

**Migration Policies and Trends:
International Comparisons**

FINAL REPORT TO THE HOME OFFICE

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Introduction

This report is in three parts. Part one presents a summary of migration trends and policy developments in each of the nine countries studied: Australia, Austria, Canada, France, Germany, Italy, Netherlands, Norway and the USA.

Part two presents an overall statistical review, including a summary of the main routes of entry in each country for 2002. It concludes with a discussion of charging by governments for immigration services.

Part three presents information for each country for each route of entry (labour, family, students and asylum).

The Annex contains first drafts of tables showing trends by route of entry, together with figures illustrating proportions of foreign national and foreign-born populations.

PART ONE – COUNTRY SUMMARIES

1. AUSTRALIA

1.1 Trends in migration

1.1.1 Stock of foreign population

The 2001 census revealed that about 23 per cent of the Australian population were born overseas, around a third of them in north-west Europe (mainly the British Isles).

1.1.2 Migration flows

The 2002-3 Migration Programme was delivered near the top of the announced planning range of 100-110,000 and with continued emphasis on skilled migration. The programme was the largest in over a decade and the most highly skilled ever. A total of 108,100 persons were granted visas (15,000 more than the year before), with 40,800 in the family stream (7 per cent higher than the year before) and 66,100 (23 per cent higher than the year before) in the skill stream (including 6,700 in the Business Skills category) and 1,200 in the Special Eligibility stream. The current annual planned range is the basis of a multi-year planning strategy beginning in 2002-3 which, barring exceptional circumstances, will be maintained through 2005-6. A feature of the Australian permanent entry programme is the issue of visas (27,000 since 1996-7) under the State-specific and regional migration mechanisms, designed to encourage migrants to settle away from the main metropolitan centres. In 1997-8, 1,800 visas were issued, rising steadily to 7,900 in 2002-3.

In addition, 162,600 student visas were issued and there were 145,100 temporary entrants in the employment stream. Some 12,500 humanitarian visas were granted.

1.1.3 Irregular migrants

The government actively attempts to prevent the arrival of irregular migrants and most of those in Australia are overstayers. In 2002-3 21,500 foreign citizens were located who had overstayed their visas or were in breach of their visa conditions.

1.2 Policy developments

Australia has the most complex, coherent and best monitored immigration programme in the world, for both permanent and temporary movements. Each permanent scheme has an annual numerical quota which is normally achieved. Possibilities exist for movement between a temporary position and a permanent visa (for example, foreign students who settle in the country).

During the 1990s the government took steps to increase the skill content of the migration stream. Recently, it has implemented a number of enhancements to the initiatives designed to attract a higher number of skilled and business migrants to regional Australia. These include temporary residence concessions for regional Australia, changes to the general skilled migration category to encourage foreign students to settle in regional Australia and measures to encourage those with business skills to settle there.

Australia has various programmes to assist in the integration of migrants and refugees, including a National Integrated Settlement Strategy. In late 2002 the government conducted a

review of the effectiveness and accessibility of settlement services for new settlers, especially humanitarian ones.

Important information is derived from the Longitudinal Survey of Immigrants to Australia, begun in 1994. Comparisons of 1993-4 and 1999-2000 arrival cohorts show that the greater emphasis on increasing the skill level of entry has resulted in the later cohort having higher levels of employment, lower levels of unemployment, better housing and more satisfaction with life in Australia.

2. AUSTRIA

2.1 Trends in migration

Foreigners may enter Austria either as temporary or permanent residents. A relatively small number of the annual inflow of settlers and temporary residents is regulated by quotas. Net immigration of foreigners increased steeply at the end of the 1980s and in the early 1990s, slowed down in the middle of the decade but has risen continuously since 1997. 1998 marked the beginning of a new rise in the inflow of foreigners. In the first half of 2003, some 43,000 resident permits were issued to citizens of third countries for the first time, only 8.8 per cent of them on the basis of a quota regulation by the Federal Ministry of the Interior; 64 per cent of all resident permits were granted for a temporary stay. Around 13,500 residence permits were given on the basis of family reunion. In 2002 the total number of initial work permits issued was 49,500, slightly down on 2001, but well above the two years before that. This figure includes both first entry and re-entry over the year; during the year as a whole 24,900 first entry permits were issued to foreign nationals.

Since the mid-1980s the number of asylum seekers has fluctuated, peaking in 1991 (27,306), falling in the mid-1990s before rising sharply from 1997 to reach a high of 36,983 in 2002, falling to 32,364 in December 2003. The recent rise was because of events in the Balkans, the Middle East and Afghanistan. In 2002, almost half originated in Europe (mainly Turkey and former-Yugoslavia) and 43 per cent from Asia, mainly Iraq and Afghanistan. In the first part of 2003 the average acceptance rate for asylum claims was 24 per cent.

2.1.1 Irregular migrants

In 2002, the number of actions against migrants, mostly at the border, was 75,300, slightly down on the year before. These actions were taken for a range of reasons, including rejections as a result of information received, lack of papers or financial means, expectation of clandestine work. The number of expulsions and withdrawals of the right of residence due to limited means, clandestine work and unemployability continues to rise, from 4,800 in 1997 to 8,400 in 2002. A large majority of apprehended foreigners entered as tourists then engaged in clandestine work. The number of persons apprehended for human trafficking has fallen substantially over the last couple of years and was only about 100 in the first half of 2003.

2.2 Policy developments

Two main pieces of legislation were implemented in 2002 and 2003. The amended legislation on migration, which came into effect in 2003, gives long term settlers more rights by granting them a settlement certificate (Niederlassungsnachweis) which has all the attributes of the American Green Card. Foreign settlers and their families thus have a right to work without

having to apply for a work permit. In the first half of 2003 alone, 27,700 such certificates were issued.

In mid-2002, the Alien Law was amended. It introduced the possibility for industries with labour scarcities to employ a foreigner on the basis of a temporary employment contract. This amendment paves the way for the eventual integration of citizens from the accession countries to the EU after May 2004. The amendment also allows foreign students to take up employment as part-time workers to help cover their living expenses. The amendment is not expected to raise the labour supply of migrant students but to legalise their current clandestine work.

3. CANADA

3.1 Trends in migration

3.1.1 Permanent immigration

Immigrants form an increasing proportion of the country's population, reaching 5.4 million in 2001 and accounting for the highest recorded share (18.4 per cent) since 1931. Immigrant landings accounted for 20 per cent of labour force growth between 1991 and 2001, adding not far short of a million people to the workforce. Their employment levels have been rising, as have their skill levels.

Over the past decade, annual immigration to Canada (including resettled refugees and successful asylum seekers) has ranged between 175,000 and 255,000, but averaged around 225,000. In 2002, Canada admitted 229,100 permanent residents, 60 per cent of whom were economic immigrants, 28 per cent in the family class and 11 per cent refugees. The overall flow was 8.5 per cent down on the year before, with a notable decline in the economic category.

3.1.2 Asylum seekers and refugees

Between 2001 and 2002, the number of refugees receiving permanent resident status fell by 10 per cent to 25,100. Almost 30 per cent of them were government assisted refugees, 12 per cent were privately sponsored, 42 per cent were refugees landed in Canada (successful asylum seekers) and 16 per cent were dependants of refugees landed in Canada. Government assisted refugees as well as those in the privately sponsored category decreased by 14 per cent over the previous year. In 2002, the humanitarian flow included 24,300 adults who entered Canada and claimed refugee status, down 28 per cent from 2001.

3.1.3 Temporary residents

The temporary immigration category includes foreign workers, foreign students and refugee claimants whose final status in Canada is not yet determined. Through the past decade, temporary flows into Canada have been rising, more than 35 per cent since 1992. In 2002, Canada admitted 264,000 temporary residents, 33 per cent of whom were foreign workers, 26 per cent foreign students, 12 per cent humanitarian and 29 per cent others (including visitors).

3.1.4 Irregular migration

In Canada, estimates of the number of illegal migrants range from 200-300,000, although in reality the number is unknown. There is little evidence of who they are, although the probability is that most are legal entrants who went out of status.

3.2 Policy developments

3.2.1 The Immigration and Refugee Protection Act (IRPA)

IRPA marks the first major overhaul of the immigration and refugee system in 25 years and brings in new rules for dealing with applications. It has clarified the family class selection criteria and made them responsive to current social realities, including expanding the definition of family, decreasing the length of sponsorship responsibilities and improving collection mechanisms in cases of sponsorship default.

The Act has also affected the selection criteria for skilled workers, moving the selection focus from specific job skills to human capital more broadly (including language and educational skills). Under IRPA, Citizenship and Immigration Canada (CIC) implemented new business immigrant selection standards for immigrant investors, entrepreneurs and self-employed persons. The temporary worker programme was also amended by IRPA. Previously an employer had to show that there were no Canadians available to fill the job. The new regulations require only that the temporary workers have neutral or positive effects on the labour market. Similarly, the requirement that employers advertise in Canada for a set period before making a job offer was eliminated. These changes make it easier for Canadian employers to get the labour they need when they need it.

During 2002-3 pilot programmes were created to attract more foreign students to Canada. Under IRPA, the requirement for study permits for students in programmes for less than six months was removed. CIC and the provinces are considering options to encourage foreign students to remain in Canada after their studies are completed.

CIC is developing strategies to facilitate the more efficient identification and selection of overseas refugees to be resettled in Canada. Under IRPA, all refugee applications for resettlement must be accompanied by a referral from one of three sources: UNHCR, a private sponsor or another organisation.

4. FRANCE

4.1 Trends in migration

4.1.1 Stock of foreign population

The 1999 census put the number of foreign residents in France at 3.26 million, 5.6 per cent of the total population.

4.1.2 Flows of migrants

Immigration flows to France continue to grow rapidly. In 2001, total permanent immigration entries stood at over 128,100 and at 141,000 after making statistical adjustments to take into account all entries by EEA nationals. Some 33,500 EEA nationals came to settle in France in 2001, with entries of third country nationals at 107,500, 16 per cent up on the previous year.

Entries of family members accounted for 70 per cent of inflows from third countries but only about a third of those from EEA countries. After a relative levelling off in 1999 and 2000, the family category rose again, by roughly 10 per cent between 2000 and 2001. In 2001, there were some 22,700 wage earners and self-employed (60 per cent of whom came from EEA countries) coming as permanent immigrants and a further 9,600 who obtained a temporary

work permit. Numbers of students have also risen rapidly, from 23,500 in 1998 to 40,000 in 2001.

4.1.3 Refugees and asylum seekers

A distinction is made in France between ‘convention’ (Geneva) applications and ‘territorial’ applications (deserving of protection but not full status). In 2001, there were 47,300 of the former and the number continued to rise in 2002; the figure for the latter group was 31,200, more than double the year before. These figures should not be summed because an indeterminate number of persons apply for both types of protection, although a low estimate is that 25,000 applications should be added to the convention figure.

4.1.4 Irregular migration

A recent report by the Ministry of the Interior has estimated that 300,000 foreigners are living in France in an irregular situation. There is a distinction in France between those who enter and stay illegally and those who enter legally then change status and become illegal. France does not have accurate statistics on the scale of irregular migration but, using diverse sources (which themselves use different approaches in the collection of data), it is possible to obtain some idea of orders of magnitude. Thus, in 2001 some 38,500 people were refused entry at the French frontier; another 37,500 were apprehended while living illegally in France. In addition, the Ministry of Interior publishes the number of foreigners registered in its data file of people banned from the national territory or being the object of an escorted trip back to the border, perhaps after an identity check (although many of the latter will not actually be escorted to the border because their home addresses are not known): in 2002, 47,700 were listed in this way, among whom were some asylum seekers whose claims had been refused, though it is not known how many of them remain in France illegally.

4.2 Policy developments

In 2003 there were two new Acts. The Aliens Act (October 2003) prolongs the length of detention for an alien without a residence permit from 12 to 32 days before final repatriation. It gives new powers to local mayors to check the certificates of accommodation of foreigners. It also entitles the Prefects to carry out extra medical checks on foreigners (applied strictly, especially to Africans). The Asylum Law (November 2003) makes it more difficult for third country nationals to obtain refugee status or even to enter the asylum procedure. It introduces an asylum procedure designed to last no more than two months instead of the present two years. Territorial asylum has been replaced by ‘Subsidiary Protection’, offered to non-convention refugees. This form of protection offers fewer rights than to convention refugees but it does entitle them to a residence permit valid for a year and this is renewable. It can be withdrawn.

During 2002 France made a series of bilateral agreements with Tunisia, Algeria, Australia, Hungary, Senegal and Morocco for labour migration, mostly relating to young professionals.

5. GERMANY

5.1 Trends in migration

5.1.1 Stock of foreign population

A total of 7.36 million foreign nationals were living in Germany at the end of 2002, an increase of 37,000 on the year before. Over the last decade the number has grown from 6.5

million in 1992 and they now account for 8.9 per cent of the national population (8 per cent in 1992). Around 1.86 million of the total foreign population were nationals of other EU states.

Migration flows of foreigners to Germany have grown steadily since the mid-1980s, peaking in 1992 (when the net migration gain was almost 600,000) and reaching 658,000 in 2002. After two years with a negative migration balance in 1997 and 1998 (mainly the result of the return home of many from former Yugoslavia who had sought temporary protection), net immigration of foreigners again became positive after 1999. In 2002 the net gain was 153,000. A breakdown of flows by routes of entry is not readily available, although there are stock data on work permits and student numbers.

5.1.2 Refugees and asylum

At the end of 2001, an estimated 1.1 million refugees and asylum seekers were resident in Germany. The number of asylum seekers has declined almost continuously since restrictions were imposed in 1993, falling to 71,000 in 2002.

5.1.3 Irregular migration

Available data relate only to those arrested at the border. The figure was 28,600 in 2001, about 9 per cent down on 2000, and in 2002 fell further to 22,600 (down by a fifth). The fall reflects more rigorous checks in neighbouring states, particularly a tightening of Czech asylum law in 2002. As a result, the routes used by traffickers and smugglers have changed. A further reason for the reduction is that Bulgarian (since April 2001) and Romanian (since January 2002) nationals are now allowed to enter Germany for three months without a visa.

5.2 Policy developments

Structural economic change and the demographic development of the German population has led to an increased demand for highly qualified workers and specialists on the German labour market and it is accepted that the country will need young and well-qualified migrants in order to remain internationally competitive. In 2000 the Independent Commission on Migration to Germany was set up to examine the subject in detail. Its report, “Structuring Immigration – Fostering Integration”, was published in July 2001. Its central message was “Germany needs immigrants”. An Immigration Act was passed and went through Parliament before being halted on a technicality at the end of 2002 and was then put forward again in 2003 as the Act to Control and Restrict Immigration and to Regulate the Residence and Integration of EU citizens and Foreigners (Immigration Act). It is hoped to put the bill on the upper house agenda in 2004.

The emphasis in the new Act will be on making it easier to admit skilled immigrants to the German labour market as the needs arise, by evaluating the purpose of the proposed immigration (employment, students, asylum, family reunion). The proposed legislation will put in place a new legal framework which will provide flexibility in shaping the labour market of the future to support and promote Germany’s economic development and growth. The new procedures for granting residence and work permits, allowing family reunion and dealing with asylum are modelled on the recommendations and agreements adopted by the EU Council JHA Ministers, especially under the German presidency.

As the legislation stands, the 1973 ban on recruitment of labour remains in place except for skilled ICT personnel. The Green Card programme (introduced August 2000) has been

extended to 2004, although the original quota (20,000) has been dropped. The German experience, based on its Green Card programme, is that numerical targets do not work and are not flexible enough. The big difficulty is to establish how large a quota or limit should be. Employers asked for a quota of 60,000 ICT workers; the government set up a target of 20,000 for the first year. But after three years only 15,000 ICT specialists had taken up the scheme. The reasons for the low take-up are uncertain, but are probably a combination of declining demand in the sector, language difficulties and the unattractiveness of Germany. Despite this experience, Germany intends to introduce a quota system into its new aliens act, but over a period of at least ten years, the long time period being a consequence of continuing high unemployment.

6. ITALY

6.1 Trends in migration

Historically, the number of foreigners in Italy has been monitored using data on residence permits issued by the local police. These numbers are generally higher than the number of foreigners enrolled on the municipal registers of all Italian residents. Periodic changes in the residence permit system make for changes in the recorded number which do not always reflect change in flows. Hence, the fall in numbers of legally resident foreigners recorded in 2001 resulted from an internal review of the Ministry of Interior's database, eliminating expired permits. In 2002 the system showed a sharp increase in the number of legally resident foreigners to 1.5 million, up by 150,000 from the previous year, which matches all other evidence of an increasing foreign population in Italy. Many experts consider the figure of 1.5 million too low and that up to another 310,000 should be added.

The data suggest that all major foreign populations in Italy are growing. The number of immigrants entering Italy and receiving permits has been increasing over the past four years and in 2002 the increase was 60 per cent over the previous year, reaching a record total of 388,100 (111,000 in 1998). Of these, two-thirds were due to entry for work (139,100 or 36 per cent) and family (112,900 or 29 per cent). The main development in 2002 was the sharp rise in immigration from Romania, with 50,200 new permit holders.

6.1.1 Refugees and asylum seekers

Italy remains a minor destination for asylum seekers. In December 2002 there were 6,300 foreigners in Italy who had been granted asylum and 10,400 held valid permits while awaiting a decision on their status. However, Italy is one of the main access points to Europe and receives large numbers of asylum seekers who hope to reach another destination.

6.1.2 Irregular migrants

Figures for the scale of irregular migration contradict each other: for example, 150,000 illegal migrants were identified in 2002 but there were 700,000 requests for regularisation. Ability to blend in is also significant, with irregular migrants from Central and Eastern European countries going unnoticed because they are "not visible". The Italian SOPEMI Correspondent suggests that it is hazardous to conclude on any particular estimate. Some 88,500 undocumented foreigners were found on Italian territory and expelled in 2002 and another 53,100 were ordered to leave the country on their own (though many did not). In addition, in 2002 23,700 undocumented migrants were intercepted along southern Italian coastal regions, up from 20,100 in 2001 but well down on the 50,000 of 1999. The first seven months of 2003 produced only 8,000 so the downward trend would seem to be continuing.

6.2 Policy developments

6.2.1 Legislative developments

In 2002 the government passed the “Bossi-Fini” Law, designed principally to tighten up on illegal migration. It made changes to the sponsor system and transformed the residence permit into a contract to a foreigner’s work situation and employment contract. The system for admitting seasonal workers was modified. Major change were also made to the asylum request process. Overall, the new law, which has yet to be fully applied, tightens conditions for entry and renewal of residence permits and adds new layers of bureaucracy. In the view of the SOPEMI Correspondent “It sends a strong message of rejection of immigration as a structural phenomenon and institutionalises the hope that foreign workers will return to their countries”.

6.2.2 Quota system

Italy is one of the few European countries to operate a quota system for foreign workers, introduced in 1998. It is structured into four groups (employed; self-employed; special professional categories; seasonal workers). National quotas are largely a political decision and are subdivided into regional ones and then provinces. The regional distribution of the quota is based on the recommendation of the labour ministry after consultations with employers. At the national and then provincial level (104 provinces) quotas are subdivided by nationality. National quotas tend to be politically fixed, with more going to those countries perceived to be trying to restrict irregular migration to Italy: although this is never formally stated, the message is “first negotiate a readmission agreement then get a quota”.

The quotas are established as follows. First, the employer requests a named foreign worker, who will usually be undocumented and already in Italy. The employment office authorises the worker, a visa is issued, the foreign worker arrives and is issued a work permit. Overall, the aim is to balance unemployment with employer requirements so occupational categories are important and may change: for example, the nurses quota was removed and their numbers are now unlimited, while that for ICT workers was increased but not filled.

The success of the Italian quota system is at best mixed. It has not limited irregular migration and its supporters are few (they include the security services). Both employers and regional authorities are unhappy because they want more foreign workers. Furthermore, the system is dysfunctional because the quotas are published too late and many employers have already recruited the (irregular) workers they require. Despite these disadvantages, the system is likely to continue because there is no agreement on how to replace it or with what.

7. NETHERLANDS

7.1 Trends in migration

7.1.1 Immigration flows

Since the mid-1980s, immigration has grown in both numbers and diversity. The peak of immigration was in 2000 and 2001, when more than 130,000 immigrants arrived in the country, but in 2002 the number fell by almost 10 per cent. Some 28.6 per cent of immigrants are Dutch nationals, coming or returning to the Netherlands, a large proportion of them from the Dutch Caribbean islands, Netherlands Antilles and Aruba. The immigration surplus of non-nationals grew from around 20,000 per year in the early 1980s to 70,000 in 2001, but in

2002 the first decline for many years occurred, to 65,500. The main reason for this fall was the decline in the number of asylum seekers.

The definition of non-Dutch population used makes a considerable difference to the numbers of foreign stock. Based on nationality, the number of non-Dutch residents in 2002 was 700,000 persons, 4.3 per cent of the total population in the country. Based on ethnic origin, and including both first and second generation ('allochtonous'), the figure is almost 3 million (19 per cent). The number of allochtonous persons has been increasing rapidly, from 2.5 million in 1995 to more than 3 million in 2002, a rise of 20 per cent. In comparison, the Dutch population as a whole grew by only 5 per cent during this period.

7.1.2 Asylum seekers and refugees

The number of asylum seekers has declined, from 32,000 in 2001 to 19,000 in 2002, a consequence largely of the government's restrictive asylum policy. In 2002, almost all countries of origin exhibited a large absolute decrease in asylum claims compared to earlier years. The number of claims accepted has also fallen, from 17,000 in 1997 to 4,800 in 2002. Decreases were greatest in numbers granted full asylum, whereas acceptances with a humanitarian status fell much less.

7.1.3 Irregular migrants

In the Netherlands the capture-recapture method has been used to produce an estimate of 120-160,000 irregular migrants (excluding people from Central and Eastern European countries), equivalent to 8-10 per cent of the total recorded foreign population. Between 1997 and 2000 the Dutch police apprehended a total of 47,000 illegal immigrants, 11,300 of them in 2000. The number of expelled asylum seekers has fluctuated since 1997, the figure for 2002 (21,255) being the highest during the period. The proportion of compulsory removals has decreased since 1999.

7.2 Policy developments

For some time, the Dutch government has tried to limit immigration to the Netherlands. The legislative basis of the Dutch policy regime is the Dutch Aliens Act, passed in 2000 and implemented a year later. The basic principles and regulations of the Act cover asylum, family and labour migration and also matters of integration.

In autumn 2003, the government proposed several changes to asylum policy. In order to limit influxes of asylum seekers, the government is in discussion with the EU and UNHCR to provide better reception and protection of refugees in areas of origin.

The Aliens Act introduced a number of measures aimed at limiting family reunification. Since then the government has committed itself to further tightening the conditions for migration for family reunification and family formation. Measures include raising the minimum age for marital migration, increasing the income requirement and insisting on a knowledge of the Dutch language and society before entry.

8. NORWAY

8.1 Trends in migration

8.1.1 Total flows

The total foreign inflow to Norway in 2002 was 30,800 (77 per cent of all immigration). The overall inflow rose 17 per cent from 2001. The outflow of foreigners was 12,300 (53 per cent of all emigrants) and the overall net inflow of foreign citizens in 2002 was thus 18,500, about 8,300 more than the year before. By 2003, immigrants in Norway were 7.3 per cent of the total population. About three-quarters of these were born abroad with two foreign-born parents and a quarter were born in Norway with two foreign-born parents. Overall, about half a million people, 11 per cent of the population, have some kind of immigration-related background.

8.1.2 Asylum seekers

The period since the late 1990s has seen the number of asylum seekers in Norway increasing rapidly, 2002 being a peak year with almost 17,500 arrivals. This increase has stretched administrative resources so that the government is taking measures to reduce the number of those who are not in need of protection.

8.2 Policy developments

Several new pieces of legislation are in the pipeline. The government has established a legal committee which is to present a proposal for a new immigration Act by mid-2004; an amendment of the definition of refugees in the existing Immigration Act is in progress; and a new act on citizenship is being drafted and should be forwarded to Parliament in the spring of 2004.

8.2.1 Asylum

In Norway the two aims of asylum policy are to give protection to those needing it and to help refugees to settle as soon as their essential needs have been met. However, the big issue today is how to deal with those who are not in need of protection and who threaten to undermine the asylum and refugee system.

Presently, less than 30 per cent of asylum seekers are given leave to remain in Norway; of those that are, very few are granted full asylum, most are given humanitarian status. In 2001 and 2002 a suite of measures was introduced to deal with unfounded applications, including new types of reception centres, withdrawal of pocket money from those rejected, changes in the rules of family reunification and cessation of lessons in Norwegian for asylum seekers.

The government now feels that the decisions of many asylum seekers to come to Norway are based on incorrect information about the possibility of getting a permit to stay in the country. During 2002 and 2003, it mounted an information campaign through its embassies and consulates to set out the conditions of immigration to Norway. In September 2003 a new information campaign was introduced, whereby upon arrival in the country asylum seekers get information about the processing, rights and duties, possibilities of having their application accepted and possible return to the home country. Further measures were implemented at the beginning of 2004. A fast track (48 hours) procedure for asylum seekers from safe countries was introduced. For those rejected, accommodation in reception centres is no longer available, although this does not apply to families with children. Cash payments are no longer made for

those in reception centres during the first period of their stay in Norway. There is also an increased focus on the voluntary return of rejected asylum seekers, in co-operation with the International Organisation for Migration.

8.2.2 Irregular migration

In order to combat illegal migration, amendments to the Immigration Act were made effective in July 2003. Maximum penalties for smugglers and traffickers were raised and it became a criminal act to provide to any other person a passport or travel document where this might be used for an illegal entry to Norway or any other state.

9. USA

9.1 Trends in migration

9.1.1 Permanent immigrant flows

The foreign-born population grew from 9.6 million in 1970 (5 per cent of the total population) to 32.5 million in 2002 (11 per cent). The number of foreign nationals granted lawful permanent resident status in fiscal year 2002 was 1.06 million, almost the same number as the previous year and both representing a rise of over 25 per cent on the figure for 2000. Changes in immigration levels do not necessarily represent changes in demand to immigrate to the US but are more likely to be an artefact of administrative and legislative procedures. Almost two-thirds of immigration (673,000) was family reunification. Employment-based immigration in 2002 was 175,000, 16.4 per cent of all immigration, although over half of this was accounted for by dependants of employment preference principals. Overall, employment-based immigration was up by 93 per cent on 1997, compared with a 33 per cent increase in total immigration.

9.1.2 Refugees and asylum seekers

The maximum number of refugee admissions and the individual regional ceilings are set annually. In 2002 and 2003 the ceiling was set at 70,000 but refugee admissions were 27,000 and 28,000 respectively, well down on figures for previous years. Asylum seeker (these are people who claim asylum when already in the US or at ports of entry) claims filed in the year October 2002-September 2003 totalled 43,300, joining a backlog of 304,000. The number of new claims filed was well down on the previous two years (58,000 and 57,000) but up on each of the three years 1998-2000.

