The government of **Luxembourg** runs the “[Work in Luxembourg](#)” portal which provides transparent and accessible information on job searching in Luxembourg and the steps to undertake in obtaining an entry visa and work permit. The website “[Guichet Public](#)” offers detailed information on immigration matters for foreigners and employers and is available in English, French and German. It also moves beyond the immigration process in the strict sense, offering useful information to foreign workers and the private sector on intra-EU mobility and employment transferability options. In the **Netherlands**, the [website](#) of the Dutch immigration authorities offers the possibility to file applications online with a status tracking function. In **Belgium**, the “[Coming to work in Belgium](#)” website provides information about immigration processes referring to the regional websites for more detailed information. While this attempt at providing more centrally available and structured information is a good start, Belgian governmental websites only offer partial information while the multi-layered administrative system with federal and regional levels makes it difficult to understand the overall requirements and process. The Flemish region is developing ‘Flanders for talent – talent for Flanders’ a more extensive soft-landing webpage which will include more practical information on topics such as housing, language courses and right to employment for accompanying partners.

Fast-track schemes for “trusted employers”

Fast-track schemes provide facilitated and prioritized processing of permit applications for employers who undergo a one-off registration and review process with the mandated authority. Despite the initial time and financial investment fast-track schemes demand, registration to a fast-track scheme can significantly lower costs and delay of foreign recruitment for employers and foreign talents alike.

In **Italy**, a fast-track procedure is available under the EU Blue Card and ICT schemes. Local companies can register in the fast-track programme by signing a Protocol Agreement/Memorandum of Understanding (MoU) with the Ministry of Interior. To be eligible, the company must be operating for at least one year, demonstrate good financial

¹² This section also builds on lessons learned from other projects, and in particular, other forms of labour mobility initiatives. Belgium is currently exploring complementary pathways as an alternative route for highly-skilled beneficiaries of international protection wishing to work in Belgium, notably under the IOM-managed and EU-funded “[Displaced Talent for Europe \(DT4E\)](#)” project. Still being in its exploratory phases, the immigration system and administrative steps which would govern labour mobility as a complementary pathway for people in need of international protection still needs to be tested and defined.

health and commit to a high volume of work permit requests on a yearly basis, although there are no set minimal thresholds. Once an MoU is signed between the parties concerned, fast-track sponsors can apply online without the need for hard copies. Upon approval, the immigration office in charge automatically notifies the consulate for immediate work visa issuance. An MoU is also signed between the Ministry of Interior and *Confindustria*, the General Confederation of Italian Industry, committing to faster procedures in issuing the EU Blue Card to highly skilled foreigners. The companies associated with *Confindustria* gain automatic access to the online portal which serves as a one-stop shop for submission, processing and communication.

MoUs can also be signed between the Administrations concerned (Ministry of Labour and Social Policies/Ministry of the Interior) and employers' organization, trade unions, labour consultants, and other associations working in the field of immigration. Through such agreements, the employer commits to complying with the provisions in force on the recruitment of non-EU workers and their working conditions. Following the adoption of the Simplification Decree 73/2022, a special Protocol was signed between the Ministry of Labour and various employers' organisations to strengthen standards and compliance measures for fast-track sponsors. National Labour Inspectorate, labour consultants and employers' organizations can undertake checks and balances as well as audit missions to ensure compliance by registered companies with national labour standards.

In the **Netherlands**, the system of recognised sponsorship makes the immigration process faster and smoother for both employers and foreign workers. The Dutch immigration authorities strive to make a decision within two weeks and requires minimal documents. Decision making is highly transparent, and complete applications are rarely rejected. To qualify for recognised sponsorship, companies must demonstrate solvency and “reliability” (i.e. compliance with tax regulations), which in turn is the basis for a trusted relationship with the Dutch government. While **Belgium** does not have a formal fast-track procedure in place, the Flemish region is currently exploring that route. A research study was recently concluded on this topic and will be discussed by the administration and social partners in the coming months. Access to the findings of the study or to the consultation with stakeholders are not publicly available at the moment.

Statutory and realistic minimum salary thresholds

Salary thresholds defined by law rather than in individual work permit application reviews can help create foreseeable and transparent eligibility requirements for skilled migration. Statutory thresholds that are calibrated realistically and acknowledge that job starters have lower salaries than experienced employees, can render immigration processes more inclusive and accessible.

In **Belgium**, the immigration system provides fixed salary thresholds set by law for highly skilled workers and other categories, with each region publishing their regional thresholds annually. In Flanders, the salary threshold to obtain a single permit as a highly skilled worker is lowered for young professionals below the age of 30 or for nurses. The Flemish and Walloon regions work with lists of shortage occupations which are reviewed annually in Wallonia and every other year in Flanders. The minimum salary threshold is lower in the **Netherlands** for professionals under 30 years old as well as for foreign graduates of a Dutch university applying within three years of their graduation, thereby nuancing the approach and increasing the chances of younger talents hitting the target. The Netherlands offers further easements on salary requirements for start-up companies which can benefit from lower thresholds for up to five essential foreign employees.

While the MATCH experience and beyond has shown that reduced salary thresholds can encourage EU-based employers to recruit internationally, such salaries can at the same time also be seen as too low to attract some highly skilled workers who tend to opt for employment with companies offering higher salaries in similar work categories.

Degree verification processes and circumventing the need for lengthy degree and qualification verification processes

Degree verification processes of foreign diplomas can be lengthy and cumbersome and has shown to significantly delay the entire international recruitment process; disincentivizing foreign workers and companies alike. While certain practices can help better manage expectations around the process, strategic investments for a long-term structural solution that circumvent the need for degree verification, entirely, can prove more useful in rendering immigration processes faster and more effective.

The **Netherlands** has introduced the [Nuffic](#) platform which publishes all recognition outcomes of foreign educational institutions and degrees, covering both positive and negative outcomes. Such published lists can serve as a reference database for employers and potential foreign applicants when considering recruiting a foreigner or applying to a Dutch company. The platform automatically rejects similar files, avoiding repeated recognition processes for similar profiles. This has shown to significantly reduce backlogs and processing times.

Although degree and qualification verification processes are still very cumbersome in all countries under review (see Obstacles section), **Italy** has engaged in an innovative practice to circumvent the need for degree and qualification verification process in the context of a labour migration project with Egypt. In 2013, IOM Egypt implemented the Italy-funded [project](#) “*Education and Training for Egyptian Youth in Fayoum Governorate: Activities to Promote Regular Migration and Positive Alternatives*”. The intervention was designed to provide Egyptian youth with the skills relevant to the tourism sector in both Egypt and Italy and to empower Egyptian youth with skills to contribute to the socioeconomic development of their community of origin. At the same time, the project led to a sustainable generation of foreign skillset aligned with Italian employment standards in the hospitality sector from which the Italian labour market could source talent for its labour market needs. While this good practice emerged in the framework of a project– and has not been systematized at national nor structural levels – it could inspire national objectives to invest in a) the training of foreign talents and b) reforming of foreign institutions in order to generate ready-to-work foreign talents in demand-sectors, thereby circumventing the need for lengthy and cumbersome degree recognition between destination and source countries in the context of labour immigration cases.

The [PALIM project](#) concluded between **Belgium** and Morocco regarding the training and the mobility of qualified professionals from Morocco specialized in the IT sector could also be of interest. This project which was initiated in 2019 and was coordinated by the [Belgian Development Agency \(Enabel\)](#) aims to train qualified professionals in Morocco to align them to Belgian standards and enhance their access to the Belgian labour market. In that context, employers in the Flanders region who participated in the project employed trained professionals from Morocco to fill out shortages in the Belgian ICT sector.

Labour market access rights and intra-EU mobility

In the case of skilled foreigners who are hired by local employers, most countries offer work permits restricted to one employer and a specific position for the first two years of residence in the destination country. A foreign employee who intends to change employers after arrival may have to go through a lengthy application process or would risk losing his/her legal status. The bureaucratic burden that comes with such restrictive rules and dependency of the foreign talent to a particular employer, both acts as strong disincentives for foreign talents to engage in international recruitment and could make workers more vulnerable to exploitation. Having said this, such restrictive labour market access rules are expected to be relaxed in light of the EU Blue Card Directive recast to be transposed in national legislations by the end of 2023. As the EU is still reflecting on the full expression of its [EU Talent Pool](#),

which is currently piloted with a focus on job-matching for beneficiaries of temporary protection, job applications through that potential route could help improve the effectiveness of the immigration processes to Europe, depending on how it will be ultimately designed and governed.

In the meantime, **Luxembourg** adopted a system which enables easier and less bureaucratic process involved in a change of employer for foreign talents under work permits. In fact, the EU Blue Card is valid for a defined profession regardless of the employer when coming to work in Luxembourg. This allows foreign talents to change employer if they wish so as long as they remain in the same professional category. Under the **Dutch** immigration system for highly skilled talents, foreign nationals can change employers in-country without affecting their work-authorized status if the new employer is a recognised sponsor willing to take over the permit sponsorship. In such cases, the only requirement is that the new sponsor notify the immigration authority within 28 calendar days of the sponsorship transfer.