9.1.3 Non-immigrant flows

Nearly 28 million temporary non-immigrants admissions were registered in 2002, around 24 million of them for purposes of business or pleasure and 1.41 million were temporary workers (a 4 per cent increase on 2000). The two major temporary worker categories are specialty professionals (H1-B) and intra-company transfers, with 370,000 and 314,000 entries respectively. However, these statistics include multiple entries by the same person over time. The US currently has over 60 categories of non-immigrant admission, most of which are not numerically restricted.

9.1.4 Irregular migrants

Estimates based on the 2000 census indicate an unauthorised immigrant population of 7 million, higher than previous estimates and representing 2.5 per cent of the total US population. Mexico continues to be the largest source, with around 4.8 million; its share of

the total unauthorised population has risen from 58 per cent in 1990 to 69 per cent in 2000. An estimated 33 per cent of the unauthorised population consists of visa overstayers.

9.2 Policy developments

The US sets "numerical limits" on many of the categories for permanent immigration, in contrast, Canada and Australia set "targets."

With respect to permanent immigration, the United States has set four broad policy goals at the outset: (1) *family*-sponsored which includes immediate relatives of US citizens and family sponsored preferences, i.e., more distant relatives; (2) *employment*-based preferences; (3) *refugees and asylees*; and (4) *diversity*. The preference numerical limits are changed very rarely in law, the last time was in 1990, before that 1965.

Only one category in the United States – immediate relatives of U.S. citizens – has no direct numerical limit. Thus, theoretically, there should be predictability in flows because the only fluctuation would be with immediate relatives of U.S. citizens, but processing and backlog problems mean that this is not the case. Although there is no stated limit on numbers of asylum seekers allowed to stay, there is one on how many can get permanent settlement. The limits on refugee numbers are changed from time to time.

Demand for visas exceeds supply, so since there are numerical limits on family-sponsored and employment-based preferences, there are queues of millions of people who are already eligible but have to wait till an "immigrant number" (slot) is available. The only category where there are annual or periodic changes is the temporary (6-year) H-1B category for people with a baccalaureate degree. Numerical limits act as a crude protection for the national labour force if other checks, such as promises to pay the prevailing wage, do not work. But even with this category, setting numerical limits is so controversial that the limit has just been reduced and Congress has not talked about setting a new limit.

Recent policy developments have been dominated by implementation of the Department of Homeland Security (DHS) and related initiatives. In March 2003, the functions of the Immigration and Naturalisation Service were transferred to the DHS and the INS was formally abolished. The DHS has five major Directorates, two of which cover immigration functions. The largest Directorate is Border and Transportation Security (BTS), within which there are two immigration agencies: the Immigration and Customs Enforcement which focuses on interior enforcement activities and Customs and Border Protection which includes the border patrol and inspections at ports of entry.

PART TWO – FLOW PATTERNS AND CHARGES

1. IMMIGRATION FLOWS BY MAIN ROUTES OF ENTRY

1.1 Problems with the data

Table 1 summarises the situation for the nine countries, together with the UK. Statistics relate to 2002 unless otherwise specified. Since the nature of the data source varies by country, direct comparison is not possible and the figures should be regarded only as indicative of the relative size of flows into the countries. Furthermore, the individual routes of entry do not necessarily add up to the flow total. This is because sometimes the data come from different administrative sources while the aggregate flow is derived from a national statistical source (such as a population register or, in the UK case, the IPS) and other routes of entry not listed here also contribute to the total.

Table 1 – Immigration Flows to Study Countries, 2002 unless otherwise stated (thousands)

	Total	Employment	Family Reunion	Students	Asylum Applications
Austria (1)	77.4	24.9	27.0	4.5	39.4
France (2)	141.0	32.3	45.4	40.0	51.1
Germany	658.3	-	-	-	71.1
Italy (3)	388.1	139.1	112.9	-	7.3
Netherlands	86.6	26.2	35.4	9.3	18.7
Norway	30.8	26.7	9.4	-	17.5
Australia (4)	108.1	66.1	40.8	162.6	5.8
		<i>145.1</i>			
Canada (4)	229.1	136.5	65.3	68.8	33.4
		<i>187.9</i>			
United States (4)	1063.7	175.0	673.0	638.0	81.8
		<i>1144.0</i>			
United Kingdom (5)	266.2	151.3	33.5	81.4	103.1
		<i>247.0</i>		<i>369.0</i>	

Sources: National sources, except asylum applications data from the UNHCR.

Notes:

1. All figures except asylum applications refer to 2003.
2. All figures except asylum applications refer to 2001.
Employment includes provisional work permits.
3. All figures except asylum applications include irregular migrants who have been regularised.
4. Employment figures in italics refer to temporary work visas.
5. All figures except asylum applications refer to 2001.
Figures in italics include those entering the UK for less than 12 months.

In this table, we have used UNHCR data on asylum for the sake of consistency. However, statistics on asylum published in several countries are different from those presented by UNHCR, usually because they refer to different phases in the asylum determination process. In the country summaries, data from the relevant ministries were used and may differ from the UNHCR figures.

In the New World countries (Australia, Canada and the US) there are two sets of figures in the employment category. The first indicates numbers of permanent immigrants, that in

parenthesis temporary entrants. In each of these countries, temporary worker entrants easily outnumber those coming in to work and settle permanently. For the UK, the main figures are the breakdowns from the IPS, while the higher figures for employment and students include those coming for shorter periods. It cannot be assumed that in the New World countries those coming in under the employment category are all entering the workforce: for example, in the US 54 per cent of those entering under employment preference were dependants and employment principals accounted for only 16 per cent of all immigrants to the US in 2002.

There are gaps in data availability. A category breakdown is not available for Germany and several countries do not collect systematic data on student entries, although student stock figures on an annual basis are sometimes available (Norway is a case in point).

1.2 Patterns of entry

Of the nine countries where a breakdown is available (i.e. excluding Germany but including the UK and with no student figure for three countries), asylum is the most important in three – all European (Austria, France and Norway), employment in another three (Italy, Canada and the UK), family reunion in two (US, Netherlands) and students in one (Australia). In the last case, it should be remembered that the student programme is not one of permanent migration. Looked at from the opposite perspective, which routes of entry are least important, there is again variability. Asylum comes bottom in four countries (including all three New World states plus Italy), employment in two (France and Norway), family in one (UK) and students in two (Austria and Netherlands).

Overall, on the basis of these data it appears that routes of entry have variable importance from country to country. Asylum seeking tends to be in a polar position, either the most or least important route of entry, the others somewhere in the middle.

2. CHARGES

2.1 General

As far as we have been able to discover, no source exists or study has been carried out which lists what countries charge for their immigration services. The data we have collected refer only to the current situation and we have not been able to obtain historical cost structures. Nor have we been able to obtain much information on the principles underlying what should be charged for and the particular monetary levels set. A survey of officials, probably combined with a programme of interviews, would be needed to make headway in this regard, especially given the complexities that exist within and between countries.

We have not detected any obvious overall strategy relating to what should be charged for and at what level in any of the countries. Many charging schemes seem to be aimed at (or, at least, justified as) some form of cost-recovery, although the wide variation in charges between countries indicates this cannot be so. It suggests that while in some countries there is an element of cost recovery, elsewhere the low charges are merely a token. In none of the official literature is there any indication otherwise and in some countries (including Australia and Canada) profit-making from immigration charging is not allowed.

The majority of the charging schemes now have an up-front element. Charging is focused on the application process more than the issuing process. Thus, most visa/permit schemes

involve a non-refundable application fee, whether it is described as being for the visa itself or simply for processing the relevant forms.

Subsequent and/or additional costs vary between scheme and country. Common examples include the concept of an issue fee for successful applications and renewal fees paid only when the visa/permit is to be renewed. Other examples include changing status by converting a temporary visa/permit into a permanent one (e.g. Canadian right of landing fee; US conversion to permanent residence from the temporary refugee/protected person status) and for health and language costs such as in Australia.

2.2 Charging and application structures at the level of the individual

In many cases, charging for applications may be quite straight-forward, whereby the migrant pays for a single package. For example, a foreign national wishing to work in the US might pay a single charge for a Priority Worker permanent immigration visa (Green Card) giving entry, residence and work entitlements.

In other cases, the migrant may have to pay separate charges for different visas/permits to satisfy the entry and residence requirements. For example, a foreign student wishing to study in the Netherlands may have to pay for an authorisation for temporary stay (MVV) before entering the country and then exchange this for a temporary residence permit upon arrival. If he or she then wants to work, there may be an additional charge for a work permit. Throughout this process, there may be additional charges for the verification or authentication of certain official documents required as proof. The residence and work permits may also need to be renewed, depending on length of stay. In Austria, all foreign students are required to pay their tuition fees as a prerequisite for permission to study and submit evidence they have done so along with their application forms to enter the country for study purposes.

2.3 Routes of entry: initial cost structures

Table 2 summarises the information we have collected on government charges for immigration services. The information comes from websites, reports and individuals. All costs have been converted to GBP. We have been unable to find charging for Germany.

There is a wide range of services charged for and some countries have a more comprehensive set of charges than others. Comparisons between countries for a similar service are not easy because the attendant rules and regulations can differ. There is an enormous variation in the amounts charged by governments. Austria, for example, appears to have adopted a fairly comprehensive but low-cost regime. Italy a smaller low-cost regime, Norway a narrow, flat-rate one, with France and the Netherlands giving a more mixed picture. Charges related to permanent immigration are generally higher than those for temporary movement but this is not always the case and sometimes the charge is similar for both. Australia is expensive, Canada less so, while charges by the US government seem more akin to the European pattern than to that of the other two New World countries.

2.4 Routes of entry: additional costs

Table 3 summarises information on the additional costs that might be faced by migrants, employers or sponsors after initial entry. The notes to the table indicate what these are.

Although the information is as comprehensive as we have been able to make it, the matter of charges after entry is a complex one and merits further examination than we have been able to undertake.

Additional costs after initial application or entry are generally higher than initial costs and not all would be universally applicable, for example, language tuition costs. The great variation between countries, discussed in the previous section, is again manifest. For example, Australia has high charges, covering a range of services, Canadian ones are lower, fewer and at a flat rate. European subsequent charges tend to be for renewals or extensions or, in the Austrian case, contingent on a successful application.

Table 2 – Routes of Entry: Initial Costs (GBP)

Country	Migration Type/Permit/Visa	Temp/Perm	Cost
Austria	Short Stay Visa	t	15-18
	Multiple Entry Visa	t	21
	Initial Temporary Work Permit	t	13
	Work Permit Extension	t	22
	Long-Term Work Permit	t	33
	Permanent Licence to Work	p	33
	Notification fee for Temporary/Voluntary Jobs	t	13
	Cross-Border Work Permit	t/p	13
	Trainee Licence	t	13
	Student Fees (EU/EFTA) (per term/semester)	t	252
Student Fees (Non-EU/EFTA) (per term/semester)	t	495	
Australia	Business Skilled Migration	p	411-1434
	General Skilled Migration	p	738
	Employer Sponsored Migration	p	498-738
	Distinguished Talent Migration	p	498-738
	Family Migration	p	304-738
	Temporary Work Permit	t	68-171
	Foreign Student Visa	t	165
	Foreign Student Permission to Work	t	23
	Student Guardian Visa (Foreign Students)	t	165
Asylum Application	t/p	0-12	
France	Short Stay Entry Visa	t	23
	Long Stay Entry Visa	t	66
	Residence Permit	t/p	147
	Residence Permit (Students)	t/p	37
	Settlement Permit Renewals	t/p	37
	Family Reunion Tax	-	177
	Refugees' Marriage Tax	-	107
French Language Test	-	39	
Canada	Skilled Class	p	231
	Business Class	p	441
	Provincial Nomination	p	231
	Family Class	p	63-231
	Temporary Work Permit	t	63
	Foreign Student Visa	t	50
	Temporary Residence Visa	t	32-63
Italy	Short Stay Schengen Visa	t	7-23
	Longer Stay Visa (>=90 days)	t	33
	Official Stamp to authenticate documents	-	7-24
	Work Permit (renewal)	t/p	7
Netherlands	Short Stay Visa	t	7-23
	Authorisation for Temporary Stay (>3 Months)	t	33
	Residence Permit (EU/EFTA nationals)	t/p	19-595
	Residence Permit (non-EU/EFTA nationals)	t/p	190-595
	Document Authentication (per document)	t/p	7
Document Verification (per document)	t/p	91	
Norway	Work Permit	t/p	48
	Residence Permit	t/p	48
	Settlement Permit	p	48
United Kingdom	Visitor's Visa	t	36-150
	Visa with Work Permit / Employment / Self-Employed	t	36-75
	Visa for Highly Skilled Migrant Programme	t	75
	Business Owner / Investor Visa	t	75
	EC Association Agreement Visa	t	75
	Visa for Working Holidaymaker	t	36
	Au Pair Visa	t	36
	Student Visa	t	36
	Family Reunion Visa	t	75-260
	Work Permit	t	153
	Sectors Based Scheme Work Permit	t	153
	Seasonal Agricultural Workers Word Card	t	12
	Highly Skilled Migrants Programme Permit	t	150
Worker Registration Scheme	t	50	
United States	Skilled Labour Immigration	p	74
	Special Immigrant Labour Immigration	p	0-72
	Investor Immigration	p	438
	Family Based Immigration	p	72
	Work Visas	t	72
	Visa Work Extensions	t	66
	Student Visa	t	77
	Temporary Protection	t	28

Source: Various national sources – websites of relevant government departments

Table 3 – Routes of Entry: Additional Costs (GBP)

Country	Migration Type/Permit/Visa	Temp/Perm	Cost	Notes
Austria	Long-Term Work Permit	t	51	issuing fee when an application is successful
	Permanent Licence to Work	p	51	issuing fee when an application is successful
Australia	Business Skilled Migration	p	0-2049	cost payable for language support if the applicant has "less-than-functional" English abilities
	General Skilled Migration (Skills Matching)	p	738	cost is the same as the general skilled migration scheme but only payable if application succeeds
	Employer Sponsored Migration	p	0-2110	cost payable for language support if the applicant has "less-than-functional" English abilities
	Distinguished Talent Migration	p	0-1053	cost payable for language support if the applicant has "less-than-functional" English abilities
	Contributory Parents	p	10375	contribution towards future healthcare costs in country
	Health Costs	p	123	additional costs as necessary, paid to a third party service provider but as a part of the immigration process
	Language Costs	p	62-165	
	Assurance Bond	p	617-4114	a bond deposited with the Commonwealth Bank of Australia, refundable after 10 years
Canada	Skilled Class	p	410	right of landing cost, payable for right to residence
	Business Class	p	410	right of landing cost, payable for right to residence
	Provincial Nomination	p	410	right of landing cost, payable for right to residence
	Family Class	p	410	right of landing cost, payable for right to residence
Netherlands	Residence Permit (EU/EFTA nationals)	t/p	19	permit renewals as necessary
	Residence Permit (non-EU/EFTA nationals)	t/p	190	permit renewals as necessary
Norway	Work Permit	t/p	48	permit renewals as necessary
	Residence Permit	t/p	48	permit renewals as necessary
	Settlement Permit	p	48	permit renewals as necessary
United Kingdom	Work Permit renewals, extensions, change of employment (all categories of permit)	t	153	permit renewals as necessary
	Further Leave to Remain (for employment purposes)	t	121	applicants must have already been granted an extension to their permission to work
	Extension of Leave to Remain (excluding for employment purposes)	t	155-250	standard application (by post) GBP155; premium (fast-track) application processing GBP250
United States	Diversity Immigration	p	239	payment on if application is successful
	Refugees	p	140	payment for conversion of status to permanent resident
	Temporary Protection	t	0-28	payment for conversion of status to permanent resident

Source: Various national sources – websites of relevant government departments

PART THREE – ROUTES OF ENTRY: CHARACTERISTICS AND PROCEDURES

1. AUSTRALIA

1.1 Labour Migration – Permanent

<p>Types of Entry Scheme/ Programme:</p>	<ul style="list-style-type: none"> ▪ Business Skills Migration ▪ General Skilled Migration ▪ Regional Australia Programme (Permanent) ▪ Employer Sponsored ▪ Distinguished Talent <p>[http://www.immi.gov.au/migration/index.htm]</p>
<p>Responsible Agency(ies):</p>	<p>Department of Immigration and Multicultural and Indigenous Affairs (DIMIA)</p> <p>[http://www.immi.gov.au/]</p>
<p>Legislative Framework & Changes to the Rules:</p>	<ul style="list-style-type: none"> ▪ Migration Act 1958 ▪ Migration (Health Services) Charge Act 1991 ▪ Migration Legislation Amendment (Migration Agents) Act 1997 ▪ Migration (Visa Application) Charge Act 1997 <p>Policy developments</p> <p>Over the past year or so, the Government has implemented certain measures to attract more highly skilled migration to regional Australia. These include making it easier for overseas students to stay on after completing their studies, through the general skilled migration category and the introduction of a two-stage process for the Business Skills category that provides more governmental sponsorship and support. The Government is also considering further enhancements.</p> <p>[http://www.immi.gov.au/legislation/index.htm; <i>Report of the Australian OECD SOPEMI correspondent.</i>]</p>
<p>Quotas/ Targets:</p>	<p>2003/4 planning levels: 100-110,000 places per annum for the Migration (Non-Humanitarian) Programme, of which 60 per cent is maintained for the Skill Stream.</p> <p>[<i>DIMIA Fact Sheet 20</i> (http://www.immi.gov.au/facts/20planning.htm)]</p>
<p>Entry Criteria and Procedures:</p>	<p>Below are outlines of each of the major schemes. Each scheme has several different sub-categories each with a list of specific requirements that must be satisfied. See the DIMIA website for more details.</p> <p>Business Skills Migration</p>

- business owner;
- senior executive;
- investors investing in Australia;
- business talent: high-calibre business people with sponsorship from a State/Territory government.

General Skilled Migration

- independent: those meeting the basic requirements and do not have a sponsor, or are not sponsored by a State or Territory government;
- skill matching: those with desirable skills, nominated by a State or Territory government or an employer;
- designated area sponsored: those who are sponsored by a relative living in a designated area and an assurer;
- Australian sponsored: those who are sponsored by a relative (living outside a designated area) and an assurer.

A shortage occupations list (the Migration Occupations in Demand List) is updated from time to time, as appropriate. Migrants with these occupations gain extra points for the points test.

Regional Australia Programme (Permanent)

- State-specific and regional migration programmes to help State and Territory Governments and regional authorities attract an increased number of skilled and business migrants to live permanently, address skill shortages and encourage a more balanced distribution of Australia's new migrants.
- It allows:
 - Regional employers find suitably-skilled migrants when job vacancies cannot be filled locally;
 - Migrants to establish businesses outside of Australia's major cities;
 - State and Territory governments to sponsor migrants to meet identified skill shortages and business opportunities.

Employer Sponsored

- Employer Nomination Scheme (ENS): Australian employers recruiting permanent, highly-skilled staff from overseas or from people temporarily in Australia, when unable to fill a vacancy with a national/resident.
- Regional Sponsored Migration Scheme (RSMS): employers in regional or low population growth areas of Australia recruiting overseas staff when unable to fill a vacancy with a national/resident.
- Labour Agreements (LA): employers recruiting a specified number of workers from overseas in response to identified or emerging labour market (or skill) shortages in the Australian labour market.
- Invest Australia Support Skills (IASS): international firms locating in Australia for foreign direct investment and bringing out essential key expatriate managerial and specialist employees from within the company group (this Programme replaced Regional Headquarters agreements from 1 July 2002).

	<p>Distinguished Talent Those who:</p> <ul style="list-style-type: none"> ▪ have an internationally recognised record of exceptional and outstanding achievement in the arts, sport, or research and academia ▪ are still prominent in that profession ▪ will be an asset to the Australian community ▪ will have no difficulty in obtaining employment or in becoming established independently in Australia ▪ are nominated by an Australian citizen / permanent resident / organisation or an eligible New Zealand citizen. <p>[http://www.immi.gov.au/migration/index.htm]</p>
<p>Charges:</p>	<p>Below are the charges for the main schemes. The initial fees at the time of application are paid by all applicants and are not refunded, regardless of whether the application is successful. The additional charges are only paid by successful applicants.</p> <p>Business Skills Migration</p> <ul style="list-style-type: none"> ▪ At time of application: <ul style="list-style-type: none"> ○ GBP411-1,434, depending on category ▪ If application is successful (some categories exempt): <ul style="list-style-type: none"> ○ GBP2,042 if principal applicant has less than functional English ○ GBP1,053 (is this the same AUD amount as under other categories. If so please use same Exchange rate) for every spouse or child over 18 with less than functional English <p>General Skilled Migration</p> <ul style="list-style-type: none"> ▪ At time of application: <ul style="list-style-type: none"> ○ GBP736 (except for Skill Matching applicants) ▪ If application is successful: <ul style="list-style-type: none"> ○ GBP736 (Skill Matching applicants only) ○ GBP1,050 for every spouse or child over 18 with less than functional English <p>Employer Sponsored Migration</p> <ul style="list-style-type: none"> ▪ At time of application: <ul style="list-style-type: none"> ○ Out of country: GBP496 ○ In-country: GBP736 ▪ If application is successful: <ul style="list-style-type: none"> ○ GBP2,103 if principal applicant has less than functional English ○ GBP1,050 for every spouse or child over 18 with less than functional English <p>Distinguished Talent</p> <ul style="list-style-type: none"> ▪ At time of application: <ul style="list-style-type: none"> ○ Out of country: GBP496 ○ In-country: GBP736 ▪ If application is successful:

	<ul style="list-style-type: none"> ○ GBP1,050 if principal applicant has less than functional English ○ GBP1,050 for every spouse or child over 18 with less than functional English <p>Related costs</p> <ul style="list-style-type: none"> ▪ Health costs: GBP123 ▪ Language costs: GBP62-164 <p>[http://www.immi.gov.au/allforms/pdf/990i.pdf]</p>
Conditions and Entitlements:	General entitlements include permanent residence and permission to work. Spouse and family members may accompany the worker, subject to conditions.
Availability of Data on Specific Schemes:	<p>Latest figures, 2002-03:</p> <ul style="list-style-type: none"> ▪ Employer Sponsored, Labour Agreement, Regional Sponsored, Territory Nominated: 10,540 ▪ Business Skills: 6,740 ▪ Distinguished Talents: 180 ▪ Skilled Independent: 38,120 ▪ Skilled Australian Sponsored: 10,470 ▪ Total Skilled: 66,050 <p>[http://www.immi.gov.au/statistics/migrant.htm; <i>Report of the Australian OECD SOPEMI correspondent.</i>]</p>

1.2 Labour Migration – Temporary

Types of Entry Scheme/ Programme:	Temporary Entry Visas [http://www.immi.gov.au/allforms/visiting_info.htm]
Responsible Agency(ies):	Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) [http://www.immi.gov.au/]
Legislative Framework & Changes to the Rules:	<ul style="list-style-type: none"> ▪ Migration Act 1958 ▪ Migration (Health Services) Charge Act 1991 ▪ Migration Legislation Amendment (Migration Agents) Act 1997 ▪ Migration (Visa Application) Charge Act 1997 <p>Policy developments Over the past year or so, the Government has implemented certain measures to attract more highly skilled migration to regional Australia. These include:</p> <ul style="list-style-type: none"> ▪ making it easier for overseas students to stay on after completing their studies, through the general skilled migration category; ▪ exceptions from minimum skill and salary requirements for temporary residence concessions for the existing Regional Australia Programme; ▪ from 1 July 2003, the new Professional Development Visa (PDV) which facilitates niche market professional training to groups of overseas highly skilled workers and government officials; ▪ from 1 July 2004, a new skilled visa for the Regional Australia programme offering three years temporary residence with an option of permanent residence after two years for skilled workers willing to commit to living and working in regional Australia. <p>[http://www.immi.gov.au/legislation/index.htm; Report of the Australian OECD SOPEMI correspondent.]</p>
Quotas/ Targets:	No quotas or targets.
Entry Criteria and Procedures:	Below are outlines of each of the temporary visa schemes that offer work rights. See the DIMIA website for more details. <ul style="list-style-type: none"> ▪ Academics ▪ Business visitors ▪ Diplomatic and Foreign Officials ▪ Domestic Workers ▪ Employer Sponsored (Temporary) ▪ Medical Practitioner Visa ▪ Occupational Trainees ▪ Professional Development Visas ▪ Regional Australia Programme (Temporary)

	<ul style="list-style-type: none"> ▪ Religious Workers ▪ Sports, Media and Entertainment ▪ Temporary Business Entry (Long Stay) ▪ Work Exchange ▪ Workers under Bilateral Agreements ▪ Working Holidaymakers <p>[http://www.immi.gov.au/allforms/visiting_info.htm; http://www.immi.gov.au/allforms/visiting_business.htm; http://www.immi.gov.au/allforms/books11.htm; http://www.immi.gov.au/allforms/working.htm; http://www.immi.gov.au/allforms/visiting_whm.htm]</p>
Charges:	<ul style="list-style-type: none"> ▪ Charge for temporary visas: GBP68 ▪ Temporary Business Entry Visas: <ul style="list-style-type: none"> ○ Sponsorship/Nomination charges (where applicable): GBP21-103 ○ Visa application charge: GBP68 <p>[http://www.immi.gov.au/allforms/pdf/990i.pdf]</p>
Conditions and Entitlements:	Temporary residence and permission to work. Spouse and family members may accompany the worker, subject to conditions.
Availability of Data on Specific Schemes:	<p>Latest figures for main visas, 2002-03:</p> <ul style="list-style-type: none"> ▪ Medical Practitioners: 5,031 ▪ Occupational trainees: 6,918 ▪ Religious workers: 1,464 ▪ Temporary Business Entry (Long Stay): 37,859 ▪ Visiting academics: 3,734 ▪ Work exchange: 1,376 ▪ Working Holidaymakers: 88,758 <ul style="list-style-type: none"> ▪ Total: 145,140 <p>[<i>Report of the Australian OECD SOPEMI correspondent.</i>]</p>

1.3 Family Migration

<p>Types of Entry Scheme/ Programme:</p>	<ul style="list-style-type: none"> ▪ Partner Migration ▪ Child Migration ▪ Parent Migration ▪ Other Family Migration <p>[http://www.immi.gov.au/migration/family/index.htm]</p>
<p>Responsible Agency(ies):</p>	<p>Department of Immigration and Multicultural and Indigenous Affairs (DIMIA)</p> <p>[http://www.immi.gov.au/]</p>
<p>Legislative Framework & Changes to the Rules:</p>	<ul style="list-style-type: none"> ▪ Migration Act 1958 ▪ Migration (Health Services) Charge Act 1991 ▪ Migration Legislation Amendment (Migration Agents) Act 1997 ▪ Migration (Visa Application) Charge Act 1997 <p>Policy Developments In March 2003, new parent visa categories were announced.</p> <p>[http://www.immi.gov.au/legislation/index.htm; <i>Report of the Australian OECD SOPEMI correspondent.</i>]</p>
<p>Quotas/ Targets:</p>	<p>2003/4 planning levels: 100-110,000 places per annum for the Migration (Non-Humanitarian) Programme, of which around 40 per cent is maintained for the Family Migration Stream. This has been raised to 47,100 places to meet increased demand and is the highest level since the mid-1990s.</p> <p>[<i>DIMIA Fact Sheet 20</i> (http://www.immi.gov.au/facts/20planning.htm)]</p>
<p>Entry Criteria and Procedures:</p>	<p>There are 4 schemes within the family migration programme:</p> <ul style="list-style-type: none"> ▪ Partner Migration: as the spouse, prospective spouse (fiancé(e)) or interdependent partner of an Australian citizen or permanent resident, or eligible New Zealand citizen. ▪ Child Migration: as the dependent child, orphan relative or adopted child of an Australian citizen or permanent resident, or eligible New Zealand citizen. ▪ Parent Migration: as the parent of a child in Australia who is an Australian citizen, permanent resident or eligible New Zealand citizen. ▪ Other Family Migration: provisions for aged dependent relatives, remaining relatives and carers of Australian citizens or permanent residents and eligible New Zealand citizens to apply for visas to come to Australia permanently.