Remaining obstacles to efficient labour immigration systems

Notwithstanding the existing good practices identified in Belgium, Italy, Luxembourg and the Netherlands as well as willingness on part of the respective authorities to better attract and retain highly skilled talents within their labour markets – as the MATCH experience has shown – some important obstacles to fast and efficient labour immigration systems still remain. This section outlines the overarching obstacles identified in the course of the MATCH project (and beyond) in hiring professionals from Nigeria and Senegal across the four target destination countries. Overly long processing times, extensive bureaucratic requirements and complex application and degree verification procedures, as well as restrictive labour access and social rights all play important factors in slowing down the process, at times disincentivizing employers and prospective employees alike from engaging in the international recruitment process.

Contradictory or **lack of publicly available information** about immigration options and processes lead to lost opportunities both from the perspectives of potential migrants and of the potential employers of foreign talents. In **Belgium**, for example, the immigration rules and legislation around recruitment of highly skilled workers are not very accessible to employers and applicants. The existing governmental information portals only offer partial information. The multi-layered administrative system with federal and regional levels makes for a very complex system with different rules across the country. The experience of the MATCH project has shown that even when the information available to employers on how to recruit foreign talents was available, it was difficult to find or understand.

Unforeseeable, extended, and fluctuating government processing times, paper-heavy document requirements and **complex application processes** act as the key impediment to international hiring. Caused by insufficient resources, complex processes but also recently the pandemic and large caseloads from Ukraine, waiting periods for visa application interviews and permit processing have significantly increased.

Employers, employees, and their families face unforeseeable fluctuations in processing times which make it harder for businesses to reliably plan operations while also affecting the personal well-being of applicants and their family members due to uncertainty. Heavy, unclear, and changing document requirements imposed on employers and applicants by the immigration authorities generate further complexities as do paper-based application systems. In addition to short staffing within the immigration system in the face of growing application rates and multiple crises, complex government structures with a lack of transversal coordination across different bodies can lead to further delays in the process.

Physical application files, mailing of files by post and the usage of different internal IT programmes which do not properly inter-communicate extend processing times and increase costs. Manual steps like the physical mailing and scanning of files can be very time consuming, increase error rates and lead to further backlogs. Belgium, Italy, and the Netherlands have introduced digital platforms, each with different levels of sophistication. Overall, however, all systems could benefit from stronger digital structure to speed processing times and improve their efficiency.

The government processing times of immigration applications in **Italy** are usually very high, taking up to six months depending on the host region. Additionally, many different authorities are involved in the process, and a case goes through a range of steps before an approval can be granted. Further complication is added by the degree verification system which is applied to EU Blue Card applications. The Italian quota system for non-EU workers that are not eligible for the EU Blue Card or the ICT permit can also be long and burdensome, and the unpredictability regarding

the publication date and the exact size and division of the annual quota further causes delays. According to the companies' experience within MATCH, the current system fails to efficiently meet the needs of the private sector.

When it comes to recruiting foreigners in **Luxembourg**, the main challenge lies in the cumbersome process that companies must undergo *before* even starting the immigration process for a TCN. First, employers must obtain an authorization from the public employment agency *ADEM*. This authorization is only granted if after three weeks from the original job posting, the *ADEM* was unable to provide appropriate candidates from the local and EU labour market for the position advertised. The overall process usually adds up to five weeks. This limitation creates longer waiting times for potential foreign workers and, in turn, risks compounding the negative impact of workforce shortages for employers. The absence of digital options for applications in Luxembourg further increases the processing times and cumulates case backlogs.

While governments have tried to minimize processing times via legislative changes, this has sometimes been counterproductive. With the introduction of the single permit in **Belgium**, permit processing tends to take longer than before. This is due to the federal system in which the regional authorities have to approve the work-related aspects, such as salary, working hours etc., whilst the Federal Immigration Office approves the entry and residency-related aspects. This requires strong communication between various governmental bodies and improved coordination around immigration cases, both horizontally and vertically. While Belgium has started digitalizing the process to improve communication streams between the regional and the federal level, this has not yet led to decreased processing times.

In the **Netherlands**, the recognized sponsorship system generally operates successfully and offers considerable advantages to accredited employers. However, the current processing times for the sponsorship accreditation process itself are exceedingly long with delays of up to six months due to applications being forwarded to the Ministry of Economic Affairs for clearance before proceeding further.

Lengthy and opaque foreign degree recognition and verification processes add risks of delays to international recruitment processes. Degree verification criteria and rules regarding the admission to certain professions are part of the requirements which a potential employee with a foreign educational background must complete to gain access to the labour market in an EU Member State, including in certain regulated professions. Even in professions which are unregulated, the immigration system of a particular country may have strict rules regarding the comparability of the degree, its syllabus and the quality of the educational institution issuing the degree. The degree certificates themselves may be subject to document verification and translation requirements which also come with additional costs. All MATCH countries have degree verification steps to follow in view of obtaining their main work permit types, such as the EU Blue Card. The processes differ in degree of bureaucracy, legal certainty of outcome and length.

In **Italy**, for example, obtaining a diploma certification for an EU Blue Card work permit can be burdensome and lengthy. The diploma must be certified by the country of origin and validated by the Italian consular post where the educational institution is located. Requirements and processes are not harmonized between the consular posts which make it hard to plan timelines and predict the application outcome. Furthermore, for regulated professions (e.g., attorneys, nurses) the qualification has to be recognized by the relevant ministry in Italy. Anyone who wishes to practise a regulated profession in Italy and who holds a foreign qualification needs to obtain formal recognition to join the Italian employment market. [CIMEA](#) is the institution appointed by the Ministry of Public Education as the official Italian competence centre which operates in the framework of the [NARIC - National Academic Recognition Information Centres network](#) of the European Union and the [ENIC - European National Information Centres network](#) of the Council of Europe and UNESCO. Although a [help centre for recognition of professional](#)

[qualifications](#) has been set up within the Department for European Policies of the Prime Minister's Office, the recognition of educational and professional qualifications acquired abroad represents a key obstacles to the job placement of foreigners in qualified positions.

Lax policies around migrant workers and their family members' access to the labour market and their inclusion in society are important attraction and retention determinants for sustainable labour migration systems. Limitations regarding the labour market access of both principal and accompanying dependents can hamper the foreign workers' overall integration into their host country. In **Luxembourg**, restrictions on family members' access to the labour market have shown to dissuade migrant workers from working in Luxembourg. Labour migrants who have spent larger parts of their employed life abroad may have employment-related social rights and benefits accrued in different countries. Pension entitlements may be spread over different public and private schemes which may all be based on different criteria, depending on the context. In a worst-case scenario, public or private pension providers ban payment of pension entitlements because of a change in the country of residence. At the same time, the tax systems of the country of origin and the country of residence may treat national and foreign pension payments differently. To avoid disadvantages for foreign employees and pensioners, countries of origin and destination should ideally agree on the treatment of social security rights with bilateral agreements. If no bilateral agreement is in place, the portability of social rights will be decided on a case-by-case basis and subject to the pension provider involved. This lack of social rights' portability can of course disincentivize skilled workers to engage in labour markets that do not guarantee such rights.

General Recommendations

Drawing from the MATCH experience and building on the remaining obstacles outlined above in successfully recruiting international talents, the section provides general recommendations for more simplified and effective immigration systems targeting highly skilled talents¹³.

Structural recommendations

Engage in structural partnerships with third countries of interest

Building on elements of [IOM's Skills Mobility Partnership](#) model to labour mobility and the EU's plans to build [Talent Partnerships](#) with third countries of interest, EU Member States are encouraged to engage in bilateral labour migration agreements with third countries of interest to facilitate the overall immigration process of highly skilled workers in those countries. Designing strong cooperation framework agreements could constitute a first step in that direction and would ensure that the immigration process between participating countries is regulated according to agreed principles and procedures. The EU, its Member States and third-countries of interest could inspire such action from the IOM and ILO-led [Guidance on Bilateral Labour Migration Agreement](#) (BLMAs) developed under the auspices of the UN Network on Migration. Its purpose is to assist countries of origin and destination to design, negotiate, implement, monitor and evaluate rights-based and gender-responsive BLMAs, based on a cooperative and multi-stakeholder approach. BLMAs serve as a useful tool to harmonize standards and processes for workers in third countries of interest, establish working conditions as well as labour market access and social rights for workers and their dependents on a par with national citizens. Such agreements can also set the groundwork for stronger partnerships between educational institutions to facilitate mutual recognition of degrees and qualifications and ensure a strategic approach to skills development¹⁴.

Adopting national fast-track schemes for trusted employers

Fast-track schemes allow employers that meet certain conditions to recruit foreign workers faster, via laxer application processes and can act as a useful tool to meet the private sector's need for quick application turnaround. To maintain the credibility of fast-track schemes and their efficacy, such schemes should be contingent upon compliant systems for employers so that issuing authorities can ensure compliance with national employment rules and standards as well as avoid system abuses.