	<p>Applicants may apply in or out of the country. They must have a sponsor (a family member who is a citizen or resident), must meet specific requirements pertaining to their relationship to the sponsor, health and financial support.</p> <p>In certain cases, such as the Contributory Parent category, a refundable bond must be deposited in the Commonwealth Bank of Australia as an Assurance of Support, to cover the principal applicant and any dependants. This bond is held for 10 years.</p> <p>[http://www.immi.gov.au/migration/family/index.htm]</p>
<p>Charges:</p>	<p>Below are the charges for the main schemes. The initial fees at the time of application are paid by all applicants and are not refunded, regardless of whether the application is successful. The additional charges are only paid by successful applicants.</p> <p>Partner Migration</p> <ul style="list-style-type: none"> ▪ At time of application: <ul style="list-style-type: none"> ○ Out of country: GBP496 ○ In-country: GBP736 <p>Child Migration</p> <ul style="list-style-type: none"> ▪ At time of application: <ul style="list-style-type: none"> ○ Out of country: <ul style="list-style-type: none"> ▪ Child: GBP496 ▪ Orphan relative: GBP303 ○ In-country: <ul style="list-style-type: none"> ▪ Child: GBP736 ▪ Orphan relative: GBP303 <p>Parent Migration</p> <ul style="list-style-type: none"> ▪ At time of application: GBP496-736 (depending on category) ▪ If application is successful: <ul style="list-style-type: none"> ○ Parent: GBP496 ○ Contributory parent: GBP4,100-10,250 (depending on category) <p>Other Family Migration</p> <ul style="list-style-type: none"> ▪ At time of application: <ul style="list-style-type: none"> ○ Out of country: <ul style="list-style-type: none"> ▪ Aged dependent parent: GBP496 ▪ Carer: GBP303 ○ In-country: GBP736 <ul style="list-style-type: none"> ▪ Aged dependent parent: GBP736 ▪ Carer: GBP303 ▪ If application is successful: <ul style="list-style-type: none"> ○ GBP443 <p>Related costs</p>

	<ul style="list-style-type: none"> ▪ Health costs: GBP123 ▪ Bond: <ul style="list-style-type: none"> ○ Principal applicant: GBP1,435 (GBP4,100 for contributory parent visa) ○ Other family members 18 years of age or over: GBP615 (GBP1,640 for contributory parent visa) <p>[http://www.immi.gov.au/allforms/pdf/990i.pdf]</p>
Conditions and Entitlements:	Permanent residence in Australia.
Availability of Data on Specific Schemes:	<p>Latest figures, 2002-03:</p> <ul style="list-style-type: none"> ▪ Spouse/Partner: 29,710 ▪ Child: 2,680 ▪ Parent: 510 ▪ Other family member: 2,520 ▪ Total Family: 40,790 <p>[http://www.immi.gov.au/statistics/migrant.htm; Report of the Australian OECD SOPEMI correspondent.]</p>

1.4 Foreign Students

Types of Entry Scheme/ Programme:	Overseas Student Programme (Visas) [http://www.immi.gov.au/study/index.htm]
Responsible Agency(ies):	Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) [http://www.immi.gov.au/]
Legislative Framework & Changes to the Rules:	<ul style="list-style-type: none"> ▪ Migration Act 1958 ▪ Migration (Health Services) Charge Act 1991 ▪ Migration Legislation Amendment (Migration Agents) Act 1997 ▪ Migration (Visa Application) Charge Act 1997 <p>Policy developments</p> <p>From July 2001, significant changes were made to the student visa programme in order to simplify the application process for students and make the decision making process more consistent between countries of origin. The reforms have increased the numbers of overseas students obtaining visas while reducing the proportion of overstayers and category switchers. In addition, as part of the Regional Australia Programme, the Government have implemented measures to make it easier for certain skilled overseas students to stay on after completing their studies, through the general skilled migration category.</p> <p>From January 2004, students under 18 years of age or with physical or cultural requirements may have a parent, legal custodian or relative accompany them as an adult companion.</p> <p>Also, further changes were announced in 2003. These relate to increasing flexibility in financial requirements and to introducing an English language requirement for older school students.</p> <p>[http://www.immi.gov.au/legislation/index.htm; <i>Report of the Australian OECD SOPEMI correspondent.</i>]</p>
Quotas/ Targets:	No quotas or targets.
Entry Criteria and Procedures:	The Overseas Student Programme (OSP) allows non-resident students to apply for a visa in order to commence a course of study. There are different sub-categories of student visa relating to different courses of study (e.g. Higher Education, Postgraduate Research, etc.). Students may apply in or out of the country but must have a student visa before commencing study. Students may work whilst in Australia, providing they apply for a Permission to Work (PTW). If a guardian is to accompany the student, they must apply for a Student Guardian Visa.
Charges:	For students applying to study on an approved scheme (at an institution

	<p>registered with the government) there are no charges for the visa, PTW or changes of education provider.</p> <p>However, if the course is not government approved, the following charges apply:</p> <ul style="list-style-type: none"> ▪ Student visa: GBP164 ▪ Permission to Work: GBP23 ▪ Permission to change education provider (except where provider cannot provide intended course): GBP55 <p>For all cases (approved courses or not), where applicable:</p> <ul style="list-style-type: none"> ▪ Student Guardian Visa: GBP164 <p>[http://www.immi.gov.au/allforms/pdf/990i.pdf]</p>
<p>Conditions and Entitlements:</p>	<p>Students are allowed to reside in Australia for the duration of the course. With a PTW, they are allowed to work for up to 20 hours per week (unless the work is a required part of their course). Students must, in most cases, leave the country upon completing or terminating their course of study. Dependents may accompany the student, subject to certain criteria.</p> <p>[http://www.immi.gov.au/study/index.htm]</p>
<p>Availability of Data on Specific Schemes:</p>	<p>Latest figures, 2002-03:</p> <ul style="list-style-type: none"> ▪ Total Student Visas: 162,575 ▪ Of which, offshore grants: 109,610 <p>[http://www.immi.gov.au/statistics/statistical_tables/stockdata/stckdatatab1.htm; Report of the Australian OECD SOPEMI correspondent.]</p>

1.5 Refugees and Asylum Seekers

Types of Entry Scheme/ Programme:	Humanitarian Programme (for refugees and others in humanitarian need) [http://www.immi.gov.au/migration/humanitarian/index.htm]
Responsible Agency(ies):	Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) [http://www.immi.gov.au/]
Legislative Framework & Changes to the Rules:	<ul style="list-style-type: none"> ▪ United Nations 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol ▪ Migration Act 1958 ▪ Migration (Health Services) Charge Act 1991 ▪ Migration Legislation Amendment (Migration Agents) Act 1997 ▪ Migration (Visa Application) Charge Act 1997 <p>Policy Developments</p> <ul style="list-style-type: none"> ▪ Since 1995, each person included in an application has been counted as making an individual application. This followed changes to migration law in 1994. ▪ Amendments from 1 October 2001 clarify the application in Australia of the UN Convention Relating to the Status of Refugees and strengthen powers to protect asylum processes against an increasing incidence of fraud in the presentation of claims. ▪ Since September 2001, people who have been granted a Temporary Protection Visa (TPV) and who make a further Protection Visa application are not able to access a Permanent Protection Visa (PPV) if, since leaving their home country, they have resided for at least seven days in a country where they could have sought and obtained effective protection. However, they can receive a further TPV if there is a continuing need for protection. <p>[http://www.immi.gov.au/legislation/index.htm; http://www.immi.gov.au/migration/humanitarian/index.htm]</p>
Quotas/ Targets:	<p>Within the Humanitarian Programme, numbers of places are planned as follows:</p> <ul style="list-style-type: none"> ▪ Refugees from overseas: 4,000 ▪ Special Humanitarian Programme: over 7,000 ▪ Onshore Protection visas: around 700 <p>[<i>DIMIA Fact Sheet 20</i> (http://www.immi.gov.au/facts/20planning.htm)]</p>
Entry Criteria and Procedures:	<p>The Humanitarian Programme comprises two components:</p> <ul style="list-style-type: none"> ▪ offshore resettlement for people in humanitarian need overseas; ▪ onshore (in-country) protection for those who arrived on temporary visas or in an unauthorised manner and who claim

	<p>protection.</p> <p>Offshore resettlement programme There are two categories of permanent visa and two categories of temporary visa.</p> <ul style="list-style-type: none"> ▪ Permanent humanitarian visa categories <ul style="list-style-type: none"> ○ <i>Refugee category</i> – those subject to persecution in their home country and are in need of resettlement. Most are identified and referred by UNHCR to Australia. The Refugee visa category includes Refugee, In-country Special Humanitarian, Emergency Rescue and Woman at Risk sub-categories. ○ <i>Special Humanitarian Programme (SHP)</i> – those subject to violation of human rights in their home country but not qualifying for the above categories may get an Australian citizen/permanent resident/organisation or eligible New Zealand citizen to sponsor their applications for entry under the SHP. ▪ Temporary humanitarian visa categories For people who have by-passed or abandoned effective protection in another country and for whom humanitarian entry to Australia is appropriate. It comprises two sub-categories: <ul style="list-style-type: none"> ○ <i>Secondary Movement Relocation</i> – for those who moved from a safe first country of asylum to another country, before applying to enter Australia. Valid for five years. ○ <i>Secondary Movement Offshore Entry</i> – for those who arrived unlawfully in Australia at offshore excised places and have moved from a safe first country of asylum. Valid for three years. <p>An application for entry under the offshore resettlement Programme must be made at the nearest Australian mission overseas. Those who seek refugee status may also apply through the nearest office of UNHCR.</p> <p>Onshore resettlement programme Asylum seekers who are found to be refugees, may be granted a TPV in the first instance, if they were unlawful arrivals, which gives them residence for three years. If they were lawful arrivals, they may be granted a PPV. This is provided they meet health and character requirements.</p> <p>[http://www.immi.gov.au/migration/humanitarian/index.htm]</p>
Charges:	<ul style="list-style-type: none"> ▪ No charges for offshore applications ▪ Applications lodged onshore: GBP12 <p>[http://www.immi.gov.au/allforms/pdf/990i.pdf]</p>
Conditions and Entitlements:	Temporary or permanent residence in Australia for principal applicant and dependants.
Availability of	Latest data, 2002-03:

***Data on
Specific
Schemes:***

- Refugee: 4,376
- Special Humanitarian: 7,280
- Onshore Protection: 866
- Temporary Humanitarian Concern: 3
- Total: 12,525

[<http://www.immi.gov.au/facts/60refugee.htm>]

2. AUSTRIA

2.1 Labour Migration

Types of Entry Scheme/ Programme:	Seasonal workers in tourism, agriculture and forestry Other occupations (construction, service industries, low skilled business services (cleaning), health and social services, education and public administration, textiles/clothing/leather). Green card scheme: key personnel (scarce skills) – Schlüsselarbeiter.
Responsible Agency(ies):	i. Federal Ministry of Economic Affairs and Labour and its executive arm the Labour Market Service ii. Federal Ministry of the Interior (Bundesministerium für Inneres)
Legislative Framework & Changes to the Rules:	Aliens Act “ Fremdengesetz ”, 1997 amended in 2003 – details the conditions under which different groups of immigrants may enter and reside in Austria. Foreigners Employment Act “ Ausländerbeschäftigungsgesetz ”
Quotas/ Targets:	Annual entry quotas apply only to non-EU citizens and are determined by the Federal Ministry of the Interior together with the regional states - a cap on foreign employment of 3 rd country nationals is calculated as a proportion of total employment. A cap on seasonal workers in agriculture (harvesters) and tourism is determined by the Ministry of Economic Affairs and Labour; quota for 2003/2004 = 8,982. Take-up of quotas for key personnel (Schlüsselarbeiter) in 2003 was too low, the quota is to be cut in 2004 from 8070 to 8050. There is a target of 30,000 personnel (mostly from the Central and Eastern European countries) over the next 10 years for workers in care of the elderly sector. Take-up of residence permit quotas has been going down since 2001 – quotas have been lowered: employed persons down to 2030; self-employed persons down to 170. [OECD/SOPEMI Austria, 2003; Migration News Sheet December 2003.]
Entry Criteria and Procedures:	Non-EU/EEA citizens: i. A passport or visa and a work permit are required to enter Austria for employment and residence ii. The visa must be obtained from the Austrian embassy or consulate in the country of origin iii. The applicant must provide the following with the application form(s) which must be in German: passport, work permit, medical certificate, birth certificate, documents concerning accommodation in Austria, proof of financial means, health insurance, police clearance – German translations of these documents required. iv. Before an Austrian employer may engage a 3 rd country immigrant, 4 native unemployment benefit recipients must have been considered v. Short-term initial work-permits are issued to the firm and not the worker to allow the labour inspectorate to control the living and working conditions of foreigners entering the labour market for the

- first time
- vi. **“Erstantrag”** – issued if entering the labour market for the first time (can include family dependants)
 - vii. **“Neuantrag”** – issued if re-entering the labour market after unemployment (of over 6 months) or after a change of work place
 - viii. **“Arbeiterlaubnis”** (work entitlement) - issued after 1 year of legal employment in a particular firm to the foreign worker rather than the employer/firm and which allows movement within a federal state boundary
 - ix. Any extension of a permit is granted to the employer for a particular job, the **“Beschäftigungsbewilligung”**.
 - x. After 5 years legal employment this permit is transformed into a permanent licence, the **“Befreiungsschein”**, which allows freedom of movement within Austria and which terminates the employer/firm’s control.
 - xi. Since 1992, 2nd generation migrants, who have passed through the German speaking state school system, are eligible for one of these permanent licences.
 - xii. Once the employer/firm’s control ends, the foreign worker must register in the district of residence and provide information re housing and residence status (since 1993) – the law requires a minimum of living space per person (can be checked by the police)
 - xiii. Artists, media personnel and certain other small groups specified in the Aliens Act face no barriers/waiting times for entry into Austria
- EU/EEA citizens:
- xiv. Need to apply for an identity card issued along EU guidelines to reside in Austria
 - xv. A residence permit is granted for up to 5 years (renewable for another 5 years) provided (s)he has found and can prove legal employment, either as an employee or as self-employed

Turkish nationals in Austria have favoured nation status as a result of the association agreement with the EU.

Bosnian nationals receive preferential treatment on humanitarian grounds when applying for work permits.

All aliens must be entered in the **Central Aliens Register** (established in 1993 in the Federal Ministry of the Interior) which distinguishes between different types of migrant status.

2 categories of **residence permit**: “for work”, “for any other purpose”

Temporary **residence permits** (6 months renewable for another 6) are granted by the Ministry of Economic Affairs and Labour to **seasonal workers** (contingent work) – in theory other industries may apply if they can prove vacancies which cannot be filled from the domestic labour supply.

Settler residence permit may be obtained on the basis of scarce skills.

[OECD/SOPEMI Austria, 2003.]

<p>Charges:</p>	<p>Short-stay visas: 1-30 days = £15; 31-90 = £18; double or multiple entry (valid for 6 months from date of issue) = £21</p> <p>Application for the temporary initial work permit, applied for by and issued to the employer, "Erstantrag", = GBP9 + a (handling/stamp duty fee?) fee for any additional documents needed for the application = GBP4</p> <p>Extension of work permit issued to the employer: application = GBP9; confirmation/receipt = GBP9 + handling fee = GBP4 - Total = GBP22</p> <p>Work permit, "Arbeitserlaubnis", issued after 1 year to the employee: application = GBP29; issue = GBP51 + handling fee of GBP4 - Total: GBP84</p> <p>Permanent licence to work, "Befreiungsschein", issued to the employee and freeing him/her from the firm's control: application = GBP29; issue = GBP51 + handling fee = GBP4 - Total = GBP84</p> <p>Notification fee for certain temporary/voluntary jobs before commencement: GBP9 + GBP4 handling fee - Total = GBP13</p> <p>Trainee licence: application GBP9 + handling fee = GBP4 - Total: GBP13</p> <p>Trans-frontier worker's permit: application GBP9 + handling fee = GBP4 - Total = GBP13</p> <p>Security clearance certificate "Sicherungsbescheinigung" needed to get a residence permit: GBP9 + handling fee = GBP4 - Total = GBP13</p> <p>All fees payable to the AMS (Arbeitsmarktservice Osterreichs).</p>
<p>Conditions and Entitlements:</p>	<p>Under the 2003 amendments to the Aliens Act, the rights of foreigners legally resident in Austria on the basis of a 5-year settlement visa are extended: they may apply for permanent resident status, "Niederlassungsnachweis", which allows them and their family members to access the labour market without any further notice to the labour market service, without the need for a work permit.</p> <p>Family reunion is not applicable to seasonal workers, nor are they eligible for unemployment benefits.</p> <p>Permanent permit holders may enjoy equal rights to unemployment benefit as Austrian nationals.</p> <p>Remittances may be transferred abroad through the Austrian National Bank provided they are below a stipulated level.</p> <p>All 3rd country nationals must undergo 100 hours of German language tuition and pass an examination – failure to pass this exam within 4 years incurs a fine and the withdrawal of their residence permit.</p> <p>All employed persons are required by law to participate in the Health and Social Security Scheme, which includes a pension scheme, in order to cover medical expenses, including hospital treatment.</p> <p>Minimum annual income level for workers in the care of the elderly sector</p>

	<p>to be lowered from GBP1,351 to GBP900.</p> <p>Dependants of key personnel have the right to work and attend school.</p> <p>Top scientists and managers of international companies and their families are exempt from the Foreigners Employment Act and from the quota system of the Aliens Act – have immediate and unrestricted access to the Austrian labour market.</p> <p>Exempt from language requirement.</p> <p>Artists, media personnel and certain other small groups specified in the Aliens Act face no barriers/waiting times for entry into Austria.</p> <p><i>[Migration News Sheet (MPG), December 2003.]</i></p>
<p>Availability of Data on Specific Schemes:</p>	<p>Annual data available: Nos. in 2003 = 77,400</p> <p>In 2002 there were 24,900 first entry work permits.</p> <p><i>[Österreichische Institut für Wirtschaftsforschung (WIFO) for the Austrian Federal Ministry of the Interior (Bundesministerium des Inneres)]</i></p>

2.2 Family Migration

Types of Entry Scheme/ Programme:	Family Reunion
Responsible Agency(ies):	Federal Ministry of the Interior
Legislative Framework & Changes to the Rules:	Aliens Act “ Fremdengesetz ”, 1997 amended in 2003 – merged the 1992 Aliens Act with the 1993 Residence Act. Foreigners Employment Act “ Ausländerbeschäftigungsgesetz ”
Quotas/ Targets:	Not generally capped by a quota unless the settler is of 3 rd country origin, then 4 types of quota: <ul style="list-style-type: none"> i. Highly skilled workers: quota has risen annually to 2,185 in 2003 ii. Foreigners arriving in Austria after 1 Jan. 1998: need to apply for family reunion in the year they receive permanent settler status; quota is included in their own quota restriction which has gone down since 2000 to 220 in 2003 iii. Foreigners arriving in Austria before 1 Jan. 1998 – quota has risen to 5,490 in 2001, 2002, 2003 iv. Others foreigners wishing to settle in Austria without entering the labour market: quota has gone down since 2000 to 175 in 2003 Uptake of quotas varied in 2003 with region, e.g. entry to Carinthia restrictive. Sub-quotas in 2003/2004 remain at previous level of 5,490 permits. [<i>OECD/SOPEMI Austria, 2003; Migration News Sheet, November 2003.</i>]
Entry Criteria and Procedures:	Every foreigner legally residing in Austria as a settler has the right to family reunion (partner, and children under the age of 15). Marriage of a 3 rd country national to an Austrian or EU citizen is linked almost automatically with the issue of a permanent licence – a certain duration of stay and/or cohabitation is required – documents needed: passport, marriage certificate, passport of spouse, proof of accommodation in Austria, employment contract of spouse, medical insurance, proof of spouse’s income, police clearance certificate.
Charges:	None found
Conditions and Entitlements:	Family members of third country origin of Austrians or EU/EEA citizens face no barriers/waiting times for entry into Austria. Dependants of foreign workers with scarce skills have the right to work or attend school Family reunion is not relevant for contingent work (temporary seasonal) Generally dependants may not take up work in the first 5 years, although this is at the discretion of the Labour Market Service, e.g. if the individual has specialist skills required by the labour market conditions. After 5 years, the residence permit status changes and they are free to enter the labour market. Families of scientists and senior managers of companies are exempt from the Foreigners Employment Act and from the quota system of the Aliens

	<p>Act and have immediate unrestricted access to the labour market their domestic and support staff also benefit from this provided they do not change employer.</p> <p><i>[Migration News Sheet, December 2003.]</i></p>
<p>Availability of Data on Specific Schemes:</p>	<p>Annual data available: Nos. for 2003 = 27,000</p> <p><i>[OECD/SOPEMI Report 2003]</i></p>

2.3 Foreign Students

Types of Entry Scheme/ Programme:	For the purposes of study/training
Responsible Agency(ies):	
Legislative Framework & Changes to the Rules:	Aufenthaltsgesetz – Residence Act Aliens Act , amendment of 2003 giving students the right to work part-time to help cover their living expenses.
Quotas/ Targets:	No information found
Entry Criteria and Procedures:	<p>Non-EU/EEA students must obtain a residence permit to live and study in Austria unless exempt by law or international agreement. The application must be made in their country of origin:</p> <ol style="list-style-type: none"> i. Contact the desired university/college for admission ii. An application for a residence permit will be sent by the university/college or can be obtained from the Austrian embassy/consulate in the country of origin iii. Either: the application, which must be in German, be delivered to the university/college with the application to study/sit the entrance exam; or be delivered to the embassy/consulate if the admission/exam notification has already been issued; or submitted by post to the relevant authority if the admission/exam notification has already been received. iv. Grant-aided/scholarship students should take into account the relevant instructions of the Austrian grant/scholarship awarding body. v. The permit will be fixed to the travel document by the embassy/consulate upon payment of stamp charge vi. Permits are issued for a maximum of 1 year initially and thereafter for a maximum of 2 years at a time vii. With the application the student must supply proof of: secured accommodation in Austria; sufficient funds – 70,000 Austrian shillings per annum is considered sufficient (bank documents must be shown or certified confirmation by legally liable individual) viii. Medical insurance not necessary on first application ix. Certificate of good conduct from the police not older than 3 months must be attached x. Any extension of the residence permit must be applied for before the expiry of the first permit and evidence of continued enrolment and study achievement must be produced <p>EU/EEA students are exempt from applying for a residence permit but must obtain a “Lichtbildausweis für Fremde” (an ID card with photo) within 3 months of their arrival in Austria.</p> <p>[http://www.austria.org/internet.shtml]</p>

Charges:	<p>Stamp charges are determined by the respective residence authority in Austria and amount to approximately GBP35 of which GBP6 is payable immediately when applying for the permit.</p> <p><u>All</u> students have to pay the tuition fee each term/semester as the prerequisite for permission to study, "Studienzulassung": EU/EEA citizens = GBP243 per term/semester + Austrian Student Union fee = GBP9 (also payable each term/semester) - Total per term/semester = GBP252.</p> <p>Non-EU citizens: GBP487 per term/semester + Austrian Student Union fee = GBP9 (payable each term/semester) - Total per term/semester = GBP496</p>
Conditions and Entitlements:	A residence permit does not entitle the student to take up employment while in Austria.
Availability of Data on Specific Schemes:	<p>Annual data available: Nos. in 2002 = 4,500</p> <p><i>[Österreichische Institut für Wirtschaftsforschung (WIFO) for the Austrian Federal Ministry of the Interior (Bundesministerium des Inneres)]</i></p>

2.4 Refugees and Asylum Seekers

Types of Entry Scheme/ Programme:	Asylum and Protection
Responsible Agency(ies):	Federal Ministry of the Interior: Federal Refugee Office Federal Asylum Review Board for appeals.
Legislative Framework & Changes to the Rules:	<p>Asylum Act 1997, amended 1999 to authorize the Ministry of the Interior to draw up a “white list” of “safe third countries”; amended again 2001 for minor procedural improvements.</p> <p>A new Asylum Law will come into effect 1 May 2004 – it will provide for processing asylum applications within 72 hours.</p> <p>Aliens Act “Fremdengesetz”, 1997, recently amended in 2003 – details the conditions under which different groups of immigrants may enter and reside in Austria.</p> <p>United Nations Convention Relating to the Status of Refugees and its Protocol, 1951.</p> <p>UN Human Rights instruments.</p> <p>European Convention on Human Rights.</p> <p><i>[Migration Policy Institute: http://www.migrationinformation.org/]</i></p>
Quotas/ Targets:	No information found
Entry Criteria and Procedures:	<p>Applicants must be entered in the Central Register of Aliens (established 1993) which distinguishes between the different types of migrant status.</p> <p>Arrivals directly from the countries they are fleeing or via airports are subject to pre-admissibility detention in border control areas pending decisions by the Federal Asylum Office re admission to the asylum application process – decisions on this must be given within 5 days of the arrival.</p> <p>Arrivals with proper documentation for the asylum procedure are granted provisional residence rights and are released from detention.</p> <p>Arrivals at land borders from 3rd countries without documentation are refused entry and must await a decision outside the Austrian border.</p> <p>Detention of asylum seekers may last up to 2 months with the possibility of single 4-month extensions.</p> <p>Under the Asylum Act, if more lenient alternatives to detention exist, they must be exhausted before detaining an individual; the Aliens Police may order asylum seekers to reside in hostels or hotels with frequent reporting obligations as an alternative to detention – failure to comply will result in detention.</p> <p><i>[Human Rights First (formerly Lawyers Committee for Human Rights) http://www.humanrightsfirst.org/]</i></p>
Charges:	Financial support and shelter is in the public domain (Federal state care,

	charitable organizations such as Caritas, churches and NGOs)
Conditions and Entitlements:	<p>Under the 2003 amendments to the Aliens Act, persons may receive permanent residence status (green card) on humanitarian grounds.</p> <p>There is no independent or periodic review of detention.</p> <p>Access to government-funded legal aid is limited: the police are not required to inform asylum seekers of their legal rights.</p> <p>Refugee advisers (a limited number, drawn primarily from NGOs, are retained by the Ministry of the Interior under the “Schubhaftbetreuung” programme) are not provided with lists of detainees.</p> <p>Asylum seekers with proper documentation proving their identity and providing financial information qualify for accommodation, food, medical care, pocket money, clothing and school supplies until a decision regarding their asylum claim has been reached.</p> <p><i>[Human Rights First]</i></p>
Availability of Data on Specific Schemes:	<p>Total no. asylum applications to December 2003: 32,364</p> <p><i>[UNHCR]</i></p>