If a fast-track process is set up, EU Member States are recommended to allocate independent budgets and human resources to avoid poaching the already under-resourced structures of the mainstream migration system, including its humanitarian and family reunification strands. Maintaining an independently sourced fast-track scheme will safeguard the integrity and functionality of the core system while avoiding additional backlogs. Having said this, Member States are encouraged to harmonize fast-track pathways to the existing system to the extent possible, so as to avoid an increased level of confusion while also capitalizing on economies of scale.

¹³ These recommendations are further elaborated and tailored to MATCH's target countries in the annexes available at the end of this report "Country-specific recommendations for more effect labour immigration systems".

¹⁴As a good practice, please see the bilateral agreement on the management of immigration and development between Luxembourg and Cabo Verde, signed in October 2015. The agreement envisages the issuance of up to 50 work permits annually under a simplified admission procedure, allowing Cabo Verdean nationals to exercise a set of pre-defined occupations listed in the agreement, including health care related occupations, IT jobs, lawyers, engineers, and scientists. The agreement also allows up to ten young professionals from Cabo Verde per year to work in Luxembourg for three to 18 months, to improve their career prospects upon return to Cabo Verde.

Member States are also encouraged to consider including the processing of family members' application in the fast-track scheme. Diverging processing times for work and family visa applications can delay the entire international recruitment process even if the workers' permit is issued within reasonable delays. Indeed foreign talents might wish to wait on their family members' visa before moving to the new destination country given the implications that delayed travel of family members may have on the household income and expenditures, the children's educational journey and the employment of the spouse; amongst others.

Investing in the skills of foreign talent pools

Finally, EU Member States can potentially circumvent the cumbersome processes linked to degree verification by investing in the educational institutions of third countries of interest for particular skills in shortage within their own labour market. By doing so, EU Member States invest in the generation of a foreign talent pool equipped with degree/qualifications that are already aligned with those of the destination country. This long-term strategy not only nullifies the need for degree verification processes but would also help contribute to the skills; and thereby, also, the economic development of communities in countries of origin.

Operational recommendations

Digitalizing the immigration processes

Although it will require investments in the capacity building of national administrations, the digitalization of immigration application procedures can act as an important lever for increased efficiency, higher transparency, and lower processing times of immigration cases. It is recommended that EU Member States either implement or significantly revamp their digital immigration systems so that they are simple, fast and efficient. Ideal digital systems should allow for application filing and processing through an e-government platform and serve as an interface between the authorities, the employer and the foreign talent for status updates, correspondence between the parties, and communication of application outcomes. In the context of low-skilled migration, such efforts must go hand-in-hand with actions towards digital inclusion of migrants.

Filing systems should fully integrate and consider the user-needs of all parties involved in the immigration process – from governmental bodies involved in the handling of files to applicants and employers' themselves. In order to achieve this goal, existing IT programmes may have to be retired or revamped so as to allow for multiple interfaces and a seamless flow of data and information between users, keeping in mind EU GDPR policy and additional national legislations on data protection. Secondly, they should cover all types of permit applications such as work, study, and dependants' applications. Failing that, applicants and employers may have to run parallel processes which can increase the complexity of migration for all parties involved, including the immigration authorities. Ideally, a digital platform also allows filing of subsequent applications building up on a continuous file that integrates foreigners' application processing and status history.

Applicants' data should be digitalized as early as possible in the application process. The applicants themselves can be tasked to create the initial digital data set by using online filing portals which collect data with questionnaires and document uploading functions. Once a data set has been created by the applicant and/or the employer, it is important to ensure all other authorities involved in the process can extrapolate and elaborate further on the data, in full compliance with existing regulations. Similarly, the initiation of application processing by the government should not depend on the possibility of in-person appointments such as visa application interviews so that both costs and delays

are reduced. The processing capability of the authorities is thereby de-coupled from physical appointments, liberating more time for the actual processing of files and declocking of backlogs. Finally, authorities should have access to centralized case data so as to avoid additional or even repetitive information and document requests to the applicant or the employer.

Improving the internal coordination and capacity of migration authorities

In addition to digitized processes, well-trained and responsive immigration and visa officers combined with clearly defined internal decision-making structures make up for efficient and successful immigration systems. It is recommended to develop robust training and refresher programmes targeting immigration authorities involved in immigration case-processing. Such programmes should cover at the very least 1) EU and national legal frameworks and policies on labour migration 2) labour market conditions in host country and employment needs 3) labour rights of highly skilled foreign workers 4) intercultural communication 5) coordination and collaborative skills. Such trainings can help better contextualize the work of immigration officers while also maximizing the quality and speed of services delivered to employers and foreign applicants alike. Building legal and business expertise and appropriate mindset in the consular corps can in turn help achieve lower error rates and therefore more robust and credible systems.

In terms of human resource and cross-country coordination, EU Member States should consider appointing delegations in key third countries (for example in the framework of bilateral agreements), to support exchange and communication between immigration and public institutions in destination and source countries. In addition to that, internal monitoring of case processing and punctual audits would help improve the accountability and transparency of immigration officers in their daily work; including but not limited to identifying cases of bias work, laxism in case processing, deadline infringements or even discriminatory practices. Internal forecasting of visa application and resource planning can also help reduce long waiting times in peak seasons, such as periods leading up to university when student visa applications overcrowd the immigration authorities' caseload.

From a legal perspective, stricter legal provisions around processing and decision-making deadlines can help ensure more predictability for employers and foreign workers, while holding authorities accountable for any delays incurred. Immigration codes can also apply legal fictions of approval if deadlines are not met as well as “deadlines of silence”, meaning that inter-authority requests are to be deemed approved within a certain time span if the other authority has not actively denied the approval. The adoption of legally defined processing deadlines creates more legal certainty and foreseeability for all parties. Such deadlines would help employers predict onboarding of their foreign talents and thereby better plan their business operations.

Facilitating degree and qualification recognition processes

EU Member States are invited to enter structural agreements with third countries to lay out general conditions of degree and qualification recognition for selected educational institutions and specific degrees. Such agreements will reduce the administrative burden associated with lengthy recognition processes and speed international recruitment, while also reducing risks of case rejection. Such agreements are especially useful for international recruitment of regulated professions but can expand beyond them.

Should Member States be unable to enter such agreements, they are encouraged to simplify the bureaucratic demands of degree recognition processes so that they are faster and easier to navigate from the perspective of all parties involved. Linked to the earlier recommendation on digitalization, EU Member States are encouraged to digitize their degree verification processes in a way that is user-friendly and conducive to smoother processing. For

reasons of transparency and to generate more credibility around existing systems, EU Member States are also invited to publish recognition results for particular foreign educational institutions as well as lists of degrees that are repeatedly rejected and those that are consistently recognized. Such public databases can serve as a useful point of reference for both applicants and hiring companies, building more predictability into the immigration outcome of potential foreign talents.

EU Member States are also invited to consider equivalency programmes that offer the opportunity for foreign talents to align their educational standards with those required by the destination country through in-country or virtual training by the country of destination. While such programmes can ensure qualification and degree alignment, and thereby higher success rates in the workplace, they delay the placement of foreign talents in companies facing skilled-shortages and come with additional costs. Such options may be considered as part of a mid-term strategy to fill out vacancies that are expected to face shortages in the EU labour market.

Legislative recommendations

Enshrining social protection and the portability of social rights in national law

In addition to duly transposing the more flexible conditions set out in the recent revision of the EU Blue Card Directive and those established in the Single Permit Directive, EU Member States are encouraged to ensuring that access to social protection and portability of social security rights and benefits of foreign talents and their family members are duly reflected in national legislation. Facilitating the portability of foreign workers' social rights in the context of labour immigration processes is key to improving the income security of foreign workers, reducing inequalities, promoting social inclusion and encouraging the productivity of workers. EU Member States can work closely with social security institutes in origin countries to formulate and effectively implement bilateral and/or multilateral social security agreements so that that hired foreign talents and their families automatically carry over their social rights throughout the labour mobility cycle.

In terms of foreign talents' inclusion in the workplace and society at large, EU Member States are invited to ensure that foreign workers residing in the EU benefit from equal social rights and are protected against discrimination. From a practical perspective, EU member States should hold hiring companies accountable for any abuses or discriminatory practices within the workplace vis-à-vis hired foreign talent. Such measures would not only render EU markets more attractive to foreign talents but would also largely determine the retention rate of workers within companies and their wellbeing in the workplace and society at large.

Guaranteeing ethical recruitment, labour protection and equal treatment of foreign talents

While this recommendation goes slightly beyond the scope of this report which focuses strictly on immigration processing in the context of labour migration, EU Members States are invited to ensure that national legislative and policy frameworks offer ethical recruitment, labour protection and integration guarantees for foreign talents set to live and work in EU Member States. Member States are encouraged to ratify and domesticate all the ILO Conventions on labour migration as appropriate to each Member State and harmonize national laws and regulations with international labour standards. Linked to that, EU Member States are invited to create transparent and accountable labour recruitment and admission systems, based on clear legislative categories and immigration policies that are harmonized with international labour laws around ethical recruitment and protection of foreign workers against any form of abuse.