3. CANADA

3.1 Labour Migration – Permanent: Skilled Workers

Types of Entry Route:	Permanent Labour Immigration
Types of Entry Scheme/ Programme:	<p>Skilled Worker Class Immigration: Persons awarded permanent residence through their ability to become economically established in Canada.</p> <p>[http://www.ci.gc.ca/english/skilled/]</p>
Responsible Agency(ies):	<p>Department of Citizenship and Immigration (CIC – Citizenship and Immigration Canada)</p> <p>[http://www.ci.gc.ca/english/]</p>
Legislative Framework & Changes to the Rules:	<p>Legislation: Immigration and Refugee Protection Act (IRPA) 2002.</p> <p>Changes: The IRPA replaced the Immigration Act 1976.</p> <p>Amendments of 1 December 2003 allow Skilled Worker and Business applicants to be judged under the regulations of either the old Immigration Act 1976 or IRPA – whichever of the two is most favourable to their case.</p> <p>Eligibility:</p> <ul style="list-style-type: none"> ▪ Applicants who made their application before 1 January 2002 automatically qualify for dual assessment. ▪ Applicants who withdrew their applications between January 1, 2002 and November 30 2003 or whose applications were refused after March 31, 2003 and before June 20, 2003, under the transitional requirements of the IRPA regulations that were in effect during this period may reapply in order to receive dual assessment. <p>[http://www.ci.gc.ca/english/irpa/]</p>
Quotas/ Targets:	<p>Target immigration levels are set on an annual basis for the coming year. The target set for 2002 was 210,000–235,000 permanent immigrants. Of this target, the aim was to achieve a 60-40 split between economic and non-economic. Economic immigration includes Skilled Worker Class, Business Class, Live-in Careworkers and Provincial Nominees and associated dependants from these classes.</p> <p>[<i>Report of the Canadian OECD SOPEMI correspondent.</i>]</p>
Entry Criteria and	Criteria:

<p>Procedures:</p>	<p>To be accepted as a Skilled Worker, applicants must:</p> <ul style="list-style-type: none"> ▪ meet the minimum work experience requirements; ▪ prove that they have the funds required for settlement; and ▪ earn enough points in the six selection factors (education, language ability, experience, age, employment arrangements and adaptability) to meet the pass mark. <p>On September 18, 2003 the pass mark changed from 75 to 67. The change affected any new applications and those already submitted but not given a decision. These changes reflect the changes in the Canadian labour market and in the broader economy and society. The Minister of Citizenship and Immigration may amend the pass mark from time to time.</p> <p>In addition, Quebec has its own skilled immigration programme. Applicants intending to settle in the province of Quebec must apply through a Quebec immigration office abroad.</p> <p>Procedures:</p> <p>Applicants must complete the following forms:</p> <ul style="list-style-type: none"> ▪ Application for Permanent Residence in Canada [IMM 0008] ▪ Schedule 1: Background/Declaration [IMM 0008 SCHEDULE 1] ▪ Additional Family Information [IMM 5406] ▪ Authority to Release Information to Designated Individuals [IMM 5476] <p>and:</p> <ul style="list-style-type: none"> ▪ Schedule 3: Economic Classes [IMM 0008 SCHEDULE 3] (Federal Skilled Workers) OR ▪ Schedule 5: Economic Classes [IMM 0008 SCHEDULE 5] (Quebec Skilled Workers) <p>and submit them to the Canadian Visa Office responsible for their country of residence. The appropriate fees must be paid (see below).</p> <p>[http://www.ci.gc.ca/english/skilled/]</p>
<p>Charges:</p>	<p>The following cost-recovery and administration fees must be paid for applicants and their dependants:</p> <p>Permanent residence visa (“Other” class) applications (charges non-refundable even if application is unsuccessful):</p> <ul style="list-style-type: none"> ▪ Principal applicant: GBP231 ▪ Spouses, common-law partners and family members 22 years or older: GBP231 ▪ Family members under 22 years old who are not spouses or

	<p>common-law partners: GBP63</p> <p>Acquisition of permanent resident status (charges only applicable to successful applicants):</p> <ul style="list-style-type: none"> ▪ Principal applicant, spouses or common-law partners: GBP410 ▪ Dependant children: no charge <p>[http://www.cic.gc.ca/english/applications/fees.html]</p>
<i>Conditions and Entitlements:</i>	Permanent residence and employment for principal applicant, spouse and dependants.
<i>Availability of Data on Specific Schemes:</i>	<p>Latest year available, 2002, principal applicants and dependants:</p> <ul style="list-style-type: none"> ▪ Skilled worker landings: 123,357 <p>Data available for 1986-2002.</p> <p>[<i>The annual publications Facts and Figures: Immigration Overview (1998 onwards) and Citizenship and Immigration Statistics (1966-1996) available online at:</i> http://www.ci.gc.ca/english/pub/index-2.html#statistics]</p>

3.2 Labour Migration – Permanent: Business Immigration

<p>Types of Entry Scheme/ Programme:</p>	<p>Business Class Immigration</p> <p>This programme is aimed at encouraging immigration by persons from one of the following classes:</p> <ul style="list-style-type: none"> ▪ Investors – experienced persons with capital to invest in Canada; ▪ Entrepreneurs – experienced persons who will own and actively manage businesses in Canada that will contribute to the economy and create jobs; ▪ Self-employed persons – persons creating their own employment. <p>[http://www.ci.gc.ca/english/business/]</p>
<p>Responsible Agency(ies):</p>	<p>Department of Citizenship and Immigration (CIC – Citizenship and Immigration Canada)</p> <p>[http://www.ci.gc.ca/english/]</p>
<p>Legislative Framework & Changes to the Rules:</p>	<p>Legislation: Immigration and Refugee Protection Act (IRPA) 2002.</p> <p>Changes: The IRPA replaced the Immigration Act 1976.</p> <p>Amendments of 1 December 2003 allow Skilled Worker and Business applicants to be judged under the regulations of either the old Immigration Act 1976 or IRPA – whichever of the two is most favourable to their case.</p> <p>Eligibility:</p> <ul style="list-style-type: none"> ▪ Applicants who made their application before 1 January 2002 automatically qualify for dual assessment. ▪ Applicants who withdrew their applications between January 1, 2002 and November 30 2003 or whose applications were refused after March 31, 2003 and before June 20, 2003, under the transitional requirements of the IRPA regulations that were in effect during this period may reapply in order to receive dual assessment. <p>[http://www.ci.gc.ca/english/irpa/]</p>
<p>Quotas/ Targets:</p>	<p>Target immigration levels are set on an annual basis for the coming year. The target set for 2002 was 210,000–235,000 permanent immigrants. Of this target, the aim was to achieve a 60-40 split between economic and non-economic. Economic immigration includes Skilled Worker Class, Business Class, Live-in Careworkers and Provincial Nominees and associated dependants from these classes.</p> <p>[<i>Report of the Canadian OECD SOPEMI correspondent.</i>]</p>

<p>Entry Criteria and Procedures:</p>	<p>Criteria:</p> <ul style="list-style-type: none"> ▪ Investors must demonstrate business experience, a minimum net worth of CDN \$800,000 and make an investment of CDN \$400,000. ▪ Entrepreneurs must demonstrate business experience, a minimum net worth of CDN \$300,000 and are subject to conditions upon arrival in Canada. ▪ Self-employed persons must have the intention and ability to create their own employment. They are expected to contribute to the cultural or athletic life of Canada. They may create their own employment by purchasing and managing a farm in Canada. <p>Procedures:</p> <p>Applicants must complete the following forms:</p> <ul style="list-style-type: none"> ▪ Application for permanent residence [IMM 0008 GENERIC] ▪ Schedule 1 Background/Declaration [IMM 0008 SCHEDULE 1] ▪ Schedule 6 Economic Classes - Business Immigrants [IMM 0008 SCHEDULE 6] ▪ Additional Family Information [IMM 5406] ▪ Authority to release information to designated individuals [IMM 5476] <p>and submit them to the Canadian Visa Office responsible for their country of residence. The appropriate fees must be paid (see below).</p> <p>In addition, Quebec has its own business immigration programme. Applicants intending to settle in the province of Quebec must apply through a Quebec immigration office abroad.</p> <p>[http://www.ci.gc.ca/english/business/]</p>
<p>Charges:</p>	<p>The following cost-recovery and administration fees must be paid for applicants and their dependants:</p> <p>Business Class Visa applications (charge non-refundable even if application is unsuccessful):</p> <ul style="list-style-type: none"> ▪ Principal applicant: GBP441 ▪ Spouses, common-law partners and family members 22 years or older: GBP231 ▪ Family members under 22 years old who are not spouses or common-law partners: GBP63

	<p>Acquisition of permanent resident status (charges only applicable to successful applicants):</p> <ul style="list-style-type: none"> ▪ Principal applicant, spouses or common-law partners: GBP410 ▪ Dependant children: no charge <p>[http://www.cic.gc.ca/english/applications/fees.html]</p>
Conditions and Entitlements:	Permanent residence and employment for principal applicant, spouse and dependants.
Availability of Data on Specific Schemes:	<p>Latest year available, 2002, principal applicants and dependants:</p> <ul style="list-style-type: none"> ▪ Investor landings: 4,651 ▪ Entrepreneur landings: 4,489 ▪ Self-employed person landings: 1,901 <p>Data available for 1986-2002.</p> <p>[<i>The annual publications Facts and Figures: Immigration Overview (1998 onwards) and Citizenship and Immigration Statistics (1966-1996) available online at:</i> http://www.ci.gc.ca/english/pub/index-2.html#statistics]</p>

3.3 Labour Migration – Permanent: Regional-based

<p>Types of Entry Scheme/ Programme:</p>	<p>Provincial Nomination Immigration</p> <p>Most provinces in Canada have an agreement with the Government of Canada that allows them to play a more direct role in selecting immigrants who wish to settle in that province.</p> <p>Provinces participating in the scheme are: Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Prince Edward Island, Saskatchewan, Yukon.</p> <p>Quebec has separate immigration programmes that are not part of the Provincial Nomination Immigration scheme.</p> <p>[http://www.ci.gc.ca/english/provnom/]</p>
<p>Responsible Agency(ies):</p>	<p>Department of Citizenship and Immigration (CIC – Citizenship and Immigration Canada)</p> <p>[http://www.ci.gc.ca/english/]</p>
<p>Legislative Framework & Changes to the Rules:</p>	<p>Immigration and Refugee Protection Act (IRPA) 2002.</p> <p>[http://www.ci.gc.ca/english/irpa/]</p>
<p>Quotas/ Targets:</p>	<p>Target immigration levels are set on an annual basis for the coming year. The target set for 2002 was 210,000–235,000 permanent immigrants. Of this target, the aim was to achieve a 60-40 split between economic and non-economic. Economic immigration includes Skilled Worker Class, Business Class, Live-in Careworkers and Provincial Nominees and associated dependants from these classes.</p> <p>[<i>Report of the Canadian OECD SOPEMI correspondent.</i>]</p>
<p>Entry Criteria and Procedures:</p>	<p>Persons wishing to immigrate to one of Canada's provinces as a Provincial Nominee must first apply to the province where they wish to settle. The province considers applications based on their immigration needs and the applicant's genuine intention to settle there. Before applying to immigrate to Canada, Provincial Nominees must complete the provincial nomination process, contacting the province directly.</p> <p>After being nominated by a province, the applicant must make a separate application to CIC for permanent residence which will be assessed according to Canadian immigration regulations. However, Provincial Nominees are not assessed on the six selection factors of the Federal Skilled Workers Program.</p> <p>Applicants must complete the following forms:</p>

	<ul style="list-style-type: none"> ▪ Application for Permanent Residence in Canada [IMM 0008] ▪ Schedule 1: Background/Declaration [IMM 0008 SCHEDULE 1] ▪ Additional Family Information [IMM 5406] ▪ Authority to Release Information to Designated Individuals [IMM 5476] ▪ Schedule 5: Economic Classes [IMM 0008 SCHEDULE 5] (Quebec Skilled Workers) <p>and submit them to the Canadian Visa Office responsible for their country of residence. The appropriate fees must be paid (see below).</p> <p>[http://www.ci.gc.ca/english/provnom/]</p>
Charges:	<p>The following cost-recovery and administration fees must be paid for applicants and their dependants:</p> <p>Permanent residence visa (“Other” class) applications (charges non-refundable even if application is unsuccessful):</p> <ul style="list-style-type: none"> ▪ Principal applicant: GBP231 ▪ Spouses, common-law partners and family members 22 years or older: GBP231 ▪ Family members under 22 years old who are not spouses or common-law partners: GBP63 <p>Acquisition of permanent resident status (charges only applicable to successful applicants):</p> <ul style="list-style-type: none"> ▪ Principal applicant, spouses or common-law partners: GBP410 ▪ Dependant children: no charge <p>[http://www.cic.gc.ca/english/applications/fees.html]</p>
Conditions and Entitlements:	<p>Permanent residence and employment for principal applicant, spouse and dependants.</p>
Availability of Data on Specific Schemes:	<p>Latest year available, 2002, principal applicants and dependants:</p> <ul style="list-style-type: none"> ▪ Provincial nominee landings: 2,127 <p>Data available for 1986-2002.</p> <p>[<i>The annual publications Facts and Figures: Immigration Overview (1998 onwards) and Citizenship and Immigration Statistics (1966-1996) available online at:</i> http://www.ci.gc.ca/english/pub/index-2.html#statistics]</p>

3.4 Labour Migration – Temporary

Types of Entry Scheme/ Programme:	Work permits [http://www.ci.gc.ca/english/work/]
Responsible Agency(ies):	Department of Citizenship and Immigration (CIC – Citizenship and Immigration Canada) and Human Resources Development Canada (HRDC) [http://www.ci.gc.ca/english/ ; http://www.hrsdc.gc.ca/en/home.shtml]
Legislative Framework & Changes to the Rules:	Immigration and Refugee Protection Act (IRPA) 2002. [http://www.ci.gc.ca/english/irpa/]
Quotas/ Targets:	No quotas or targets.
Entry Criteria and Procedures:	<p>Criteria:</p> <ul style="list-style-type: none"> ▪ To qualify for a work permit, the applicant must meet the requirements for temporary residence as well as the requirements for issuance of a work permit. Applicants do not have to apply for a Temporary Resident Visa when they apply for their work permit as it is included in the work permit application. ▪ Spouses or common-law partners and dependants accompanying work permit holders to Canada must have their own work permit if they want to work. In many cases, they may apply for a work permit without having to obtain an HRDC job confirmation. ▪ The applicant’s prospective employer must check the job offer with HRDC which provides advice to CIC regarding the impact on the Canadian labour market that the entry of a foreign worker will have. <p>Procedures:</p> <ul style="list-style-type: none"> ▪ An employer must first offer the applicant a job. ▪ HRDC must normally provide a labour market opinion or ‘confirmation’ of the job offer. However, some types of work are exempt from this process. These include business people subject to certain free trade agreements and the following: <ul style="list-style-type: none"> business visitors, diplomats, foreign officials, sportspersons and entertainers, news reporters, public speakers, convention organizers, clergy, judges and referees, examiners, expert witnesses, health care students, civil aviation inspectors, accident inspectors, crew members, emergency service providers

	<ul style="list-style-type: none"> ▪ After HRDC confirms that a foreign national may fill the job, the foreign worker applies to CIC for a work permit. ▪ Applications are made at a visa office at a Canadian embassy, high commission or consulate. Applications can be made on arrival for permanent residents or citizen of a neighbouring country. ▪ Temporary foreign workers need to apply for a change of permit if they change job or employer or find their work will take longer than planned. <p>Applicants must complete the following forms:</p> <ul style="list-style-type: none"> ▪ Application for Work Permit [IMM 1295] ▪ Application for a Temporary Resident Visa [IMM 5257] <p>Other schemes:</p> <ul style="list-style-type: none"> ▪ Live-in caregiver programme a foreign national can apply to be a live-in caregiver, someone providing care to children, the elderly or the disabled in a private household. After working for two years as a live-in caregiver, he/she can apply to be a permanent resident in Canada. <p>[http://www.ci.gc.ca/english/work/]</p>
Charges:	<p>The following cost-recovery and administration fees must be paid for applicants and their dependants:</p> <p>Work permit:</p> <ul style="list-style-type: none"> ▪ Per worker: GBP63 <p>Temporary residence visa:</p> <ul style="list-style-type: none"> ▪ Single entry: GBP32 ▪ Multiple entry: GBP63 <p>[http://www.cic.gc.ca/english/applications/fees.html]</p>
Conditions and Entitlements:	<p>Temporary residence and employment for principal applicant and residence for dependants. Dependants may work only after applying for their own work permits.</p>
Availability of Data on Specific Schemes:	<p>Latest year available, 2002, principal applicants and dependants:</p> <ul style="list-style-type: none"> ▪ Total temporary workers: 187,900 ▪ Temporary workers for whom employment was authorised to fill skills gaps in the Canadian labour market: 87,910 <p>Data available for 1986-2002.</p>

*[Report of the Canadian OECD SOPEMI correspondent; The annual publications Facts and Figures: Immigration Overview (1998 onwards) and Citizenship and Immigration Statistics (1966-1996) available online at:
<http://www.ci.gc.ca/english/pub/index-2.html#statistics>]*

3.5 Family Migration

Types of Entry Scheme/ Programme:	Family Class Immigration [http://www.ci.gc.ca/english/sponsor/]
Responsible Agency(ies):	Department of Citizenship and Immigration (CIC – Citizenship and Immigration Canada) [http://www.ci.gc.ca/english/]
Legislative Framework & Changes to the Rules:	Immigration and Refugee Protection Act (IRPA) 2002. [http://www.ci.gc.ca/english/irpa/]
Quotas/ Targets:	Target immigration levels are set on an annual basis for the coming year. The target set for 2002 was 210,000–235,000 permanent immigrants. Of this target, the aim was to achieve a 60-40 split between economic and non-economic. Non-Economic immigration includes the Family Reunification Class and the Protected Persons Class and associated dependants from these classes. Of the 40 per cent, 26 was expected for family reunification and the remaining 14 per cent for protected persons. [<i>Report of the Canadian OECD SOPEMI correspondent.</i>]
Entry Criteria and Procedures:	Criteria: <ul style="list-style-type: none"> ▪ Canadian citizens and permanent residents living in Canada, 18 years of age or older, may sponsor close relatives or family members who want to become permanent residents of Canada. ▪ Applications can be made for persons in or out of the country. ▪ Sponsors must promise to support the relative or family member and their accompanying family members for a period of three to 10 years to help them settle in Canada. ▪ Spouse or Common-Law Partner in Canada Class Spouses or common-law partners can be sponsored from within Canada if they have been living with the sponsor in Canada and have maintained their legal temporary status. Sponsorship of a spouse or common-law partner includes their dependent children whether inside or outside of Canada. ▪ Sponsoring a Relative or Family Member Sponsors must sign an Undertaking with the Minister of Citizenship and Immigration and must also sign a Sponsorship Agreement with the relative or family member, outlining mutual commitments to each other.

Sponsors may have to meet certain income requirements. Those who have previously sponsored relatives who have received social assistance may not be allowed to sponsor another person.

- **Adopting a Child From Another Country**

To adopt a child from another country you must go through both the adoption process and the sponsorship and immigration process. Learn more about international adoptions.

- **Applying as a Sponsored Immigrant**

Those wishing to become a permanent resident of Canada must first have a relative or family member in Canada apply to sponsor them.

Procedures:

Sponsors and applicants must fill out the relevant forms from the following:

Sponsorship Forms

- Application to Sponsor and Undertaking [IMM 1344A]
- Sponsorship Agreement [IMM 1344B]
- Sponsorship Evaluation [IMM 5481]
- Financial Evaluation [IMM 1283]
- Statutory Declaration of Common-Law Union [IMM 5409]
- Sponsor Questionnaire [IMM 5540]

Immigration Forms

- Application for Permanent Residence [IMM 0008 GENERIC]
- Schedule 1 Background/Declaration [IMM 0008 SCHEDULE 1]
- Additional Family Information [IMM 5406]
- Spouse/Common-law or Conjugal Partner Questionnaire [IMM 5490]
- Authority to Release Information to Designated Individuals [IMM 5476]

Recent changes to procedures:

The following changes were introduced with the aim of improving efficiency and shortening the processing time of applications:

- On February 17, 2003, CIC introduced a new application kit and submission process affecting Family Class sponsorship and permanent resident applications for spouses and common-law partners, and dependent children applying outside of Canada.
- On June 28, 2002, CIC changed the application submission process for the Family Class, to allow clients to submit joint applications, including both the sponsorship application and the permanent resident application.

	<p>Additional information: Quebec has its own family immigration programme for which applicants must directly contact Quebec Immigration.</p> <p>[http://www.ci.gc.ca/english/sponsor/]</p>
<p>Charges:</p>	<p>The following cost-recovery and administration fees must be paid for applicants and their dependants:</p> <p>Family Class Visa applications (charges non-refundable even if application is unsuccessful):</p> <ul style="list-style-type: none"> ▪ Sponsorship application: GBP32 ▪ Principal applicant: GBP200 ▪ Principal applicant if under 22 and not a spouse or common-law partner: GBP32 ▪ Spouses, common-law partners and family members 22 years or older: GBP231 ▪ Family members under 22 years old who are not spouses or common-law partners: GBP63 <p>Spouse or Common-Law Partner in Canada Class Visa applications:</p> <ul style="list-style-type: none"> ▪ Sponsorship application: GBP32 ▪ Principal applicant: GBP200 ▪ Spouses, common-law partners and family members 22 years or older: GBP231 ▪ Family members under 22 years old who are not spouses or common-law partners: GBP63 <p>Acquisition of permanent resident status (charges only applicable to successful applicants):</p> <ul style="list-style-type: none"> ▪ Principal applicant, spouses or common-law partners: GBP410 ▪ Dependent children: no charge <p>[http://www.cic.gc.ca/english/applications/fees.html]</p>
<p>Conditions and Entitlements:</p>	<p>Permanent residence and employment for principal applicant and dependants.</p>
<p>Availability of Data on Specific Schemes:</p>	<p>Latest year available, 2002, principal applicants and dependants:</p> <ul style="list-style-type: none"> ▪ Family reunification landings: 65,277 <p>Data available for 1986-2002.</p> <p>[<i>The annual publications Facts and Figures: Immigration Overview (1998 onwards) and Citizenship and Immigration Statistics (1966-1996) available online at:</i> http://www.ci.gc.ca/english/pub/index-2.html#statistics]</p>

3.6 Foreign Students

<p>Types of Entry Scheme/ Programme:</p>	<p>Study Permit: This permit is for those academic students in colleges, universities, seminaries, conservatories, institutions, vocational schools, and in language training where the course is greater than 6 months.</p> <p>[http://www.ci.gc.ca/english/study/index.html]</p>
<p>Responsible Agency(ies):</p>	<p>Department of Citizenship and Immigration (CIC – Citizenship and Immigration Canada)</p> <p>[http://www.ci.gc.ca/english/]</p>
<p>Legislative Framework & Changes to the Rules:</p>	<p>Immigration and Refugee Protection Act (IRPA) 2002.</p> <p>[http://www.ci.gc.ca/english/irpa/]</p>
<p>Quotas/ Targets:</p>	<p>No quota or target.</p>
<p>Entry Criteria and Procedures:</p>	<ul style="list-style-type: none"> ▪ Applicants must first apply to an educational institution in Canada and be accepted. ▪ Before entering Canada, potential students must apply for a Study Permit from their local Canadian Embassy or Consulate and be approved for one. ▪ Upon arrival in Canada, applicants must be able to show a letter from the CIC indicating that their Study Permit was approved, a letter of acceptance from the institution they wish to attend and proof that they have the financial resources required for their stay and education in Canada. ▪ Applicants must also have a Temporary Residence Visa. A single form and fee covers both this and the study permit. ▪ Applicants must complete the following forms: <ul style="list-style-type: none"> ○ Application for a Study Permit [IMM 1294] <p>[http://www.ci.gc.ca/english/study/index.html]</p>
<p>Charges:</p>	<p>The following cost-recovery and administration fees must be paid for applicants and their dependants:</p> <p>Study permit:</p> <ul style="list-style-type: none"> ▪ Per student: GBP53 <p>Temporary residence visa:</p> <ul style="list-style-type: none"> ▪ Single entry: GBP32 ▪ Multiple entry: GBP63 <p>[http://www.cic.gc.ca/english/applications/fees.html]</p>

<p>Conditions and Entitlements:</p>	<p>Live and study in Canada for the duration of the programme of study. Spouses, common-law partners, and dependent children may accompany the principal applicant. Applicants that have obtained a Student Permit may apply for a Work Permit (no fee to apply) to complete an internship that complements studies, work on-campus, and work in Canada after graduation. Spouses or common-law partners may also apply for Work Permits.</p>
<p>Availability of Data on Specific Schemes:</p>	<p>Latest figure, 2002, 68,800 students</p> <p>Annual data available</p> <p><i>[Report of the Canadian OECD SOPEMI correspondent; The annual publications Facts and Figures: Immigration Overview (1998 onwards) and Citizenship and Immigration Statistics (1966-1996) available online at:</i> http://www.ci.gc.ca/english/pub/index-2.html#statistics]</p>