Country Specific Recommendations

Belgium

Developing further digital filing system

In Belgium, it is possible to file single permit applications and upload supporting documents via the online filing system. Discussions have started between the relevant administrations to expand this online filing system to short-term permits and self-employed work permit applications. While this is a step in the right direction we would recommend including the diplomatic posts and town halls in this online filing system and add a function that notifies employers of updates regarding the permit application status. Employers are required to connect to an inbox, where they receive notifications on the pending applications and must then connect to the online platform to obtain status updates. It is also recommended to expand the online platform for permit renewal processes, which today still require in-person visits to the city hall.

Additionally, the tool should include a communication function to better cover the interaction with the diplomatic posts in light of the visa application step and with the town hall for the in-country registration process. Finally, the type of information exchanged between relevant authorities through this platform could be extended to avoid duplication of information requests. For example, salary information could be automatically shared by labour and social security authorities with the regional authorities to avoid requests for information on immigration salary compliance in the framework of single permit renewal applications.

Setting up fast track schemes

Belgium could consider implementing the recognized sponsorship scheme as it is in place in the Netherlands. This would mean less document-heavy applications as well as faster turnaround of applications for sponsored employers. In this regard, the Flemish authorities have commissioned a study to investigate the system of “recognized referents” (*erkende referenten*), based on the good practice already in place in the Netherlands. Belgium is encouraged to explore such a system across its region to avoid further fragmentation of its labour immigration processes.

Improving the accessibility of immigration information

In Belgium, immigration legislation is not easily accessible. Official websites only offer partial information, and the multi-layered administrative system means that migrants need to knock on many different doors to gather a holistic picture of the immigration process. For instance, each of the regions has its own public employment service with different websites. A centralized website leading to various portals according to the users’ needs would help access information without having to resort to multiple sources. While most of the government immigration information websites are available in English in addition to Dutch and French, interactions with authorities are in most cases only possible in the local regional language.

Lifting restrictions and limitations of the work permits

In Belgium, work permits for newly arrived skilled migrants give only limited access to the labour market. Usually, a work permit is restricted to a specific employment with one specific employer. This restriction is usually upheld for the first four years after arriving in Belgium. It would be advantageous to neither limit work permits to one employer

nor to have a limitation in place for extended amounts of time so as to avoid employer dependency and offer more employment flexibility to migrant workers. It is therefore recommended that work permits be valid for a whole economic sector for the first two years after arrival and to grant unrestricted labour market access following two years of employment, as is already the case for the EU Blue Card. By this measure, the employee's dependence on the employer would be reduced and potential abuse by the employer could be avoided.

Italy

Streamlining the digital filing system

Italy has a hybrid work permit filing system, which runs online and physical filing processes in parallel. The online portal dedicated to application filing is managed by the Italian Ministry of Interior. It only caters to a select few permit categories which cover the majority of the regular immigration options. For other work permit categories, applications have to be filed with other immigration authorities such as police officers, via email exchange. Although the existing immigration portal disposes of features to provide status updates on all types of permit application, the system is not entirely digitalised for the application procedures themselves. In addition to recommending the streamlining of all processes in the portal, the Italian government can consider building-in automatic D-visa appointment booking upon issuance of the work permit. Currently, applicants need to request an appointment themselves and long waiting times is possible due to the workload of the consular posts. The immigration portal being currently only available in Italian, it is also recommended to commission a translation into at least English to render the portal more accessible to foreign workers planning to work for an English-speaking company.

Facilitating the EU Blue Card Application process / Degree recognition process

The main permit for skilled migrants with a local employment contract in Italy is the EU Blue Card. To apply for an EU Blue Card, it is necessary to obtain a *Declaration of Value* of the workers' university degree. The diploma needs to be certified by the country of origin and validated by the relevant Italian consular post. As such, the Declaration of Value application usually takes up to six months, and the processing times can vary. Discretion is applied widely to the consulate posts in regard to application processing, including requirements and timelines. To overcome some of the bureaucratic obstacles faced, it is recommended that Italy foster bilateral agreements with the countries of origin establishing harmonized processes on the recognition of selected educational institutions and diplomas. This can help reduce the administrative burden and the risk of denial in individual immigration cases. It is also recommended that the recognition process be structured more transparently through detailed processing guidelines for consular officers and increased oversight by the Ministry of Foreign Affairs. The Italian authorities in charge of degree recognition are also encouraged to render publicly available the results of individual recognition approvals regarding educational institutions and specific degrees via public database. This would increase transparency around the process and better manage expectations around possible outcomes.