3.7 Refugees and Asylum Seekers

<p>Types of Entry Scheme/ Programme:</p>	<p>Protected persons, of which there are two schemes:</p> <ul style="list-style-type: none"> ▪ The Refugee and Humanitarian Resettlement Program, for people seeking protection from outside Canada; and ▪ The In-Canada Refugee Protection Process, for persons making refugee protection claims from within Canada. <p>[http://www.ci.gc.ca/english/refugees/index.html]</p>
<p>Responsible Agency(ies):</p>	<p>Department of Citizenship and Immigration (CIC – Citizenship and Immigration Canada)</p> <p>[http://www.ci.gc.ca/english/]</p>
<p>Legislative Framework & Changes to the Rules:</p>	<p>United Nations 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol. Immigration and Refugee Protection Act (IRPA) 2002.</p> <p>[http://www.ci.gc.ca/english/irpa/; http://www.unhcr.ch/cgi-bin/texis/vtx/home?page=PROTECT&id=3c0762ea4]</p>
<p>Quotas/ Targets:</p>	<p>Target immigration levels are set on an annual basis for the coming year. The target set for 2002 was 210,000–235,000 permanent immigrants. Of this target, the aim was to achieve a 60-40 split between economic and non-economic. Non-Economic immigration includes the Family Reunification Class and the Protected Persons Class and associated dependants from these classes. Of the 40 per cent, 26 was expected for family reunification and the remaining 14 per cent for protected persons.</p> <p>[<i>Report of the Canadian OECD SOPEMI correspondent.</i>]</p>
<p>Entry Criteria and Procedures:</p>	<p>A claim for protection can be made at a port of entry or at a Canada Immigration Centre (CIC) office in Canada. Once a CIC officer decides that a refugee protection claimant is eligible to be referred, the claim is sent to the Immigration and Refugee Board (IRB) for a decision on the risk on return. Protection is conferred when the IRB determines that they are a Convention refugee or person in need of protection.</p> <p>Assuming the applicant meets the criteria he will be awarded Convention Refugee status. Otherwise, an applicant who does not meet Convention criteria may be deemed a protected person in that removal to his country may subject him to violence or maltreatment.</p> <p>[http://www.ci.gc.ca/english/refugees/index.html]</p>
<p>Charges:</p>	<p>None.</p>
<p>Conditions and</p>	<p>Permanent residence and employment for principal applicant, spouse and dependants.</p>

<i>Entitlements:</i>	
<i>Availability of Data on Specific Schemes:</i>	<p>Latest year available, 2002, principal applicants and dependants:</p> <ul style="list-style-type: none"> ▪ Refugee landings: 25,149 <p>Data available for 1986-2002.</p> <p><i>[Report of the Canadian OECD SOPEMI correspondent; The annual publications Facts and Figures: Immigration Overview (1998 onwards) and Citizenship and Immigration Statistics (1966-1996) available online at:</i> http://www.ci.gc.ca/english/pub/index-2.html#statistics]</p>

4. FRANCE

4.1 Labour Migration – EU/EEA

Types of Entry Scheme/ Programme:	Free movement of labour for short-term or long-term employment. [<i>OECD/SOPEMI Report 02</i> <i>Service-public: http://vosdroits.service-public.fr/</i>]
Responsible Agency(ies):	Office of International Migration (OMI) [http://www.omi.social.fr/]
Legislative Framework & Changes to the Rules:	Schengen Agreement Decree 94-211 Law 2003/1119 (26 November)
Quotas/ Targets:	None
Entry Criteria and Procedures:	<ul style="list-style-type: none"> i. No visa required ii. No medical required iii. No work permit required iv. Residence permit required only if staying in France more than 3 months (otherwise a valid passport or identity card is sufficient) – automatically granted to the applicant and family and upon the first renewal will be for 10 years, upon submission of an employer’s contract or salary slips, a household bill proving fixed abode, social security card, family papers – permit to be marked “Communauté européenne” or “Espace économique européen” – may become permanent if there is a reciprocal agreement with the EU/EEA state of the applicant <p>If the employment is for under a year, the residence permit will be issued initially for the duration of that employment but is renewable as in (iv).</p> <ul style="list-style-type: none"> v. Unemployed may reside for 3 months in France while looking for work.
Charges:	None.
Conditions and Entitlements:	Citizens may take up regular employment, either paid or unpaid, anywhere in Metropolitan France.
Availability of Data on Specific Schemes:	Latest statistics in the most recent OECD/SOPEMI Report for France (2003) which has not yet been published. French official statistical source is the Ministry of the Interior: OFPRA

4.2 Labour Migration – Non-EU/EEA

Types of Entry Scheme/ Programme:	Work permits for short- or long-term employment <i>[OECD/SOPEMI Report 02 Service-public: http://vosdroits.service-public.fr/]</i>
Responsible Agency(ies):	Office des Migration Internationales(OMI) Agence Nationale pour l'Emploi (ANPE) Direction Départementale du Travail, de l'Emploi et de la Formation Professionnelle (DDTEFP) Observatory for the Right of Foreigners to Health (ODSE)
Legislative Framework & Changes to the Rules:	<ul style="list-style-type: none"> i. Aliens Law of 11th May, 1998 – introduced a new type of residence permit for “private and family life”. ii. New Aliens Act, 28th October 2003 – entitled local prefects to carry out extra medical checks iii. Bilateral agreement between France and Tunisia – law 2002/1304 iv. Bilateral agreement between France and Algeria – law 2002/1305 v. Bilateral agreement between France and Australia to enable 18-30 year-olds to work for up to 6 months (24 November 2003) vi. 2001/1165 – Decree between France and Hungary re exchange of salaried professionals. vii. 2002/940 – Decree between France and Senegal re young professionals. viii. 2002 – Circular re young professionals who benefit under the Franco-Moroccan accord. <i>[Migration News Sheet, January 2004.]</i>
Quotas/ Targets:	No quotas but successful entry to employment generally or specific to an occupation depends on the levels of unemployment (not applicable to the highly-skilled)
Entry Criteria and Procedures:	A firm offer of regular employment, either applied for, or as a result of recruitment. <ul style="list-style-type: none"> i. Collect a dossier for applying to enter France to be completed by the French employer. ii. The dossier to be deposited by the employer with the ANPE which in turn passes it to the DDTEFP – latter checks: that the employment is regular; the qualifications and experience; the employment situation for that occupation. iii. DDTEFP notifies the decision to the employer, the OMI and the foreign service at the prefecture; if favourable the entry procedure begins. iv. The applicant must apply for a visa in their country of

	<p>origin – duration depending on the length of the contract.</p> <ul style="list-style-type: none"> v. Once in France, the visa is exchanged for a temporary residence permit marked “salaried employee” by the prefecture upon presenting: the contract visa-ed by the DDTEFP, a medical certificate (the medical must be carried out by the OMI), and the applicant’s travel documents. vi. The temporary residence permit entitles the applicant to apply for a work permit, which once obtained entitles the applicant to begin work. vii. 16-18 year-olds can by rights be granted a residence permit and this entitles them to apply for a work permit. <p>[<i>Migration News Sheet, January 2004.</i>]</p>
Charges:	<p>Visas: short stay of up to 3 months continuous residence = GBP23 long-stay continuous residence beyond 3 months = GBP64</p> <p>Taxes payable to the OMI: for renewing work permit = GBP36; for initial residence permit: GBP143.</p>
Conditions and Entitlements:	<p>A work permit is valid initially for three months but is renewable depending on the duration of the work contract – tax is payable to the OMI.</p> <p>A settlement permit of duration 10 years (renewable) automatically qualifies an applicant for a work permit</p> <p>A passport, provisional residence permit (APS) or a short-stay visa entitles the applicant to a temporary residence permit marked “salaried employee” to work anywhere in Metropolitan France or in a particular occupation in a particular area; <u>or</u> to a separate provisional work permit (APT) or contract for seasonal work.</p> <p>A temporary residence permit marked “artistic and cultural profession”, or “science” or “business” entitles the holder to a work permit to pursue these professional activities without restriction.</p> <p>A temporary residence permit marked “private and family life” (issued for 6 months) gives the right to seek work and to a work permit to pursue any regular employment in Metropolitan France – but applicants from Algeria, Tunisia and Morocco must apply for a change of status to receive a temporary residence permit marked “salaried employee”.</p> <p>Work permits may be renewed – the application must be made in the third or second month before expiry of the current permit to the local town hall, police station or prefecture. Documents to be presented: proof of work (e.g. copy of contract), photocopy of residence permit.</p> <p>If unemployed at the first renewal of a temporary residence permit, renewal is automatic and the permit is marked “salaried employee” provided unemployment benefit is being collected.</p>

	<p>Asylum seekers are not automatically entitled to a work permit – they must submit a work dossier.</p> <p>Convention refugees or stateless persons have the right to obtain a residence permit and therefore the right to a work permit which enables them to pursue any occupation, paid or non-paid.</p> <p>Holders of a temporary residence permit marked other than “salaried employee” (i.e. students, visitors, tradesmen) must apply for a change of status – documents needed:</p> <ol style="list-style-type: none"> i. a work contract or 3 copies of an employer’s confirmation of a job offer; ii. an employer’s assurance of payment of tax to the OMI; iii. a completed questionnaire concerning habitation; iv. 6 identity photos v. 2 self-addressed envelopes vi. an “Instruction de la Demande” – must submit to a medical by the OMI for a medical certificate and then a copy of the visa-ed contract of employment will be returned by the OMI with a request to take both documents <u>either</u> to the prefecture to obtain a “residence permit” <u>or</u> to the DDTEFP for a provisional work permit (APT) . <p>Extra medical checks may be carried out on immigrants by staff of the local prefectures under the terms of the New Aliens Act – the aim is to cut down fraud and abuse of the system, the checks are applied most strictly to Africans.</p>
<p>Availability of Data on Specific Schemes:</p>	<p>Annual data available: 32,300 in 2001</p>

4.3 Family Migration

Types of Entry Scheme/ Programme:	<p>“une carte privée et familiale” (does not include stateless persons)</p> <p>[<i>OECD/SOPEMI Report 02;</i> <i>Service-public website: http://vosdroits.service-public.fr/</i>]</p>
Responsible Agenc(ies):	<p>Office des Migrations Internationales (OMI) Direction Départementale des Affaires Sanitaires et Sociales (DDASS)</p>
Legislative Framework and Changes to the Rules:	<p>Law of 1945, article 12 & 15 (modified) New Aliens Act, 28 October, 2003</p>
Quotas/ Targets:	<p>None.</p>
Entry Criteria and Procedures:	<p>Application for family reunion must be made in person by the permit holder to the DDASS or an office of the OMI.</p> <ul style="list-style-type: none"> • Those eligible to apply: <ul style="list-style-type: none"> i. Asylum seekers ii. Refugees and stateless persons iii. Scientific workers iv. French nationals returning to France v. Labour immigrants vi. Holders of either a residence permit or its equivalent vii. Algerians • Permit holder must have lived continuously in France for a year and hold a residence permit valid for a year <p>Only the spouse and children of the permit holder may benefit, no other relations</p>
Charges:	<p>Visas: GBP64 Tax payable to the OMI for permit holders and Algerians: GBP172 Tax payable to the OMI by official refugees who have married after receiving status: GBP104</p>
Conditions and Entitlements:	<p>Family members admitted will be entitled to the same residence permit as the applicant. Algerians may only bring in one wife if polygamous but all children if agreed by the Algerian judiciary.</p> <p>If the family breaks up the permits will be revoked and the temporary residence permit may not be renewed.</p>
Data Availability on Specific Scheme(s):	<p>Annual data available: No. in 2001 was 45,400</p>

4.4 Foreign Students

Types of Entry Scheme/ Programme:	<ol style="list-style-type: none"> 1. “Dossiers bleus” 2. A preliminary (Admission préalable) admission, which may be exchanged for a definite registration with a French institute of higher education once in France. 3. A student visa for more than 3 months which can be exchanged for a residence permit. Students wishing to engage in vocational or professional training can qualify for a residence permit by entering into a training contract with an accredited training organization. 4. Short-stay visa (up to 3 months) for students sitting exams, marked “student” (étudiant concours), which may be exchanged for a short-stay permit once in France – may be exchanged for a residence permit if the exams are passed. 5. Temporary long-stay visa (6 months) for advanced studies, marked “student”, which may be exchanged for a temporary residence permit of no more than 6 months once in France but cannot be exchanged for a permanent residence permit. <p>These must be obtained before entering France (from a French Embassy or Consulate).</p> <p>[<i>OECD/SOPEMI Report for France, 2002</i> <i>Service-Public: http://vosdroits.service-public.fr/</i>]</p>
Responsible Agency(ies):	<p>EDUFRANCE – Agency to promote training and exchanges in education and technology French Embassy/Consulate in the country of origin. Direction Départementale du Travail, de l’Emploi et de la Formation Professionnelle (DDTEFP)</p>
Legislative Framework & Changes to the Rules:	<ol style="list-style-type: none"> i. Law 2003/1119, art.15 ii. 2002 – Ministerial circular re granting and processing of the renewal of requests for authorization to study in France.
Quotas/ Targets:	<p>ca. 50,000 per annum</p> <p>[<i>OECD/SOPEMI Report for France, 2002</i> <i>Service-Public: http://vosdroits.service-public.fr/</i>]</p>
Entry Criteria and Procedures:	<p>Dossiers Bleus: must be holder of: a French baccalaureate passed at a French school abroad; a European baccalaureate; a Franco-German baccalaureate. They may register direct in the institution of their choice and must submit a letter in support of their application, a birth certificate, copies of certified certificates held of the required level of secondary education and their translations into French, a reference from the head of their school with notes on performance during the two preceding years at school.</p> <p>Admission préalable: Must submit a letter to support their application, a birth certificate (translated into French), certificates of secondary</p>

	<p>education needed for a comparable course at an institute of further/higher education in the country of origin (translated into French by an official translator), notes on school record for the previous 2 years attested by the principle of the secondary school. (Those exempt from needing a preliminary admission include: baccalaureate holders, citizens of the EU and EEC; children of diplomats in post; students admitted under terms of bi-lateral agreements; those receiving bursaries from the French Government or recognised overseas organisations.)</p> <p>Students must apply for a residence permit of over three months to cover the duration of their university course. For their second and third years of study, they must apply to the head of the university one year in advance (i.e. at the beginning of the first year).</p> <p>Temporary Long-Stay Visa: Exempt from this type of visa: citizens of the EU or the EEC; students from Poland, Andorra, Monaco, Saint-Marin, Saint Siège and Switzerland.</p> <p>Students who wish to follow a training course in France after initial training in their country of origin must present an agreement drawn up between the employer, the training organisation and themselves, which must be inspected and passed by the DDTEFP.</p> <p>Students who are legally registered as au pairs may apply for a residence permit, marked “Student”, for the duration of their course and this may be extended – these documents must be produced: a temporary work permit; work contract; proof of definite registration on a French course.</p>
Charges:	<p>Since 1st January 2003, all visas must be paid for (non-refundable) – charges vary according to type of visa requested: GBP23 for short-stay visas (up to 90 days); GBP64 for longer-stay visas (over 90 days). Residence permit for students = GBP36 French language test: GBP38 Financial subsistence means must be confirmed by a bank and the monthly amount must be at least 70 per cent of a French bursary i.e. GBP537. Students receiving foreign bursaries recognised by the French Government are considered to have adequate financial means. Free board and lodging with a relative is given favourable consideration. Students entering into a training contract with a training organisation must pay their own initial expenses.</p>
Conditions and Entitlements:	<p>Each student must make four choices of institution + discipline within 2 different academies (the Paris academy comprises Paris, Versailles and Créteil). EU diplomas do not get preference over others but students from the EU or the EEC automatically enjoy the same benefits and conditions as French nationals during their first year at university.</p> <p> Holders of a “Dossiers bleus” may register directly with the institution of their choice and are therefore exempt from a preliminary admission and</p>

	<p>from a French language test.</p> <p>All other applicants must undergo a French language test unless: they have a DALF (diplôme approfondi de langue française); they come from a French bilingual state or a state where French is the official language; they can furnish proof of passing any other recognized French language test of an equivalent standard.</p> <p>Residence permits are renewable annually at a prefecture but may not extend beyond the duration of the training/university course: their renewal depends on continuous successful study towards the required level of achievement.</p> <p>Work permits “Autorisation Provisoire de Travail” (APT) for students will be issued either for the duration of the work contract if this is less than 6 months, or for 6 months if the contract runs for a longer period, in which case the permit may be renewed no more than twice and for no longer than 18 months in total. The employment may run parallel to the study course.</p>
<p>Availability of Data on Specific Schemes:</p>	<p>Annual data from early 1990s: 19,000 in 1993 40,000 in 2001</p>

4.5 Refugees and Asylum Seekers

Types of Entry Scheme/ Programme:	<ul style="list-style-type: none"> i. Geneva Convention on Refugees, 1951 ii. “Asile territorial” – territorial asylum, replaced by “Subsidiary Protection” <p>[<i>OECD/SOPEMI Report 02</i> <i>Service-public website:</i> http://vosdroits.service-public.fr/; <i>Migration Newsheet, January 2004</i>]</p>
Responsible Agency(ies):	<p>Ministry of the Interior; Ministry of Foreign Affairs; Office Français pour la Protection des Réfugiés et Apatrides -(OFPRA) Observatory of the Right of Foreigners to Health (ODSE)</p>
Legislative Framework & Changes to the Rules:	<ul style="list-style-type: none"> i. Geneva Convention 28th July, 1951 ii. New Asylum Law, November 2003 iii. 2003/1176 – Law enacted January 1 2004 for political refugees. iv. Aliens Act, October 2003 <p>[<i>Migration News Sheet, January 2004</i>]</p>
Quotas/ Targets:	<p>None</p>
Entry Criteria and Procedures:	<p>The New Asylum Act of 2003: Makes it more difficult to obtain official refugee status or to enter the asylum system. Seeks to cut down the duration of processing asylum applications from 2 years to 2 months. Replaces “territorial asylum” with “subsidiary protection” for non-Convention refugees.</p> <p>Aliens Act, 28th October 2003 entitles officials of the local prefectures to carry out extra medical checks, especially on immigrants from Africa.</p> <p>Procedures:</p> <ul style="list-style-type: none"> i. Asylum seekers arriving by sea or air must report at once to the police upon arrival in France where they will be held in a detention zone at the port or airport while their request is examined ii. Those arriving by road must report at once to the prefecture in the place they wish to live. iii. Must produce proof of civilian status, legal entry into France and all travel documents iv. Must have 4 identity photos and an address for correspondence v. Asylum seekers over the age of 14 must have their finger-prints taken and stored in the system EURODAC to enable the authorities to determine in which State the asylum application was first made – that state becomes responsible for granting a visa, a residence permit, etc.

	<ul style="list-style-type: none"> vi. In France the applicant can obtain an “Autorisation Provisoire de Séjour” (APS) valid for one month as soon as permission to remain in France is given – permit is marked “ en vue de démarches auprès de l’OFPRA” – it does not authorize the applicant to take up work; an application form for refugee status is given at this time to be filled in and submitted to OFPRA. vii. Asylum seekers admitted to French soil with a long-stay visa will receive a receipt for their application for a residence permit, marked “étranger admis au titre de l’asile”, valid for 6 months. viii. Applicants for refugee status must apply in writing or in person to OFPRA demonstrating personal danger of persecution in their home country which contravenes the Bill of Human Rights.- they will be entitled to an APS valid for 3 months and marked “Récipissé constatant le dépôt d’une demande de statut de réfugié”. ix. Asylum seekers must attend an interview producing the documents noted above – an interpreter or other person may be present. x. Those granted “territorial asylum” or “subsidiary protection” do not have the status of refugees but may benefit from a residence permit marked “private and family life”. <p>[Service-Public website: http://vosdroits.service-public.fr/; Migration Newsheet, January 2004]</p>
Charges:	Long-stay visa: GBP70
Conditions and Entitlements:	<ul style="list-style-type: none"> i. APS granted for the period while OFPRA considers the asylum application. ii. Renewable by applying to the Commission des recours des réfugiés (CRR). iii. Asylum seekers do not automatically have the right to a work permit – they must apply and may be refused. iv. Official refugees and stateless persons have the right to a work permit and may take up any professional activity whether salaried or not. v. Non-Convention refugees who are offered “subsidiary protection” are entitled to a residence permit valid for 12 months (renewable). <p>[Migration Newsheet, January 2004.]</p>
Availability of Data on Specific Schemes:	<p>Annual data available: In 2003 there were 59,590 (not including dependent minors)</p> <p>[UNHCR]</p>

5. GERMANY

5.1 Labour Migration – General Skilled

Types of Entry Scheme/ Programme:	<ol style="list-style-type: none"> i. Highly skilled ii. Self-employed iii. Intra-corporate transferees iv. CEE-contract workers v. Guest workers (trainees) <p>Since 2003 the VisaPLUS electronic system has been introduced for all visa applications.</p> <p>[<i>Migration Policy Group: “EU and US approaches to the management of migration: country reports - Germany”, 2003; Auswärtiges Amt: http://www.auswaertiges-amt.de/</i>]</p>
Responsible Agency(ies):	<p>Federal Employment Office</p>
Legislative Framework & Changes to the Rules:	<p>Ausländergesetz 1990 Work Authorisation Act Employment Promotion (Reform) Act of 24 March 1997 (with effect from 1 January 1998)</p> <p>The entire law concerning aliens, which also regulates access to the labour market for foreign nationals is being reformed at the present time (originally drawn up and passed 2002 – rejected by the German Upper House of Parliament on a formal technicality).</p> <p>[<i>OECD/SOPEMI Report for Germany, 2003</i>]</p>
Quotas/ Targets:	<ol style="list-style-type: none"> i. The highly skilled are subject to an annual quota agreed jointly by the Federal Office for Migration and Refugees and the Federal Labour Office. ii. Other occupations are subject to centrally fixed quotas.
Entry Criteria and Procedures:	<ul style="list-style-type: none"> • All nationals arriving in Germany to take up employment must have a full valid passport • A visa is required by most 3rd country nationals for stays over 3 months: documents required for the application include passport, application form(s), 3 photos, proof of adequate means of support, proof of medical insurance, letter from employer (if self-employed a letter from an accountant, bank manager or local Chamber of Commerce), fee; under the new (2003) VisaPLUS system, the information is entered into a computer system by the staff of the embassy/consulate/mission in the country of origin, with checks online against the Central Register of Aliens/Schengen Information System; the visa is reproduced electronically including the photo, for sticking in to the applicant’s passport – the new system is designed to reduce processing times, prevent fraud and provide a greater legal clarity. • Visa application should be made at the German

	<p>embassy/diplomatic office in the country of origin</p> <ul style="list-style-type: none"> • EU nationals only need a valid national ID card • Active recruitment by employers, with the exception of the IT occupations, has been banned since 1973. • A EU style common (Schengen) visa is required for entry of business personnel • At present, there is a dual authorization procedure for the work permit and for the residence permit • Applicants are admitted and residence permits leading to work permits are granted by the Federal Labour Office only if no German national, or foreigner holding the same employment rights as a German national, is available for the job. • There are 5 types of residence permit: <ul style="list-style-type: none"> a) residence title for exceptional purposes; b) residence title for specific purposes c) limited residence permit d) unlimited residence permit: (“unbefristete Aufenthaltserlaubnis”) – may be limited if the 3rd country national fails to make a living e) right of unlimited residence (“Aufenthaltsberechtigung”) • Individual assessments are made within the limits of the fixed quotas and residence permits issued accordingly • CEE-contract workers and guest workers (vocational trainees) admitted on the basis of bi-lateral agreements are not required to take a labour test – it is replaced by the centrally administered fixed quotas; work permits are still needed, granted within these quotas. • Intra-corporate transferees are not required to pass a labour test for up to three years • Self-employed generating their own income (wishing to set up business) are subject to restrictions of access to trades and professions and must prove their activity serves an essential economic interest or a particular local need in the public interest. • The public interest requirement also applies to 3rd country nationals already residing in Germany who wish to pursue self-employment. <p>There are 2 types of work permit: a work permit “Arbeitserlaubnis” or a permanent work permit “Arbeitsberechtigung”; the permanent permits are issued to foreign nationals with a limited residence permit or a residence permit for exceptional circumstances after 5 years employment or after 6 years uninterrupted residence in Germany.</p> <p>Others who qualify include spouses of German nationals, spouses of legal migrants with residence permits, students on training contracts. These permits are issued regardless of the current labour market situation.</p>
Charges:	<p>Visas: Short-stay- up to 30 days = £14; 31-90 days = £24; double or multiple entry = £34 and is valid for 1 year from date of entry. No further information on cost of work or residence permits.</p>

Conditions and Entitlements:	<ul style="list-style-type: none"> i. The foreign worker, once admitted to the labour market, may enjoy most of the rights of a German national. ii. Has the right to family reunion iii. Political rights and entry to some professions are reserved for German citizens only.
Availability of Data on Specific Schemes:	<p>Data available on no. of work permits granted to foreigners: 2002: 805,000 work permits (this includes some non-EEA nationals already resident in Germany).</p> <p>[<i>OECD/SOPEMI Report for Germany, 2003</i>]</p>

5.2 Labour Migration – IT Workers

Types of Entry Scheme/ Programme:	<p>Green Card Programme – brought in to fill the large number of vacancies for skilled IT personnel which could not be filled from within Germany or the EU; it is a temporary measure while the German business community increases the no. of IT training places agreed in the context of the Alliance for Work, Training and Competitiveness.</p> <p><i>[OECD/SOPEMI Report 2003; Schreyer, Franziska: Green Card and Green Card Unemployment in Germany. IAB Topics, 55, 2003.]</i></p>
Responsible Agency(ies):	<p>Federal Employment Office – local employment offices. Federal Ministry for Labour and Social Affairs Federal Ministry of the Interior</p>
Legislative Framework & Changes to the Rules:	<ol style="list-style-type: none"> i. Ausländergesetz (Foreigners Act) of 1990 ii. Regulations (IT-ArGV and IT-AV 2000) introduced by the German Federal Government concerning work and residence permits “for highly qualified specialists in information and communication technology” -enforced 1 August 2000 and intended to run until 31 July 2003 but extended until 31 December 2004 – these regulations enable employers to recruit as an exception to the recruitment ban in force since 1973.
Quotas/ Targets:	<p>Originally 20,000 but this was cancelled <u>But</u> the number of ITC training places agreed by the German business community has been stepped up from 40,000 to 60,000 per annum. The Federal Employment Service will increase the no. places for further (in-house) training for older workers from 36,000 to 40,000. Efforts to provide unemployed German IT specialists with employment will be increased to 32,000 places. In cooperation with the Länder the German Federal Government intends to double the number of graduates in IT-related degrees.</p> <p><i>[OECD/SOPEMI Report for Germany, 2003]</i></p>
Entry Criteria and Procedures:	<ol style="list-style-type: none"> i. a degree from a university or polytechnic; or qualifications deemed sufficient and appropriate by the employer to merit a salary of at least GBP33,800 per annum. ii. a firm job offer as a result of recruitment iii. an abbreviated labour market test iv. an assurance for a work permit applied for by the employer from the firm’s local employment office and granted within 1 week for 6 months if above conditions are met v. the employer passes the assurance on to the applicant for a green card who may then apply for a visa from the German foreign mission in their home country vi. for the first three months in Germany, the assurance replaces a full work permit – before the 3 months are up, either the IT

	<p>worker or his/her employer must apply for a full work permit (green card valid for up to 5 years) – there may be 6 months delay between issue of the assurance and the issue of the work permit.</p> <p>vii. Labour offices have been called upon to speed up the green card procedure by guaranteeing the issue of a work permit within 1 week after receiving the complete application documents.</p> <p>[<i>OECD/SOPEMI Report for Germany, 2003</i>]</p>
Charges:	No information.
Conditions and Entitlements:	<p>i. If certain requirements are met, spouses and children (under age 18 and single) may enter Germany at the same time as the IT applicant</p> <p>ii. The IT specialist and family may enjoy the same benefits as German nationals including social welfare and access to education</p>
Availability of Data on Specific Schemes:	Between 1 August 2000 and 1 September 2003 the total no. work permits issued to IT specialist = 15,243.