Optimizing processing times and parties involved

The Italian immigration system is complex and difficult to navigate for employers and foreign workers' alike. Despite the existence of a digital filing portal, the government processing times for work permit applications can be very lengthy though they may vary from region to region. In the Italian immigration process, various governmental bodies are involved at different stages of the cycle. After initial online filing a case first goes to the local immigration office before it is forwarded to the labour office. The immigration office only reviews the documents. It is recommended that the labour offices takes charge of the file directly after the initiation of a case through the portal, thereby

cancelling one step within the lengthen process. Finally, the introduction and enforcement of legally defined maximum processing times would help increase the effectiveness, efficiency, and predictability of the immigration process.

Granting access to the Fast-Track System

In Italy a fast-track system is available under the EU Blue Card and the EU ICT permit schemes. Despite the manifold benefits brought by such a scheme, the enrolment process can be lengthy and burdensome, taking up to several months. It is recommended that the barriers of the fast-track system are lowered. More transparency of requirements for enrolment as well as less paperwork for the enrolment application will help increase the utility of the system. Finally, legally defined maximum processing times will help increase the attractiveness of the fast-track scheme.

Reforming the “Decreto Flussi”

The current legal framework governing the annual quota system under the “Flows Decree” features a number of important shortcomings; including a) unpredictability on the date of decree release and quota figures; b) a limited window of time for companies to communicate their intention of hiring non-EU staff; and c) limited scope in terms of sectors and types of workers. To maximize the utility of such a scheme, it is recommended to redesign annual programming into multi-annual programmes for more predictability. It is also recommended to expand the scope of sectors and professions targeted by the programme so as to better reflect the real needs of the labour market and of the private sector. Finally, it is also recommended to create lists of potential candidates by the Public Employment Services in the countries of origin, from which companies and professional associations in Italy could draw and request a certain number of workers.

Luxembourg

Digitalizing filing systems

Non-digitalization of application procedures in Luxembourg increases the processing times and the bureaucratic burden of hiring foreign talents both for employers and for the immigration authorities. Although the government of Luxembourg has confirmed its objective to transition into online filing, there are to date no concrete projects to that end. It is recommended that Luxembourg implement a fully integrated online filing system which covers all aspects of the principal and dependant’s application steps, for work permit, visa, and residency permit applications, including for extensions and renewals. Physical documentations should ideally only be required once in the process. The system should give access both to applicants and employers and allow for transparent status updates to be retrieved from the system as well as for communication lines with government officials.

Optimizing processing times – and Developing Fast-Track System

Luxembourg does not have a fast-track process in place for immigration applications. However, the procedure has been simplified and the level of proof required for documents has been lowered. The submission of original or notarized versions of some documents is no longer required, which facilitates the process. Work permit applications are processed through the regular application system and are paper based, no matter the urgency of the hiring process. Having said that, fast-track options can help employers plan their international recruitment more reliably when they come not only with shorter but also more uniform processing times. It is recommended that a fast-track application programme is implemented in Luxembourg. At the same time, it may be helpful to dedicate independent

human and financial resources within the Immigration Directorate of the Ministry of Foreign and European Affairs to run such a scheme.

Granting access to the Labour market to the dependents

In Luxembourg, family members of migrants still face restrictions on their access to the labour market. Family members are not granted work authorisation based on their dependent status. To obtain work authorization, they must change status from a dependent to an independent work authorization permit holder. This can take up to two months which means that dependants have a disadvantage compared to other job seekers on the labour market. It is recommended that family members be given access to the labour market as part of the dependent status from the moment the principal work permit holder of the family received the first permit. This will allow better integration into the labour market and thus, into society. The government of Luxembourg is currently reviewing the rights to work for dependants of salaried workers and entrepreneurs. A change in legislation is expected to be implemented by the end of 2023.

The Netherlands

Digital filing system: Improving the biometric submission system

Although the Netherlands already disposes of an electronic filing system which covers the most relevant immigration categories for highly skilled workers, the system could be improved by expanding it to all types of work permit types, including the EU Blue Card. The system currently lacks editing and 'application saving' features which would render the online submission process more user-friendly. The current system also lacks a communication or support centre tool to facilitate interactions between civil servants and applicants, be it employers or foreign workers.

Streamlining the EU Blue Card application process and the degree recognition process

In order to obtain an EU Blue Card for the Netherlands, diploma accreditation is required. It is recommended that no accreditation be required for employers who are recognized sponsors, as it can be expected for trusted sponsors to perform sufficient reviews before a recruitment decision is made. It may also be helpful to consider giving general recognition to a number of higher educational institutions which are known to uphold Dutch educational standards well as exempting certain trusted diplomas from accreditation.

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HIRING AFRICAN TALENTS

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