Note: The green card programme was set up in 2000 when German employers realized that the home and EU labour markets would not be able to fill the large number of vacancies for skilled IT personnel and that such skilled staff would have to be recruited from outside the EU. The scheme was not confined to the IT industry per se but applied to the employment of IT skilled personnel in any sphere of work.

5.3 Labour Migration – Temporary

Types of Entry Scheme/ Programme:	<ul style="list-style-type: none"> ▪ Seasonal workers ▪ Trans-frontier workers ▪ Contract workers ▪ Guest workers ▪ Nursing/residential care workers / home carers <p>[OECD/SOPEMI Report for Germany, 2003]</p>
Responsible Agency(ies):	<p>Federal Labour Office Federal Employment Service – agency responsible for the implementation of agreements on contract workers.</p>
Legislative Framework & Changes to the Rules:	<p>Ausländergesetz (1990) Ordinance on Exemption from Recruitment Ban. EU Convention Applying the Schengen Agreement Bilateral agreements with 13 countries in CEE for particular categories of temporary workers.</p> <p>[OECD/SOPEMI Report for Germany, 2003]</p>
Quotas/ Targets:	<p>Guest workers: quota = 10,250 Contract workers: quotas are set by contracting states and the relevant ministry in the home countries allocates the quotas upon application by individual firms.</p>
Entry Criteria and Procedures:	<p>Seasonal workers</p> <ol style="list-style-type: none"> i. need a common visa ii. need to pass a labour test iii. they will then receive a “residence permit for particular purposes” iv. a temporary work permit for the duration of the contract but in any case no longer than 3 months and tied to one employer. <p>Trans-frontier workers</p> <ol style="list-style-type: none"> i. need to pass a labour test ii. do not need a residence permit. iii. the work permit granted acts as a “commuter card”, tied to one employer and of limited duration <p>Contract workers may be sent by the parent firm to Germany to be employed for a maximum period of 3 years under a contract for work and services. The parent company must produce proof of its ability and competence to carry out the contract work and services in Germany and must undertake to recognize and observe the German collective wage agreements and avoid the employment of illegal workers. Germany has concluded agreements with 13 countries.</p> <p>Guest workers between the ages of 18 and 40 may be employed for a period of 12 to 18 months to improve their language and occupational skills. Agreements have been concluded with 12 countries.</p> <p>Nursing and residential care staff / home carers – may be recruited on the basis of Art.5, No.7 of the Ordinance on Exemption from Recruitment Ban; agreements have been concluded with Croatia and Slovenia on the</p>

	<p>placement of nursing and residential care staff; placement usually in large conurbations where employers have not been able to recruit from the domestic labour market; further agreements have been concluded with Poland, Slovenia and the Czech and Slovak Republics for the placement of foreign home helps in the households of people needing care.</p> <p><i>[Migration Policy Unit: "EU and US approaches to the management of migration: Country reports - Germany", 2003; OECD/SOPEMI Report for Germany, 2003.]</i></p>
Charges:	Some fees are raised from employers of seasonal workers.
Conditions and Entitlements:	<p>The foreign worker, once admitted to the labour market, must enjoy the same rights as a German national. On these terms, the employment of seasonal and trans-frontier workers is allowed.</p> <p>Guest workers are issued work permits regardless of the situation of the German labour market.</p>
Availability of Data on Specific Schemes:	<p>Inflow of temporary workers in 2002:</p> <p>Contract workers: 45,409</p> <p>Guest workers (bilateral agreements with 12 countries): 4,900</p> <p>Seasonal workers (under bilateral agreements with 8 countries): 298,000</p> <p>Transfrontier workers (bilateral agreements with Poland and the Czech Republic): ca.9,000</p> <p>Residential care staff: 360</p> <p>Home helps: 1,102</p> <p><i>[OECD/SOPEMI Report for Germany, 2003]</i></p>

5.4 Family Migration

Types of Entry Scheme/ Programme:	Family Reunion [MPG: <i>EU and US approaches to the management of immigration – Germany 2003</i> ; Website of the Bundesministerium für des Inneren]
Responsible Agency(ies):	Bundesministerium für des Inneren
Legislative Framework & Changes to the Rules:	No information.
Quotas/ Targets:	None.
Entry Criteria and Procedures:	<p>“Family” is defined initially as the nuclear family but in cases of particular hardship, other members may be admitted as well.</p> <ol style="list-style-type: none"> i. Spouses, etc. of 3rd country nationals are admitted and a residence permit granted on the basis of proof of adequate accommodation and income and secure residence status, which in turn is determined by the residence status of the applicant (the principal) ii. Children must be unmarried and under 16. iii. A German national bringing in family has the above conditions waived, children up to 18 and single are allowed in and the family receives a residence permit of up to 3 years iv. Asylum seekers and de facto refugees are excluded from these requirements
Charges:	No information.
Conditions and Entitlements:	<ol style="list-style-type: none"> i. The first residence permit for family must not exceed the duration of the principal’s permit ii. Access to the labour market is only allowed after 1 year (secondary access) and a labour market test must be carried out iii. Access to the benefits of the welfare system depends on residence status but family members have access to education. iv. Spouses may obtain autonomous residence status after 5 years provided the legal cohabitation continues and the principal’s residence status is secure v. A spouse may continued to reside in Germany legally for up to a year after a failed legal cohabitation, which lasted at least 2 years on Federal territory, or after the principal has died. If the legal cohabitation fails within 2 years, the spouse may obtain a residence permit in cases of particular hardship. vi. The child of a 3rd country national immigrant may apply for a separate residence right at the age of 16 if (s)he has had a residence permit for at least 8 years vii. Long-term residence status – 2 forms: <ul style="list-style-type: none"> • Unlimited residence permit (“unbefristete Aufenthaltserlaubnis”) – may be limited if the 3rd country national fails to make a living

	<ul style="list-style-type: none"> • Right to unlimited residence (“Aufenthaltsberechtigung”) <p>- both give entitlement to many of the rights of citizens but political rights and entry to some professions are reserved for German citizens only.</p>
Availability of Data on Specific Schemes:	No information

Note: Information on this form of entry route is very sparse. Family reunion is not even mentioned in the OECD/SOPEMI Report for Germany for 2003.

5.5 Foreign Students

Types of Entry Scheme/ Programme:	<p>Entry to Germany to study at universities and technical universities, Fachhochschulen (universities of applied sciences), colleges of art and music, private universities; 2 types of student visa:</p> <ol style="list-style-type: none"> i. national student visa for a stay of over 3 months (the most usual type) ii. Studienbewerber-Visum – special visa for students taking a German language course as an entry requirement for the course of study <p>Trainee entry to Germany, or already resident, to receive training in a trade, in industry or commerce or in the liberal professions.</p> <p>[<i>German Consular website, e.g.: http://www.Germanconsulate-hongkong.org/</i>]</p>
Responsible Agency(ies):	<p>Deutsche Akademische Austausch Dienst - German Academic Exchange Service (DAAD)</p>
Legislative Framework & Changes to the Rules:	<p>Ausländergesetz 1990 Bundesausbildungsförderungsgesetz (BaföG – Federal Education and Training Assistance Act)</p>
Quotas/ Targets:	<p>Generally there are no quotas for foreign students unless places are limited on a particular course, e.g. medicine, psychology (8 to 10%). No information on quotas for trainees.</p> <p>[<i>German Consular website</i>]</p>
Entry Criteria and Procedures:	<p>The foreign student must choose a course and higher education institution and apply direct for admission. The student must fulfil the entrance requirements for that course and institution, including the German language requirement. Once admission has been granted, the student must apply in person at the embassy/consulate in the home country for an entrance visa to Germany – documents needed:</p> <ol style="list-style-type: none"> i. Document of confirmation with details of the course ii. Visa application form plus 2 photos iii. Passport/travel document valid for at least 3 months beyond the expiry date of the visa iv. Proof of financial means of subsistence for the duration of the course -estimated at least GBP429 per month – either a scholarship award or recent bank book or bank statement v. Proof of health insurance cover vi. Birth certificate if under 18 together with proof of parental consent <p>Further documentation may be required in certain cases; the documentation must be in English or German, the original copies plus 2 photocopies. A foreign student (apart from citizens of the EU/EEA and other recognized countries) may not enter Germany without a visa.</p>

	<p>If the student needs to study for the German language requirement in Germany a special visa (Studienbewerber-Visum) should be applied for which allows for completion of the language course and the start of the study course.</p> <p>Once in Germany, the visa should be changed for a residence permit. Visas of other types, e.g. tourist, may not be modified to a student visa. The visa will be issued under the new electronic VisaPLUS system, set up to speed up the processing of visas, reduce fraud and provide a clearer legal basis. All visa applications will be checked against the Central Aliens Register/the Schengen Information System and the visa will be issued electronically including the photo for sticking into the applicant's passport.</p> <p>[http://dw-world.de/; <i>Auswärtiges Amt website:</i> http://www.auswaertiges-amt.de/]</p>
<p>Charges:</p>	<p>There appear to be no charges for student visas or residence permits. There are no tuition fees for state supported institutions of higher education. Private universities and business schools may charge up to GBP11,700 per annum.</p> <p>[<i>German Consular website</i>]</p>
<p>Conditions and Entitlements:</p>	<p>All undergraduate courses are taught in German and a German language proficiency test must be passed:</p> <ol style="list-style-type: none"> i. The Goethe Institutes offer tests at least twice a year: Kleines und Großes Sprachdiplom; Zentrale Oberstufenprüfung – both may be repeated until passed ii. Deutsche Sprachprüfung für den Hochschulzugang is offered twice a year at German universities and may be repeated twice <p>Foreign students may work up to 20 hours per week or 90 days per year on or off campus without the need of a work permit. Scholarship programmes are run for Ph.D students only. In certain cases, foreign students may qualify for financial support under the Federal Education and Training Assistance Act</p>
<p>Availability of Data on Specific Schemes:</p>	<p>2002 – foreign students represented 7 per cent (over 150,000 students) of the overall annual intake.</p> <p>2001 - the share of foreign nationals of the total number of trainees fell from 7.1% to 6.8% (92,300). Numbers have fallen annually since 1994.</p> <p>[<i>German Consular Website;</i> <i>OECD/SOPEMI Report for Germany, 2003</i>]</p>

5.6 Refugees and Asylum Seekers

Types of Entry Scheme/ Programme:	Refugees and Asylum Seekers <i>[OECD/SOPEMI Report 2003 MPG: EU and US approaches to the management of migration – Germany. 2003.]</i>
Responsible Agency(ies):	Federal Office for the Recognition of Foreign Refugees Federal Minister of the Interior
Legislative Framework & Changes to the Rules:	<p>Asylum Procedure Act (“Asylverfahrensgesetz”) of 26 June 1992 (promulgated 27 July 1993 and amended by law 29 October 1997). Stipulates whether a person qualifies for asylum</p> <p>Asylum Law of 1 July 1993. Adopted London Ministerial Resolutions of December 1992: Fast-track procedures for certain categories of asylum application; conditions under which a third country may be considered a “safe third country”; criteria for determining “safe”.</p> <p>Foreigners Act (Ausländergesetz) of 9 July 1990 (took effect 1 January 1991)</p> <p style="padding-left: 40px;">Section 32a: refugees from war or civil war granted temporary admission – no asylum procedures may take place within this period</p> <p>Geneva Convention on refugees, 1951.</p> <p>Dublin Convention (Convention Determining the State Responsible for Examining the Applications for Asylum Lodged in one of the Member States of the European Communities) in effect since 1 January 1998 and applied by all Member States of the EU. Operational in Germany since 1 September 1997</p>
Quotas/ Targets:	None
Entry Criteria and Procedures:	<p>Federal Office for the Recognition of Foreign Refugees reviews individual asylum applications – no constraints on their decisions but a Federal Commissioner appointed to this Office is bound by instructions from the Federal Minister of the Interior and participates in procedures brought before the law courts and this Office.</p> <p>Once applicant has been recognised by this Office as a person entitled to asylum/ refugee status (s)he is entitled to a residence permit of unlimited duration and a refugee travel document.</p> <p>Geneva Convention refugees, who do not have a right to asylum, may be granted a residence title under exceptional circumstances.</p> <p>Asylum applicants are required to have fingerprints taken for storage in EURODAC (pan-European finger-printing system for 3rd country immigrants, including asylum seekers – aimed at reducing fraudulent applications and establishing State responsible for first application).</p> <p><i>[German Federal Government Websites http://www.eng.bmi.bund.de/]</i></p>
Charges:	None

Conditions and Entitlements:	<ul style="list-style-type: none"> i. Have the same status as Germans in many areas of legal, economic and social life. ii. May avail themselves of a range of rights and benefits to aid integration, including German language courses. iii. Family reunion is allowed iv. Suspension of deportation – does not give right of residence but leaves the situation of the applicant’s status uncertain and confused (ca. 250,000 persons still living in Germany under this since 1997). <p>[MPG Study (see above)]</p>
Availability of Data on Specific Schemes:	<p>Annual data available: 2003 = 50,445*</p> <p>[UNHCR]</p>

*Notes: Dependants are only included in this figure if their application is filed separately.

6. ITALY

6.1 Labour Migration

<p>Types of Entry Scheme/ Programme:</p>	<p>Labour Migration, Permanent and Temporary</p> <p>Based on the type of residence permit: Contract work (the largest category and includes the most important for foreign workers: trade and services; industry; agriculture; domestic work). Independent work (not necessarily self-employed). “Sponsored” job seekers eliminated by the 2002 Law but now counted as “dependent workers” with a dependent contract. Job seekers. Self-employed (also regarded as “para-subordinate”, “atypical”) without a dependent contract. Seasonal work in agriculture and tourism.</p> <p>[SOPEMI/OECD Italy 2003]</p>
<p>Responsible Agency(ies):</p>	<p>Ministry of Foreign Affairs Ministry of Labour</p> <p>[http://www.esteri.it/]</p>
<p>Legislative Framework & Changes to the Rules:</p>	<p>“Bossi-Fini Law” of 30 July 2002 (Law 189/02) – “Amendments to immigration and asylum law” -made substantial changes to the 1998 Framework Immigration Law (“Testo Unico” 286/98) re admission and expulsion procedures – only a few articles have been applied, as the full application measure is still making its way through parliament. 1996 amnesty favoured foreign domestic workers enabling them to acquire papers; regularization of 2002 reinforced this. 1998 amnesty gave undocumented foreign entrepreneurs an opportunity to acquire papers.</p> <p>[OECD/SOPEMI Italy 2003; Ministry of Foreign Affairs Website: http://www.esteri.it/eng/]</p>
<p>Quotas/ Targets:</p>	<p>Quotas for foreign workers are established by law decree each year by the Ministry of Labour and the following statistics are intended as a guide only.</p> <ul style="list-style-type: none"> i. By virtue of bilateral agreements the following annual quotas were established for 2001: <ul style="list-style-type: none"> Albania = 6,000 Morocco = 1,500 Tunisia = 3,000 Others = 4,500 ii. Of the other types of foreign workers: <ul style="list-style-type: none"> Dependent workers = 45,000 Independent workers = 3,000 Sponsored job seekers = 15,000

	<p style="text-align: center;">Special skills = 5,000</p> <p>Seasonal worker quotas (agriculture and tourism): 2000=26,656; 2001=39,400; 2002 quota was extended to March 2004 (not divided into categories). 1998-2000 quotas not met for foreign agricultural workers.</p> <p>[<i>PEMINT Italian Research Group report, 2001</i>]</p>
<p>Entry Criteria and Procedures:</p>	<p>Under the Law 189/02:</p> <ol style="list-style-type: none"> i. The only mechanism for a foreign worker to enter Italy legally is to be called in by an Italian employer (apart from job-seekers – see below). ii. Before requesting a foreign worker, the job offer must be published by the employment offices for at least 20 days. iii. Only when no Italian national applies for the job may it be offered to a foreign worker and this recruitment must receive authorization. iv. By virtue of bilateral agreements with Tunisia, Morocco and Albania, recruitment may take place in these countries. v. Since December 1999, job seekers may enter Italy if someone regularly resident can bear the costs of maintenance while they are job-seeking. vi. The employer must prove that adequate housing has been arranged and that costs of repatriation are covered before requesting a foreign worker. vii. Residence permit “permesso di soggiorno” needed to remain in Italy – this is transformed into a residence contract “contratto di soggiorno” which is closely tied to a foreigner’s employment situation and contract viii. Upon arrival, the foreigner and the employer must go to the prefecture and formalize the job contract ix. If the foreigner loses a job, (s)he can seek for another using the same residence permit until it expires or within 6 months – after this (s)he must leave if still jobless or (s)he will acquire illegal status. x. The system for seasonal workers is modified so that returning workers will get precedence the next year – after the second season of this type of work, (s)he may obtain a 3-year seasonal work permit. xi. Otherwise, the length of permits has been shortened requiring more frequent renewal: acquiring a “residence card” (10-year renewable residence permit) is now possible after 6 years of permits instead of 5. xii. Permits are obtainable from the police but applications will eventually be handled by a “sportello” – a kind of “one-stop-shop” (this has yet to be applied under the new law). <p>All entrants to Italy require a visa for stays up to 90 days except EU/EEA nationals, and certain other listed countries. Application to be made to the Italian Embassy/Consulate/Mission in the</p>

	<p>country of origin and generally takes two clear days to process (depending on nationality of applicant). Documents required: Passport valid for at least 3 months beyond the validity of the visa; completed application form; photograph; proof of sufficient funds; marriage certificate to prove marriage to an EU national (where applicable); medical insurance (where applicable); proof of travel arrangements. Self-employed need a letter from an accountant, company secretary, solicitor or local Chamber of Commerce in addition to the above. Business immigrants only need a passport and a letter from their employer plus a letter from the host Italian company or firm with their application. Seasonal workers did not have a permit for seasonal work in 2001 - either they were full-time legal residents or undocumented foreigners. Renewal of permits has been made more difficult – more layers of bureaucracy - in an effort to encourage foreign workers to return home.</p> <p>[<i>OECD/SOPEMI Italy 2003</i>]</p>
Charges:	<p>There is a charge for revenue stamps on all notarised documents submitted as proof of housing, employment, civil status for permits – range from GBP7-20. Charge for renewing a permit is GBP7 Fees for visas: Short stay (1-30 days) = GBP16 31-90 days single entry = GBP20 31-90 days multiple entry = GBP23 National visa (over 90 days) = GBP33 There are no “hardship exceptions”.</p> <p>[<i>OECD/SOPEMI correspondent for Italy, 2004; information found on an Italian Consulate website in the United States.</i>]</p>
Conditions and Entitlements:	<ol style="list-style-type: none"> i. “collobaratore” (domestic workers: housekeeping, cleaning; caring for children or the elderly) are required to register with the national pension scheme; there is a national minimum wage of GBP3.85 per hour and their employer is required to contribute to the pension on-line or at a local bank – this sector of the labour market is the only one which was regularized before 1985 but irregular employment is more common in this sector. ii. Foreign workers employed by enterprises operating in Italy are entitled to receive benefit from INAIL independently from their country of origin. iii. If employees who work in enterprises operating in Italy have been “Seconded” from an enterprise with head offices situated in an EU or Non-EU country Italy has an agreement with, they are entitled to benefit granted by the Workers Compensation Authority of their own country. iv. Workers are entitled to send remittances out of the country.

	<p>v. Access to social housing limited.</p> <p>[http://osservatorio.inail.it/]</p>
Availability of Data on Specific Schemes:	<p>There is no single reliable source of data on flows of foreign workers, although there is a wide range of individual sources:</p> <p>ISTAT (Italian National Statistical Office)</p> <p>INPS (National Institute for Social Security) provides quarterly data on all registered workers</p> <p>INAIL archive (national workplace insurance system, which registers when an employee starts or stops working)</p> <p>Insured Workers Observatory website – shows the tax codes of employers and employees as they are hired (Z codes are foreigners)</p> <p>Italian Labour Force Survey</p> <p>Archives of individual firms.</p> <p>Ministry of Labour + Italian Chamber of Commerce = Excelsior Information System - information is obtained directly from employers:</p> <ul style="list-style-type: none"> • Numbers of people they intend to hire over next 1-2 years • Nature of the vacancies • Details of their sector of work activity (nature of the work, number of people employed) • Region and provinces of the firm's location • Foreign labour force recruitment – whether and how many new jobs for non-EU members <p>Health, education and agriculture are excluded from the system and the records are of potential not effective employment.</p> <p>[http://osservatorio.inail.it/; <i>PEMINT Italian Research Group review of migration statistics, 2001.</i>]</p>

Note: There is little demand in Italy for high-skilled foreign workers: the expanding sectors of the labour market tend to be labour-intensive export-oriented small firms. Most immigrant workers are not qualified therefore and even Italian university graduates have difficulty finding jobs (anything up to 2 years searching). Source: OECD/SOPEMI Italy 2003. The percentage of total immigrant workers of workers in the white-collar and skilled blue collar sectors was only 4.8%. Source: PEMINT Italian Research Group's review of migration statistics, 2001.

6.2 Family Migration

Types of Entry Scheme/ Programme:	Family Reunion
Responsible Agency(ies):	Ministry of Foreign Affairs
Legislative Framework & Changes to the Rules:	<p>The Italian Constitution of 1947 (Articles 29, 30, 31) recognizes the rights of the family, irrespective of nationality, and this extends to an immigrant legally resident in the Italian State.</p> <p><u>But</u></p> <p>The Law 189/2002 amends the text of Law 40/1998 and introduces a more restrictive regime concerning family reunion.</p> <p>[“<i>Legislationonline</i>”: <i>Migration: Italy: Family Reunion</i> http://www.legislationonline.org/]</p>
Quotas/ Targets:	Quotas are calculated after taking into account entrance clearance given for reasons of family reunion and temporary humanitarian protection.
Entry Criteria and Procedures:	<p>Visas for entry into Italy on the grounds of family reunion must be applied for in the country of origin prior to coming to Italy.</p> <p>The application may be filed by the holder of a 1-year or longer “permesso di soggiorno” (residence permit) .</p> <p>This type of visa cannot be issued by an Italian consulate abroad without authorization from the Italian police authorities.</p> <p>Included in the visa issue:</p> <p>Spouse (excluding legally separated or divorced spouses)</p> <p>Children under 18 who are financially dependent</p> <p>Children over 18 who cannot support themselves due to ill health and invalidity</p> <p>Financially dependent parents if they have no other children in their country of origin</p> <p>Law 189/2002 excludes relatives up to the third degree of relatedness.</p> <p>The applicant must give proof of:</p> <ol style="list-style-type: none"> i. suitable accommodation, complying with minimum standards set by regional laws; obtaining permission of owner/landlord if a child below 14 is to reside there. ii. Adequate lawful income whose amount does not fall below GBP2,925 per annum for 1 relative; double this amount for 2-3 relatives and triple the amount for 4+ relatives; the overall income of the family members who will co-habit will be taken into account. <p>The application must be submitted to the “Prefettura” (the local office of the Territorial Representative of the Central Government); after 90 days - with or without consent visas may be applied for.</p> <p>Within 8 days of the family’s entry, a residence permit for them on the grounds of family reunion must be obtained.</p>
Charges:	<p>Visa costs:</p> <p>There is a charge for revenue stamps on all notarised documents</p>

	<p>submitted as proof of housing, employment, civil status for permits – range from GBP7-20. Charge for renewing a permit is GBP7 Fees for visas: Short stay (1-30 days) = GBP16 31-90 days single entry = GBP20 31-90 days multiple entry = GBP23 National visa (over 90 days) = GBP33</p> <p><i>[Italian OECD/SOPEMI correspondent, 2004; Italian Consulate website for the United States.]</i></p>
Conditions and Entitlements:	The family reunion “ permesso di soggiorno ” entitles family members to work, attend schools and universities and have access to the health services.
Availability of Data on Specific Schemes:	<p>Annual residence permits data: new issues in 2002 = 112,900</p> <p><i>[Italian OECD/SOPEMI correspondent, 2004]</i></p>

6.3 Foreign Students

Types of Entry Scheme/ Programme:	For EEA students only, Socrates and Leonardo da Vinci initiatives.
Responsible Agency(ies):	Ministry of Foreign Affairs
Legislative Framework & Changes to the Rules:	Article 33 of the Italian Constitution states that the teaching of arts and sciences should be free.
Quotas/ Targets:	<p>Admission to Italian universities is based on pre-determined quotas. Places on certain courses are limited in any case (e.g. medicine).</p> <p>[PEMINT Italian Research Group, 2001]</p>
Entry Criteria and Procedures:	<ol style="list-style-type: none"> i. Foreign students wishing to enrol directly in an Italian university or college must hold a secondary/high school certificate/diploma of the required standard – an International Baccalaureate (IB) is acceptable – after a minimum of 12 years schooling; this certificate/diploma must be officially translated into Italian and duly certified (“Dichiarazione de Valore”). ii. The student should contact the Italian embassy/consulate in their country of origin in January/February to receive up-to-date information on the schedule for application procedures and deadlines. iii. Pre-application should generally be made by June and in addition to the certificate/diploma the application form must be submitted with a valid passport and 2 photos – the local embassy/consulate will send these to the chosen university iv. Once accepted (notification will be received by the end of July), the student will be invited by the chosen university to take an oral and written Italian language test (the student must speak and write Italian of an adequate standard to enable them to take part and complete coursework, etc) – the exam is held in early September of the year of entry. v. Once accepted, the non-EU foreign student must obtain a student visa from the Italian embassy/consulate in their country of origin before entry to Italy. vi. The student must have proof of the means of support either through personal finance or through a scholarship/grant/bursary. vii. The student must produce complete documentation on the course or cultural program that will be attended (visas will not be issued for private school programs in basic language instruction); viii. The student must produce proof of health insurance coverage, unlimited and worldwide: the policy coverage must indicate that the Italian provider will be paid directly by Insurance Company. The student is not covered under the Italian health care system.

	<p>ix. Once they arrive in Italy, they should contact the local police office (Questura) within 8 days to register their stay in Italy and receive a permesso di soggiorno (residence permit) – without this they may not remain in Italy.</p> <p><i>[Most of this information is found on individual embassy websites.]</i></p>
Charges:	No fee.
Conditions and Entitlements:	<p>i. Students may apply to only one university.</p> <p>ii. In general, there are no admissions tests but admission to some special courses, e.g. in the scientific fields and medicine, is limited and an entrance exam must be taken.</p> <p>iii. Students do not have the right to work in Italy.</p> <p>iv. Because the institutions of higher education in Italy are strongly subsidized by the Italian government, there are no tuition fees to be paid by the student but the student is individually responsible for bearing the expenses of accommodation, food, etc. and the purchase of books, etc. necessary for the chosen course.</p> <p>v. European students are guaranteed the right to study at any Italian university and do not require a student visa.</p> <p>vi. An international driver's licence allows a student to drive in Italy for one year – for a longer stay an Italian driving licence is required.</p>
Availability of Data on Specific Schemes:	<p>Statistics for the second half of the 1990s show that the number of foreign students admitted remained fairly constant at ca. 12,500 per annum. Data on stocks of foreign students exist – 27,700 in 2000</p> <p><i>[OECD/SOPEMI Report Italy, 2003]</i></p>

6.4 Refugees and Asylum Seekers

Types of Entry Scheme/ Programme:	Asylum Seekers
Responsible Agency(ies):	Ministry of the Interior Central Commission for the Determination of Refugee Status, comprising Ministry of the Interior staff and a representative from the UNHCR. Regional Administrative Court (TAR) for appeals [<i>OECD/SOPEMI Italy 2003</i>]
Legislative Framework & Changes to the Rules:	Law 189/02 – “Bossi-Fini Law” of July 2002 makes substantial changes to the 1998 framework immigration law re admission and expulsion procedures and accelerates the asylum review process on the assumption that most applications will be rejected. Law 39/1990 “Martelli Law” – requires the asylum seeker to request asylum and provide documentation at the frontier. [<i>OECD/SOPEMI Italy 2003</i>]
Quotas/ Targets:	None
Entry Criteria and Procedures:	“Permit for asylum request” is granted for 3 months, renewable over the 12 – 18 month waiting period until a decision. A recommendation for a special permit on humanitarian grounds is issued by the Commission when an application has been rejected and is granted at the discretion of local police foreigners’ offices. Once admitted, a foreigner must choose an address (usually a voluntary organisation) and the local police issue a temporary residence permit valid until a decision is taken regarding refugee status. The applicant may be called to a hearing by the Commission. A successful applicant receives a certificate which entitles him/her to receive a work and residence permit of unlimited duration. [<i>OECD/SOPEMI Italy 2003</i>]
Charges:	The applicant receives GBP11 per day for 45 days.
Conditions and Entitlements:	An asylum seeker is not allowed to take up employment during the review process.
Availability of Data on Specific Schemes:	Annual data available: No. claims in 2002=7,300 [<i>UNHCR</i>]

7. NETHERLANDS

7.1 Labour Migration

<p>Types of Entry Scheme/ Programme:</p>	<p>Work Permits</p> <p>A work permit may be obtained for one of the following categories:</p> <ul style="list-style-type: none"> ▪ Executives ▪ Intra-company Transferees (ICTs) ▪ Newly Recruited Personnel ▪ Academic Employees ▪ IT Skilled Workers ▪ Investors/Self-Employed Persons ▪ Work placement ▪ Practical training ▪ Seasonal/short-term labour
<p>Responsible Agency(ies):</p>	<ul style="list-style-type: none"> ▪ Immigration and Naturalisation Service (IND), Ministry of Justice (Immigratie- en Naturalisatiedienst, Ministerie van Justitie) ▪ Centre for Work and Income (CWI), Ministry of Social Affairs and Employment (Centrum voor Werk en Inkomen, Ministerie van Sociale Zaken en Werkgelegenheid) ▪ The Aliens Police <p>[http://www.ind.nl/; http://www.cwinet.nl/nl/]</p>
<p>Legislative Framework & Changes to the Rules:</p>	<p>Foreign Nationals Labour Act (WAV – Wet Arbeid Vreemdelingen) 1995 governs the work permit system</p> <p>Aliens Act 2000 governs the temporary stay visa (MVV) and residence permit system.</p> <p>Recent Policy Developments</p> <p>It is the Dutch government’s view that with the number of unemployed and benefit claimants in the Netherlands, there is no need for labour immigration, except to fill a few specific skills gaps. However, there has been an increase in labour immigration across the skills spectrum.</p> <p>In October 2001 the government issued a statement that it was neither in favour of increased labour migration nor increased EU regulation but conceded that whilst it deemed the WAV to be satisfactory, its implementation could be made more efficient. In addition, admission processes have been speeded up by allowing the different procedures in different ministries to run in parallel. This accelerated process was initially applied to “knowledge workers” applying for entry to work.</p> <p>Also, in 2001 the government responded to pressure from the agricultural and horticultural sector to allow the employment of temporary/seasonal workers from Central and Eastern Europe (e.g. Poland and Bulgaria) and signed a covenant with the relevant organisations.</p>

	[Report of the Dutch OECD SOPEMI correspondent.]
Quotas/ Targets:	There are no quotas or targets.
Entry Criteria and Procedures:	<p>In order to employ a migrant worker, the employer requires a work permit (TWV) granted by the Centre for Work and Income (CWI). If the employee wishes to work for more than three months, they and their prospective employer must both apply for a MVV for the employee (if one is required) before they arrive in the Netherlands. Upon arrival the employee must register with the aliens police and apply for a residence permit. If the employee wishes to work for three months or less, they must obtain a short stay visa (if one is required).</p> <p>The criteria for entry into the labour market vary depending on the category:</p> <p>Executives</p> <ul style="list-style-type: none"> ▪ a person working at executive managerial level within a company. ▪ An executive must normally have: <ul style="list-style-type: none"> ○ a higher education ○ many years of working experience at management level ○ a salary of at least GBP58,500 per annum. ▪ Executives do not require an MVV. <p>Intracompany Transferees (ICTs)</p> <ul style="list-style-type: none"> ▪ The employee must: <ul style="list-style-type: none"> ○ have at least a bachelor degree level or relevant vocational education diploma; ○ have a salary of usually at least GB32,500 per annum; ○ be aged between 18 and 45; ○ have worked for the company for at least two and a half years. ▪ the company must operate in at least three different countries with GBP32.5 million turnover worldwide ▪ There is no need to advertise for posts filled by ICTs. ▪ Where appropriate, ICTs are required to get an MVV before they come to the Netherlands. <p>Newly Recruited Personnel</p> <ul style="list-style-type: none"> ▪ A person hired by a company where a suitable candidate from the EU/EFTA could not be found whose skills relate to the job the company offers. ▪ Employers must prove they cannot find an appropriate candidate within EU/EFTA countries after advertising a job in/at: <ul style="list-style-type: none"> ○ a national newspaper; ○ 2 or more government appointed job agencies; ○ 2 other news papers;

- an internet job agency;
- a local job agency.
- As a result, many are discouraged from recruiting outside EU/EEA countries.
- A new worker must usually have:
 - at least a bachelor degree level or relevant vocational education diploma;
 - a number of years' work experience in that profession.
- Workers requiring an MVV must obtain one before they come to the Netherlands, including visiting for a job interview. The applicant must complete the entire application process in their own country, meaning the job must be offered before the applicant sets foot in the Netherlands.

Academic Employees

- Academic employees include guest lecturers, scientific researchers, students doing an internship or work placement, graduates doing an internship after completing a degree, etc.
- Whilst organisations are required first to make an effort to find an EU/EFTA employee, owing to current skills shortages in the Netherlands, it is easy to get a work permit, especially if the applicant is very experienced or specialised.
- Where appropriate, academics are required to get an MVV before they come to the Netherlands. Even with the fast-track MVVs, in the case of academics this can take several months.
- Minimum salary requirements apply.

IT Skilled Workers

- The scheme aims to address shortages of highly-skilled, high-level ICT jobs such as:
 - designer/developer of embedded software systems
 - integrated circuit developer
 - systems integration developer
 - designer/developer of telecommunication systems
 - database specialist
 - network specialist
 - software developer and analyst programmer
- Before recruiting abroad, the employer must first prove to have been unable to recruit an EU/EFTA worker after advertising the job in a national newspaper and trade publication. No other advertising requirements apply (i.e. such as those that apply to non-IT recruitment);
- The worker must usually:
 - have at least a bachelor degree level or relevant vocational education diploma;
 - have relevant work experience in that profession;
 - be aged between 18 and 45.
- The job must have a salary of at least GBP28,700 per annum;

- The company must operate in at least three different countries with EUR50 million turnover worldwide;
- Where appropriate, IT workers are required to get an MVV before they come to the Netherlands.

Investors/Self-Employed Persons

- Foreign nationals are allowed to set up business in the Netherlands if they satisfy business criteria set by the Dutch government.
- Applications for activities in self-employment imply that the setting up and the pursuing of the business:
 - is aimed at developing multiple customer/client relations
 - requires the applicant take up residence for an indefinite period.
- Self-employed person must have:
 - an MVV if necessary before coming to the Netherlands
 - sufficient means of support and are able to earn enough money to support themselves from their business
 - not reached the age of 60 years old
 - appropriate qualifications relating to their business
- The business must serve an essential Dutch economic interest in that it has a clearly innovative value, contributes to the economy and does not disrupt competition in the Dutch market.
- Exceptions:
 - *The Dutch American Friendship treaty*
Americans who invest more than GBP2,925 have a right to establish a business in the Netherlands based on the American –Netherlands friendship treaty.
 - *European agreements*
Under various agreements, people from certain Central and Eastern European countries and from Switzerland are exempt from the conditions of those business activities which are regarded as essential to the Dutch economy.
 - *Turkish nationals* are exempt from the under 60 age restriction.
- Business activities in the hotels and catering, and entertainment sectors are not considered to be essential to the Dutch economy and permits will not be issued to such applicants.

Work placement

- Where appropriate, workers on a work placement are required to get an MVV before they come to the Netherlands.
- Residence permits for persons on work placement are valid for a maximum of one year.
- The employer must obtain a work permit from the CWI.

Practical training

- Where appropriate, workers on practical training are required to get an MVV before they come to the Netherlands.
- Residence permits for trainee students are valid for a maximum of 24 weeks.

	<ul style="list-style-type: none"> ▪ The employer must obtain a work permit from the CWI. <p>Seasonal/Temporary Workers</p> <ul style="list-style-type: none"> ▪ In addition to the schemes above, a significant number of seasonal/temporary workers from Central and Eastern Europe are admitted through agreements between the government and employers in the agricultural and horticultural sector. <p>Spouses and dependants</p> <ul style="list-style-type: none"> ▪ Spouses and dependants must also have an MVV to enter and must apply for a residence permit upon arrival. <p>[http://www.ind.nl/; http://www.workpermit.nl/]</p>
Charges:	<p>From 1 January 2001, handling fees for visa applications were introduced. The price of each is the same as the former cost of the specific visa but the fee is paid up front and is not refunded if the application fails (previously applicants only paid for the visa once their application had been successful).</p> <p>The following charges are made for obtaining the following permits:</p> <p>Short Stay Visa</p> <ul style="list-style-type: none"> ▪ transit visa for airport passengers GBP7 ▪ transit visa for up to 5 days GBP7 ▪ 1-month visa GBP17 ▪ 3-month visa with 1 arrival GBP20 ▪ 3-month visa with 2 or more arrivals GBP23 <p>MVV (Authorisation for Temporary Stay)</p> <ul style="list-style-type: none"> ▪ GBP34 <p>Residence permit</p> <ul style="list-style-type: none"> ▪ EU/EFTA Nationals <ul style="list-style-type: none"> ○ Initial grant: GBP19 ○ Permit extension: GBP19 ○ Indefinite permit: GBP596 ▪ Other Nationals older than 12 years of age <ul style="list-style-type: none"> ○ Initial grant: GBP288 ○ Permit alteration: GBP288 ○ Permit extension: GBP191 ○ Indefinite permit: GBP596 ▪ Other Nationals under 12 years of age <ul style="list-style-type: none"> ○ Initial grant: GBP191 ○ Permit alteration: GBP191 ○ Permit extension: GBP191 ○ Indefinite permit: GBP596

	<p>Official Documents</p> <p>In addition, the following charges apply for authentication and verification of official documents required during the application process (e.g. marriage certificates, etc).</p> <ul style="list-style-type: none"> ▪ Authentication (per document) GBP7 ▪ Verification (per document) GBP91 <p>[http://www.ind.nl/]</p>
<p>Conditions and Entitlements:</p>	<p>The applicant may work and reside in the Netherlands for the duration of their work and residence permits. Spouses and family members may accompany the worker but require their own visas as appropriate.</p>
<p>Availability of Data on Specific Schemes:</p>	<p>There are no data broken down by the specific categories of workers, only the total numbers by issue of permit. The latest figures are for 2002:</p> <ul style="list-style-type: none"> ▪ MVVs granted for employment: 4,311 ▪ Temporary work permits granted: 34,558 <p>The number of work permits includes those issued for seasonal and lower-skilled work such as agricultural, hospitality and domestic work and also for short-term permits for artists, entertainers and sports people.</p> <p>[<i>Report of the Dutch OECD SOPEMI correspondent; The IND Annual Statistical Yearbook, available online at: http://www.immigratiedienst.nl/jaarverslag2002/</i>]</p>

7.2 Family Migration

Types of Entry Scheme/ Programme:	Visa entry for residence for family reunification and formation
Responsible Agency(ies):	Immigration and Naturalisation Service (IND), Ministry of Justice (Immigratie- en Naturalisatiedienst, Ministerie van Justitie) [http://www.ind.nl/]
Legislative Framework & Changes to the Rules:	<p>Aliens Act 2000 governs the temporary visa (MVV) and residence permit system.</p> <p>Recent Policy Developments</p> <p>The Dutch government views migration for family reunification and formation as something that should be limited. The Aliens Act 2000 introduced measures to limit family and marital migration, largely pertaining to the family member already in the Netherlands, ensuring they have:</p> <ul style="list-style-type: none"> - lived and worked there for a certain period of time - an income of equal to the minimum wage - have sufficient means to support the migrant as a guarantor (“referee”). <p>Also, migrants are not allowed to have their own residence permit, independent of their referee, until they have been in the Netherlands for at least three years. These measures were largely to prevent false marriages.</p> <p>The government has recently committed itself to further tightening of conditions for family migration. It has proposed the following measures:</p> <ul style="list-style-type: none"> - minimum age for marital migration increased from 18 to 21. - income requirement of resident family member increased from 100 to 120 per cent of the minimum wage - migrants will be required to learn about the Dutch language and society and will be tested for a certain level of proficiency as part of the entry requirements. <p>[<i>Report of the Dutch OECD SOPEMI correspondent</i>]</p>
Quotas/ Targets:	There are no quotas or targets.
Entry Criteria and Procedures:	<p>Applicants and their families must meet all of the general criteria listed below and the specific criteria as appropriate:</p> <p>General conditions</p> <ul style="list-style-type: none"> ▪ valid passport; ▪ health insurance; ▪ no criminal record; ▪ no tuberculosis;

- the family member coming to the Netherlands must have sufficient means of support unless 57.5 years of age or older, a single parent with a young child with Dutch residence or unable to work through disability;
- the spouse/partner/family member in the Netherlands must have sufficient means of support.

Specific conditions

Spouses and Partners

- Marriage:
 - must be legal with an official marriage certificate and registered with the local council;
 - both partners must be aged 18 or over must live together in a joint household with the same address;
- Relationship:
 - a continuous and exclusive relationship;
 - both partners must:
 - be aged 18 or over, and must live together in a joint household with the same address;
 - not be married and must have an official document stating such;
 - sign a relationship declaration;

Other

- Children must:
 - be aged 17 or under, single, and not ever have been married;
- Other family members:
 - adult children or grandparents must belong to the family in practice;
 - the family must live together in a joint household at the same address;
- Parents (65+):
 - must be single and aged 65 or over;
 - children in the Netherlands must have Dutch nationality or a permanent residence permit;
 - there must not be a child in the origin country who could take care of the parent;

Process

The applicant and a referee (the family member already in the Netherlands who will sponsor them) must apply for an MVV for the applicant to remain in the country for more than 3 months. Nationals of EU/EFTA states, Australia, Canada, Japan, Monaco, New Zealand, the Vatican City and the USA do not need an MVV.

Once in the country, the specific conditions listed above (such as living together in the same household) must be observed. The applicant must also apply for a residence permit.

	[http://www.ind.nl/]
Charges:	<p>From 1 January 2001, handling fees for visa applications were introduced. The price of each is the same as the former cost of the specific visa but the fee is paid up front and is not refunded if the application fails (previously applicants only paid for the visa once their application had been successful).</p> <p>The following charges are made for obtaining the following permits:</p> <p>Short Stay Visa</p> <ul style="list-style-type: none"> ▪ transit visa for airport passengers GBP7 ▪ transit visa for up to 5 days GBP7 ▪ 1-month visa GBP17 ▪ 3-month visa with 1 arrival GBP20 ▪ 3-month visa with 2 or more arrivals GBP23 <p>MVV (Authorisation for Temporary Stay)</p> <ul style="list-style-type: none"> ▪ GBP34 <p>Residence permit</p> <ul style="list-style-type: none"> ▪ EU/EFTA Nationals <ul style="list-style-type: none"> ○ Initial grant: GBP19 ○ Permit extension: GBP19 ○ Indefinite permit: GBP596 ▪ Other Nationals older than 12 years of age <ul style="list-style-type: none"> ○ Initial grant: GBP288 ○ Permit alteration: GBP288 ○ Permit extension: GBP191 ○ Indefinite permit: GBP596 ▪ Other Nationals under 12 years of age <ul style="list-style-type: none"> ○ Initial grant: GBP191 ○ Permit alteration: GBP191 ○ Permit extension: GBP191 ○ Indefinite permit: GBP596 <p>Official Documents</p> <p>In addition, the following charges apply for authentication and verification of official documents required during the application process (e.g. marriage certificates, etc).</p> <ul style="list-style-type: none"> ▪ Authentication (per document) GBP7 ▪ Verification (per document) GBP91 <p>[http://www.ind.nl/]</p>
Conditions and Entitlements:	The applicant may live in the Netherlands for the period of the temporary residence permit, renewing it as necessary. The applicant is only allowed their own independent residence permit (not tied to their partner as a

	referee/sponsor) after 3 years.
Availability of Data on Specific Schemes:	<p>The latest figures are for 2002:</p> <ul style="list-style-type: none"> ▪ Family reunification: 12,096 ▪ Family members: 2,479 ▪ Marital migration: 20,765 <p>Data are available for recent years, broken down by citizenship and sex.</p> <p><i>[Report of the Dutch OECD SOPEMI correspondent; The IND Annual Statistical Yearbook, available online at: http://www.immigratiedienst.nl/jaarverslag2002/]</i></p>

7.3 Foreign Students

Types of Entry Scheme/ Programme:	Visa entry for residence for study
Responsible Agency(ies):	Immigration and Naturalisation Service (IND), Ministry of Justice (Immigratie- en Naturalisatiedienst, Ministerie van Justitie) [http://www.ind.nl/]
Legislative Framework & Changes to the Rules:	Aliens Act 2000 governs the temporary visa (MVV) and residence permit system. [<i>Report of the Dutch OECD SOPEMI correspondent.</i>]
Quotas/ Targets:	There are no quotas or targets.
Entry Criteria and Procedures:	<p>EU/EFTA citizens are free to enter the Netherlands to study without the following restrictions.</p> <p>Applicants must meet the criteria listed below as appropriate:</p> <ul style="list-style-type: none"> ▪ valid passport; ▪ health insurance; ▪ no criminal record; ▪ no tuberculosis; ▪ have an MVV, if from an MVV-required country; ▪ sufficient and continuous means of support. ▪ must have proof of enrolment on a course of study or vocational training at an approved institution <p>Process</p> <p>The applicant and a referee must apply for an MVV for the applicant to remain in the country for more than 3 months. Nationals of EU/EFTA states, Australia, Canada, Japan, Monaco, New Zealand, the Vatican City and the USA do not need an MVV.</p> <p>Once in the country, the specific conditions listed above (such as living together in the same household) must be observed. The applicant must also apply for a residence permit.</p> <p>[http://www.ind.nl/]</p>
Charges:	<p>From 1 January 2001, handling fees for visa applications introduced. The price of each is the same as the former cost of the specific visa but the fee is paid up front and is not refunded if the application fails (previously applicants only paid for the visa once their application had been successful).</p> <p>The following charges are made for obtaining the following permits:</p>

	<p>MVV (Authorisation for Temporary Stay)</p> <ul style="list-style-type: none"> ▪ GBP34 <p>Residence permit</p> <ul style="list-style-type: none"> ▪ EU/EFTA Nationals <ul style="list-style-type: none"> ○ Initial grant: GBP19 ○ Permit extension: GBP19 ○ Indefinite permit: GBP596 ▪ Other Nationals older than 12 years of age <ul style="list-style-type: none"> ○ Initial grant: GBP288 ○ Permit alteration: GBP288 ○ Permit extension: GBP191 ○ Indefinite permit: GBP596 ▪ Other Nationals under 12 years of age <ul style="list-style-type: none"> ○ Initial grant: GBP191 ○ Permit alteration: GBP191 ○ Permit extension: GBP191 ○ Indefinite permit: GBP596 <p>Official Documents</p> <p>In addition, the following charges apply for authentication and verification of official documents required during the application process (e.g. marriage certificates, etc).</p> <ul style="list-style-type: none"> ▪ Authentication (per document) GBP7 ▪ Verification (per document) GBP91 <p>[http://www.ind.nl/]</p>
<p>Conditions and Entitlements:</p>	<p>The applicant may remain in the Netherlands for the course of the study, returning home when it is complete or if they leave the course prematurely. Students with temporary residence permits may work for up to 10 hours per week, carry out seasonal work in June, July and August, or do a work placement with a maximum of 50 per cent of the study time. However, the employer must have a work permit.</p>
<p>Availability of Data on Specific Schemes:</p>	<p>Latest year available, 2002, 9,300 foreign students.</p> <p>[<i>Central Population Register, Ministry of Justice</i>]</p>

7.4 Refugees and Asylum Seekers

Types of Entry Scheme/ Programme:	Asylum system.
Responsible Agency(ies):	Immigration and Naturalisation Service (IND), Ministry of Justice (Immigratie- en Naturalisatiedienst, Ministerie van Justitie) [http://www.ind.nl/]
Legislative Framework & Changes to the Rules:	<ul style="list-style-type: none"> ▪ United Nations 1951 Geneva Convention ▪ Aliens Act 2000 <p>Recent Policy Developments</p> <p>The Aliens Act 2000 aimed to provide a more restrictive and more efficient asylum system. It introduced a list of “safe” countries, from which applications for asylum would be refused and the principle of “third countries of reception” from the Dublin Convention, whereby an applicant passing through a safe third country on the way to the Netherlands will be refused on the grounds that they could have applied for asylum there.</p> <p>The Act also:</p> <ul style="list-style-type: none"> ▪ aimed to speed up the process aiming to ensure applications were processed within six months; ▪ removed the right for an applicant to lodge an appeal against a refusal with the IND allowing only appeals to be made with the Aliens Court; ▪ introduced a single asylum status (as opposed to several different statuses according to grounds for asylum, previously) whereby every successful applicant receives a temporary residence permit for up to three years after which time their status may be converted to permanent; and ▪ made provisions for the faster removal of refused asylum seekers from the country. <p>[Report of the Dutch OECD SOPEMI correspondent]</p>
Quotas/ Targets:	There are no quotas or targets.
Entry Criteria and Procedures:	Applications for asylum can be made in or outside of the Netherlands. Requests for protection are likely to be refused if the applicant: <ul style="list-style-type: none"> ▪ seeks protection for economic reasons ▪ is from a “safe” country ▪ could have claimed asylum in another country before arriving in the Netherlands ▪ has already submitted an asylum application in another country ▪ has previously made an asylum application in the Netherlands
Charges:	There are no charges for asylum claims.

Conditions and Entitlements:	The applicant, if successful, may remain in the Netherlands with their dependants on a temporary residence permit for up to three years. After three years, permanent residence status may be acquired.
Availability of Data on Specific Schemes:	<p>Latest data, 2002:</p> <ul style="list-style-type: none"> ▪ Granted protection (fixed term): 4,076 ▪ Granted protection (indefinite): 721 ▪ Refused: 26,381 <p>Data for past years are available but owing to a change in regulations, there is a break in the series.</p> <p><i>[Report of the Dutch OECD SOPEMI correspondent; the IND Annual Statistical Yearbook, available online at: http://www.immigratiedienst.nl/jaarverslag2002/]</i></p>

Notes:

Below are the details on the different visas/permits common to the routes of entry:

Short Stay Visa

- Required in order to enter the Netherlands.
- Nationals of the following do not require a visa:
Europe excluding Albania, Russia and the CIS, and the Former Yugoslavia (except for Croatia and Slovenia); Canada and the US; the majority of Latin America except Cuba and the Dominican Republic; Brunei, Israel, Hong Kong (British Nationals Overseas passports only), Japan, Malaysia, Singapore, South Korea; Australia and New Zealand.
- Valid for up to three months.

Authorisation for Temporary Stay (Machtiging tot Voorlopig Verblijf – MVV)

- Required in order to work in the Netherlands for more than three months.
- Nationals of EU/EFTA states, Australia, Canada, Japan, Monaco, New Zealand, the Vatican City and the USA do not need an MVV.
- Applicant must be outside the Netherlands when applying.
- Applicant (abroad) or the prospective employer (in-country) may initiate the application process – the latter is usually faster.
- If worker and employer both satisfy conditions, MVV is granted.
- Once issued, it is valid for six months.
- The accelerated MVV procedure enables certain organisations frequently requesting MVVs, to shorten the application procedure from about three months to a few weeks.

Residence Permit

- Upon arrival in the Netherlands, all migrants must report to the Aliens Police.
- Migrants wishing to stay for more than three months must apply for a residence permit for a definite period.
- Migrants from MVV-required countries must have an MVV to get a residence permit.
- After arriving in the Netherlands from an MVV-required country, migrants must be examined for tuberculosis.

8. NORWAY

8.1 Labour Migration

Types of Entry Scheme/ Programme:	<p>Work permits are granted to</p> <ol style="list-style-type: none"> i. Specialists: skilled workers or persons with special qualifications in a particular trade or profession ii. Au pairs: foreign nationals between 18 and 30 years of age who wish to acquire knowledge of Norwegian language, culture and society iii. Guest workers: a worker who wishes to acquire knowledge about Norwegian agriculture and Norwegian culture iv. Seasonal workers: workers engaged in typical seasonal activities such as agricultural harvesting, berry picking or working as vacation substitutes v. Workers in the fishing industry: Russians from the Barents region employed in Troms and Finmark <p>[OECD/SOPEMI Norway 2003; http://old.udi.no/]</p>
Responsible Agency(ies):	<ol style="list-style-type: none"> i. The Directorate of Immigration (UDI) is divided into several departments to deal with specific aspects of immigration to Norway: Asylum Department Residence Department Strategy and Documentation Department which includes the division for statistics and analysis and the legal division. ii. (For guest workers) Biologisk Dynamisk Forening or Atlantis <p>[http://old.udi.no/]</p>
Legislative Framework & Changes to the Rules:	<ol style="list-style-type: none"> i. 1988 Immigration Act regulates the entry of foreign nationals and their rights of residence and work. Workers with a concrete job offer may be granted either permanent or temporary residence. ii. An amendment to the Immigration Act in June 2001, implemented in January 2002 made it easier for skilled workers and specialists to obtain work permits. iii. Relevant EU directives (89/48 and 92/51) concerning the recognition of professional competence. <p>[OECD/SOPEMI Norway 2003; http://www.nokut.no/]</p>
Quotas/ Targets:	<p>There are no specific quotas/targets for a more lasting immigrant workforce but policy assumes that workers from outside Europe will have to be recruited.</p> <p>From January 2002, annual quotas for work permits were introduced. For 2003 the quota was set at 5,000. Until the quota is filled, the labour market test requirement is relaxed for specialists.</p> <p>[OECD/SOPEMI Norway 2003]</p>

<p>Entry Criteria and Procedures:</p>	<p>All foreign nationals wishing to come to Norway must hold a valid passport or other identity documents which are recognized as valid travel documents - they must also apply in their country of origin for a visa to enter Norway, with the exception of citizens of the member states of the EU/EEA and of the nations listed on the UDI website.</p> <p>All foreign nationals, except those from Nordic countries, who intend to work or run their own businesses in Norway must hold a work permit; EEA nationals need only a residence permit.</p> <p>General immigration regulatory conditions apply for the first issue of job related permits. There must be:</p> <ul style="list-style-type: none"> • A concrete offer of employment (an official form must be completed by the employer and submitted by the applicant) • Pay and working conditions must not be less favourable than those provided by relevant industrial agreements • As a general rule, the employment offered must be full-time • Generally the work permit must be applied for before entering Norway <p>Workers in the fishing industry may take up employment if there is no available domestic labour or labour from the EEA; no training is required and a work permit may be issued for 1 year</p> <p>Seasonal workers may obtain a seasonal permit for 1 year (permits of up to 3 months only were available between May and October until January 2002). Seasonal permits can be applied for from within Norway.</p> <p>Specialists may obtain a work permit if their trade or special qualifications are deemed absolutely necessary to a business enterprise and the post cannot be filled by domestic labour or labour from the EEA area; a firm offer of employment is required for at least 1 year; a specialist work permit is connected to a particular job and place of work and is granted initially for 1 year (renewable).</p> <p>Guest workers: a work permit must be applied for before entry to Norway (whether the applicant is under a visa obligation or not) and may be granted for up to 3 months (not renewable); it may be granted to work two continuous periods for two different employers; an employer may not employ more than 3 guest workers at a time; subsistence and housing must be assured; first contact with the foreign national must be arranged through the Biologisk Dynamisk Forening or Atlantis.</p> <p>Au pairs are entitled to a work permit for up to 2 years (renewable).</p> <p>[OECD/SOPEMI Norway 2003; http://old.udi.no/]</p>
<p>Charges:</p>	<p>1 October 2003, the Ministry of Local Government and Regional Development introduced a fee for the processing of applications in pursuance of the Immigration Act and the Citizenship Act. The fee has to be paid before or when applying. The fee for processing an application of a residence permit, a work permit, a settlement permit or the renewal of such permits is GBP48.</p> <p>The fee for processing an application for Norwegian citizenship is</p>

	<p>GBP80.</p> <p>These costs represent a cost recovery approach by charging for the processing of applications (handling charge), not for the visa/permit itself – the EU has decided to make this European policy.</p> <p>There are exceptions where no fee is due:</p> <ul style="list-style-type: none"> • when seeking asylum or when applying for renewal of a permit for a foreign national who has been granted asylum or protection • for children under 18 • for foreign nationals covered by the EEA agreement or the EFTA convention, when applying for an EEA or EFTA residence permit • when an applicant appeals a decision <p>The charges are in line with the other Nordic countries as well as the recent EU directive.</p> <p>[<i>OECD/SOPEMI Norway 2004</i>]</p>
<p>Conditions and Entitlements:</p>	<p>Work permits confer both the right to reside and to take up gainful employment. Foreign nationals who have a work permit do not need and are not granted a residence permit.</p> <p>A work permit does not automatically confer the right to a settlement permit.</p> <p>The right to practise a professional competence within the EEA is regulated for the following professions: doctors, dental practitioners, architects, midwives, pharmacists, nurses and veterinary surgeons.</p> <p>Specialist permits may constitute grounds for a settlement permit if the applicant has been resident for 3 years; a settlement permit does not tie the holder to a particular job or employer and does not have a time restriction; family members of specialists may come to Norway provided they fulfil the provisions of family reunification.</p> <p>Guest workers must take part in the daily work on a farm while being treated as part of the family; working hours must not exceed 35 per week with one and a half days off per week.</p> <p>Au pair workers must work for a host family which uses the Norwegian language and represents Norwegian culture; duties to include house cleaning and care of children and pets; the au pair work permit does not constitute grounds for granting a settlement permit.</p> <p>An unemployed immigrant with a settlement permit has access to vocational training courses provided by the Public Employment Service.</p> <p>[http://old.udi.no/]</p>
<p>Availability of Data on Specific Schemes:</p>	<p>Data are available; though some foreign nationals do not have to register and do not always appear in the statistics.</p> <p>In 2002, 4,200 residence permits were issued, half of them to persons intending to take up employment.</p> <p>Work permits issued in 2002: Seasonal work permits: 15,721</p>

	Specialist work permits (non-EEA): 1,676 Total work permits 2002: 22,000 Total foreigners entering labour market 2002: 26,700 [<i>OECD/SOPEMI Norway 2003</i>]
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8.2 Family Migration

Types of Entry Scheme/ Programme:	Family Reunion Residence or work permits to enable family members abroad to be reunited with one or more family members already living in Norway in order to protect existing family ties. [OECD/SOPEMI Norway 2003]
Responsible Agency(ies):	Directorate of Immigration
Legislative Framework & Changes to the Rules:	1988 Immigration Act – Immigration Regulations indicate in more detail how provisions under the Act are enforced (passed by Royal Decree 1990). [http://old.udi.no/]
Quotas/ Targets:	None.
Entry Criteria and Procedures:	Applications for family reunification must be made by the foreign national residing in Norway with a residence permit. All foreign nationals must have valid passports/travel documents and a visa for family reunification unless exempt. Close family members (usually a spouse and children under 18) of a foreign national with legal residence rights in Norway can be admitted. Family members of specialists may come to Norway provided they fulfil the provisions of family reunification, especially as specialists who have been resident for 3 years qualify for a settlement permit. Both persons with convention refugee status and those with humanitarian status have the right to family reunification. Elderly parents without close relatives in their country of origin may be admitted. Children over 18 with special care needs and without special carers in their country of origin may be admitted. [OECD/SOPEMI Norway 2003; http://old.udi.no/]
Charges:	1 October 2003, the Ministry of Local Government and Regional Development introduced a fee for the processing of applications in pursuance of the Immigration Act and the Citizenship Act. The fee has to be paid before or when applying. The fee for processing an application of a residence permit, a work permit, a settlement permit or the renewal of such permits is GBP48. The fee for processing an application for Norwegian citizenship is GBP80. These costs represent a cost recovery approach by charging for the processing of applications (handling charge), not for the visa/permit itself – the EU has decided to make this European policy.

	<p>There are exceptions where no fee is due:</p> <ul style="list-style-type: none"> • for children under 18 • for foreign nationals covered by the EEA agreement or the EFTA convention, when applying for an EEA or EFTA residence permit • when an applicant appeals a decision <p>The charges are in line with the other Nordic countries and the recent EU directive.</p> <p>[<i>OECD/SOPEMI Norway 2004</i>]</p>
Conditions and Entitlements:	<p>In May 2003 a maintenance requirement for family reunification for those with humanitarian status (but not for those with convention status) was reintroduced (it had been discontinued in 1997). This brings Norway in line with most other European countries.</p> <p>An unemployed immigrant with a settlement permit has access to vocational training courses provided by the Public Employment Service.</p> <p>Persons granted a settlement permit have permanent stay rights; such a permit is normally issued three years after the first issue of a residence or work permit, provided the conditions are met.</p> <p>[<i>OECD/SOPEMI Norway 2003</i>]</p>
Availability of Data on Specific Schemes:	<p>Residence permits on family reunification grounds 2002: 8,250.</p> <p>Data are available on the numbers of family reunification associated with refugee or humanitarian status. Numbers went down in the mid-1990s but have risen recently, to reach 4,260 in 2002.</p> <p>[<i>OECD/SOPEMI Norway 2003</i>]</p>

8.3 Foreign Students

Types of Entry Scheme/ Programme:	Study/training permit
Responsible Agency(ies):	NOKUT – Norwegian Agency for Quality Assurance in Education Universities and Colleges Admission Service, Oslo. [http://old.udi.no/]
Legislative Framework & Changes to the Rules:	Act No.22, 12 May 1995 relating to universities and university colleges Lisbon Convention, signed 1997 and enforced 1999, agreed between UNESCO and the Council of Europe concerning the recognition of foreign qualifications, both attained through higher education and those which give access to higher education. The Sigtuna agreement concerning the mutual recognition of university and college studies carried out in other Nordic states Relevant EU directives [http://old.udi.no/]
Quotas/ Targets:	None
Entry Criteria and Procedures:	Under the Lisbon Convention, Norway recognizes foreign qualifications of the relevant standard (secondary/high school) for entry to its universities/university colleges, unless significant differences can be shown. A foreign student must be able to present a valid document attesting to an education equivalent to a Norwegian 3-year upper secondary education or training, of which knowledge of English is a part. Command of the Norwegian language must be documented through special tests: Norwegian as a second language, Gr.3 written, Gr.4 oral. Introductory or preparatory programme for foreign students, Gr.3 or better. Norwegian at advanced level (Bergen Test) for all immigrants, minimum of 450 points. One year programme in Norwegian Language and Civilization for Foreign Students, Gr.3 or better. International Baccalaureate Diploma is acceptable for entrance standard. In certain areas of study (medicine, technology), special entrance requirements in addition to the general requirements are necessary – information must be obtained from the chosen institution – application for entrance to such courses requires extensive documentation. The Norwegian higher education establishments are themselves responsible for assessing and recognizing foreign education qualifications; students wishing to study in Norway should send a letter enclosing copies of their entrance qualifications to the Universities and Colleges Admission Service in Oslo or direct to the chosen university/university college.

	<p>Once admitted to a Norwegian university or college, a student will be granted a residence permit to study in Norway.</p> <p>The applicant must be able to finance his/her studies and have a place to live.</p> <p>The foreign student must return to their country of origin immediately upon completing their studies.</p> <p>When applying to study in Norway, foreign students must submit a complete plan of their proposed course of study.</p> <p>Renewal of a permit will be granted upon submission of proof of continuous progress in studies.</p> <p>Foreign students applying for a training course for a trade must prove that the work is essential for their acquisition of skills and is a natural and logical part of their vocational training.</p> <p>A permit for a trainee must be applied for and granted prior to entry to Norway – this applies to all nationals whether or not they need an entry visa; the applicant may not enter the country before the permit has been granted.</p> <p>Trainee work permits (renewable for up to 2 years) may be granted prior to, during or after studies/training – it does not constitute grounds for a settlement permit.</p> <p><i>[http://old.udi.no/]</i></p>
Charges:	None.
Conditions and Entitlements:	<p>A study permit does not confer the right to employment in Norway but foreign students from outside the EEA area have access to the labour market and can apply for a work permit to work part-time or during vacations during their studies if they have a concrete offer of employment.</p> <p>Students cannot work more than 20 hours per week.</p> <p>Students from the EEA can work part time without a work permit.</p> <p><i>[OECD/SOPEMI Norway 2003]</i></p>
Availability of Data on Specific Schemes:	No data on student flows only on student stocks.

8.4 Refugees and Asylum Seekers

Types of Entry Scheme/ Programme:	Asylum/protection given to persons having a well-founded fear of persecution or of racial/religious/ethnic discrimination.
Responsible Agency(ies):	Directorate of Immigration (UDI) Minister of Local Government and Regional Development Immigration Appeals Board (UNE)
Legislative Framework & Changes to the Rules:	<p>Framework provided by the 1988 Immigration Act. A government committee is to present a proposal by July 2004 for a new Immigration Act.</p> <p>An amendment to the definition of refugees in the Immigration Act is in progress.</p> <p>The Dublin II regulation was implemented in September 2003.</p> <p>UN Convention relating to the Status of Refugees, 1951</p> <p>[<i>OECD/SOPEMI Norway 2003</i>]</p>
Quotas/ Targets:	<p>In addition to asylum seekers, Norway receives a quota of UNHCR refugees, the number being fixed on a three-year cycle. For 2001-03 this was 3,750 (750 fewer than the preceding period).</p> <p>[<i>OECD/SOPEMI Norway 2003</i>]</p>
Entry Criteria and Procedures:	<p>The Directorate of Immigration (UDI) processes asylum applications supported by an external Task Force set up by the UDI to cope with the increased influx.</p> <p>An asylum seeker must have a personal interview and make a personal declaration – (s)he is entitled to legal representation to support the application; the claims in the personal declaration will undergo detailed checks against the relevant country report’s account of the home situation (reports are prepared by UNHCR, the Norwegian foreign service missions, Amnesty International, relevant NGOs – where there is special need, representatives of the UDI may undertake a journey to the country in question to verify the situation).</p> <p>An additional interview may be ordered where details are incomplete or in doubt and a language test may be undertaken.</p> <p>An asylum seeker who is deemed not to meet the criteria for full refugee status may be given leave to remain on humanitarian grounds.</p> <p>In order to reduce the number of unfounded claims, the Directorate of Immigration has introduced a simplified procedure for applicants from certain countries</p> <p>A new information programme was implemented in September 2003. Upon arrival in Norway, asylum seekers get information about case processing, rights and duties, possibilities of having their application accepted and possible return to the home country</p>

	<p>Further measures were implemented at the beginning of 2004. A fast track (48 hours) procedure for asylum seekers from safe countries was introduced. For those rejected, accommodation in reception centres is no longer available, although this does not apply to families with children. Cash payments are no longer made for those in reception centres during the first period of their stay in Norway. There is also an increased focus on the voluntary return of rejected asylum seekers, in co-operation with the International Organisation for Migration.</p> <p>Applications for unaccompanied minors are processed as quickly as possible in order to cut down the time spent in reception centres and to find them housing.</p> <p>[<i>OECD/SOPEMI Norway 2003; http://www.nokut.no/</i>]</p>
Charges:	<p>There are no charges when seeking asylum or protection on refugee-like grounds, nor when applying for renewal of a permit for a foreign national who has been granted asylum or protection. Neither is a fee charged when an applicant appeals a decision.</p> <p>[<i>OECD/SOPEMI Norway 2004</i>]</p>
Conditions and Entitlements:	<p>Asylum seekers are offered temporary residence in Norway while their application is being processed (reception centres); the centres are operated under municipal or private management by arrangement with UDI's regional offices and under guidelines laid down by the UDI; the State covers all costs.</p> <p>Asylum seekers may, on certain conditions, be granted a temporary work permit until the application for asylum has been decided.</p> <p>Under the Lisbon Convention of 1997 (enforced 1999) Norway will take reasonable, feasible steps to assess and recognize qualifications held by refugees, even where documentary evidence is lacking.</p> <p>Special restrictions apply to returning unaccompanied minors to their country of origin – this is only done where the Norwegian authorities are satisfied that there is a caregiver in the country of origin; if no such person is found, the child will be granted a residence permit in Norway.</p> <p>Somali asylum seekers will be subject to a more rigorous assessment from 2003 because of misuse of travel documents and sheer numbers.</p> <p>[<i>OECD/SOPEMI Norway 2003; http://www.nokut.no/</i>]</p>
Availability of Data on Specific Schemes:	<p>Historical data are available. 2002 was the peak year with 17,480 applications.</p> <p>Less than 30 per cent are deemed to have a genuine need of protection. In 2002, 342 people were granted 1951 Convention status and 3,284 humanitarian status.</p> <p>In 2001, 460 unaccompanied minors entered Norway.</p> <p>By September 2003, 1,036 Somali asylum seekers arrived in Norway.</p>

	[<i>OECD/SOPEMI Norway 2003; http://www.nokut.no/</i>]
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Note: The government's view is that many asylum seekers decide to come to Norway because of incorrect information about the possibility of getting a permit to stay. In 2002 and 2003 the government undertook an information campaign through its embassies and consulates in countries from which people with unfounded claims come.

9. UNITED STATES

9.1 Labour Migration – Permanent: Employment-based

Types of Entry Scheme/ Programme:	<p>Employment-based immigration (Green Card via immigration for employment). Divided into five preferences (EB-1 to EB-5 – see below).</p> <p>[http://uscis.gov/graphics/services/residency/employment.htm]</p>
Responsible Agency(ies):	<p>U.S. Citizenship and Immigration Services (USCIS) within the Department of Homeland Security (DHS)</p> <p>[http://uscis.gov/graphics/index.htm]</p>
Legislative Framework & Changes to the Rules:	<p>Immigration and Nationality Act 1952 (INA) with subsequent amendments, the last major one under the Immigration Act 1990 (IMMACT 90)</p>
Quotas/ Targets:	<p>Numerical limit: 140,000 (minimum) employment-based immigrants per annum as specified by IMMACT 90. Broken down between the five preferences as follows:</p> <ul style="list-style-type: none"> ▪ EB-1: 40,000 plus unused EB-4 and EB-5 quota ▪ EB-2: 40,000 plus unused EB-1 quota ▪ EB-2: 40,000 plus unused EB-1 and EB-2 quota ▪ EB-4: 10,000 ▪ EB-5: 10,000 (a minimum 3000 of which are reserved for investors of USD 500,000 or more in rural or high-unemployment urban areas). <p>[<i>Report of the US OECD SOPEMI correspondent</i>]</p>
Entry Criteria and Procedures:	<p>Criteria</p> <p>Applicants must qualify (providing evidence) for one of the five preferences by matching the relevant profile:</p> <p>EB-1 Priority workers</p> <ul style="list-style-type: none"> ▪ Foreign nationals of extraordinary ability in the sciences, arts, education, business or athletics ▪ Foreign nationals who are outstanding professors or researchers ▪ Foreign nationals that are managers and executives subject to international transfer to the United States <p>EB-2 Professionals with advanced degrees or persons with exceptional ability</p> <ul style="list-style-type: none"> ▪ Foreign nationals of exceptional ability in the sciences, arts or business ▪ Foreign nationals who are advanced degree professionals ▪ Qualified alien physicians who will practise medicine in an area of

	<p>the U.S. which is underserved.</p> <p>EB-3 Skilled or professional workers</p> <ul style="list-style-type: none"> ▪ Foreign national professionals with bachelor’s degrees ▪ Foreign national skilled workers ▪ Foreign national unskilled workers <p>EB-4 Special Immigrants</p> <ul style="list-style-type: none"> ▪ Foreign national religious workers ▪ Employees and former employees of the U.S. Government abroad <p>EB-5 Immigrant Investors</p> <ul style="list-style-type: none"> ▪ Persons investing ≥GBP550,000 or ≥GBP225,000 in rural or high-unemployment urban areas ▪ Investment must create jobs for ≥10 US workers <p>Procedures</p> <p>The relevant form(s), according to preference, must be filed:</p> <ul style="list-style-type: none"> ▪ EB-1, EB-2, EB-3: USCIS Form I-140 (Petition for Alien Worker) is required. The I-140 must be filed by an employer in all cases except EB-1 workers with extraordinary ability. The employer must prove that they have been unable to employ a US citizen for the post. ▪ EB-2, EB-3: Form ETA-750 (labour certification) is required to accompany Form I-140. ▪ EB-4: Form I-360 (Petition for Amerasian, Widow(er), or Special immigrant) is required. ▪ EB-5: Form I-526 (Immigrant Petition by Alien Entrepreneur) required. Successful applicants are granted two-year conditional LPR. After two years they may apply for the conditions to be removed to allow full (indefinite) LPR via Form I-829. <p>[http://uscis.gov/graphics/services/residency/employment.htm]</p>
Charges:	<p>Administration fees for filing specific forms:</p> <ul style="list-style-type: none"> ▪ EB-1, EB-2, EB-3 Form I-140: GBP74 ▪ EB-4 Form I-360: GBP72 (except for Amerasians) ▪ EB-5 Form I-526: GBP220 Form I-829: GBP217 <p>[http://uscis.gov/graphics/formsfee/forms/index.htm]</p>
Conditions and	<ul style="list-style-type: none"> ▪ Permanent residence and work entitlement. ▪ Spouses and children are given green cards in addition.

<i>Entitlements:</i>	
<i>Availability of Data on Specific Schemes:</i>	<p>Latest data, 2002:</p> <ul style="list-style-type: none"> ▪ Total: 174,968 (including dependants), of which: <ul style="list-style-type: none"> ○ EB-1: 34,452 ○ EB-2: 44,468 ○ EB-3: 88,555 ○ EB-4: 7,344 ○ EB-5: 149 <p>Annual data in greater detail (per category in each preference) available for 1992-2002</p> <p>[Yearbook of Immigration Statistics <i>[Annual]</i>, Office for Immigration Statistics, Department of Homeland Security (formerly the Immigration and Naturalisation Service, the Department of Justice). Available online at: http://uscis.gov/graphics/shared/aboutus/statistics/ybpage.htm]</p>

9.2 Labour Migration – Permanent: Diversity Lottery

<p>Types of Entry Scheme/ Programme:</p>	<p>Each year, the Diversity Lottery (DV) Program makes immigrant visas available through a lottery to people who come from countries with low rates of immigration to the United States. The State Department (DOS) holds the lottery every year, and randomly selects approximately 110,000 applicants from all qualified entries, many of whom will not complete the visa process: once 55,000 are issued or the fiscal year ends, the DV program is closed for that year.</p> <p>[http://uscis.gov/graphics/services/residency/divvisa.htm]</p>
<p>Responsible Agency(ies):</p>	<p>U.S. Citizenship and Immigration Services (USCIS) within the Department of Homeland Security (DHS)</p> <p>[http://uscis.gov/graphics/index.htm]</p>
<p>Legislative Framework & Changes to the Rules:</p>	<p>Immigration and Nationality Act 1952 (INA) with subsequent amendments, the last major one under the Immigration Act 1990 (IMMACT 90)</p>
<p>Quotas/ Targets:</p>	<p>50,000 visas per annum since 1996. None of these visas are available for people who come from countries that have sent more than 50,000 immigrants to the United States in the past five years. A maximum of 3,850 (7 per cent) of the visas are available to persons born in any single country.</p> <p>From 1999, a further 5,000 visas are available under the Nicaraguan Adjustment and Central American Relief Act (NACARA).</p> <p>[<i>Report of the US OECD SOPEMI correspondent</i>]</p>
<p>Entry Criteria and Procedures:</p>	<p>The applicant must:</p> <ul style="list-style-type: none"> ▪ be a native of a country that is eligible to participate in the Diversity Visa Lottery. He/she may also be eligible if their parent was born in a country that is eligible to participate. ▪ must have a high school diploma or the equivalent, defined in the United States as successful completion of a 12-year course of elementary and secondary education; ▪ OR must have two years of work experience within the last five years in an occupation that requires at least two years of training or experience to perform. <p>Applicants must follow instructions for entering the lottery. If successful, the applicant must apply for an immigrant visa by filing Form DS-230 (Application for Immigrant Visa and Alien Registration).</p> <p>[http://uscis.gov/graphics/howdoi/divlott.htm; http://www.travel.state.gov/dv2005.html]</p>

Charges:	<p>There is no fee for entering the diversity visa lottery. If successful, the applicant must pay the following fees</p> <ul style="list-style-type: none"> ▪ Form D-230 filing fee: GBP184 ▪ Diversity Visa Lottery surcharge: GBP55 <p>[http://uscis.gov/graphics/formsfee/forms/index.htm]</p>
Conditions and Entitlements:	<p>Lawful permanent residence, including entitlement to work for the principal applicant, their spouse and unmarried children under the age of 21.</p>
Availability of Data on Specific Schemes:	<p>In 2002, 42,829 principal applicants were admitted.</p> <p>Data available from 1995-2002, with detailed citizenship breakdown available for applications (not grants) for 2004.</p> <p>[Yearbook of Immigration Statistics <i>[Annual]</i>, Office for Immigration Statistics, Department of Homeland Security (formerly the Immigration and Naturalisation Service, the Department of Justice). Available online at: http://uscis.gov/graphics/shared/aboutus/statistics/ybpage.htm]</p>

9.3 Labour Migration – Temporary

<p>Types of Entry Scheme/ Programme:</p>	<p>Employment-based nonimmigrant visas. There are over 60 categories of nonimmigrant. The following allow economic participation:</p> <ul style="list-style-type: none"> ▪ E-1 Treaty trader ▪ E-2 Treaty investor ▪ H-1B Specialty Occupations, Department of Defence workers, fashion models ▪ H-1C Nurses going to work for up to three years in health professional shortage areas ▪ H-2A Temporary Agricultural Worker ▪ H-2B Temporary worker: skilled and unskilled ▪ H-3 Trainee ▪ L-1A, L-1B Intracompany transferee ▪ O-1 Extraordinary ability in Sciences, Arts, Education, Business, or Athletics ▪ P-1, P-2, P-3 Artists and entertainers ▪ Q-1, Q-2 International cultural exchange visitors ▪ R-1 Religious workers ▪ TN Trade visas for Canadians and Mexicans <p>The main group is H-1B.</p> <p>In addition, some but not all with the following visas are allowed to work:</p> <ul style="list-style-type: none"> ▪ J-1 Visas for exchange visitors ▪ F-1 Academic Student <p>[http://uscis.gov/graphics/services/visas.htm]</p>
<p>Responsible Agency(ies):</p>	<p>U.S. Citizenship and Immigration Services (USCIS) within the Department of Homeland Security (DHS)</p> <p>[http://uscis.gov/graphics/index.htm]</p>
<p>Legislative Framework & Changes to the Rules:</p>	<p>Immigration and Nationality Act 1952 (INA) with subsequent amendments, the last major one under the Immigration Act 1990 (IMMACT 90)</p>
<p>Quotas/ Targets:</p>	<p>Most nonimmigrant categories do not have a quota. However, H-1B is an exception. The limit at the visa type's inception in 1992 was 65,000 per annum. However, employer demand (mainly for hi-tech jobs) led to legislation raising it to 115,000 per annum for 1999 and 2000. It was increased again for 2001 to 2003 inclusively to 195,000 per annum. It is now back to 65,000 per annum but the limit no longer applies to those working in universities and non-profit and government research institutions.</p> <p>[<i>Report of the US OECD SOPEMI correspondent</i>]</p>

<p>Entry Criteria and Procedures:</p>	<p>Nonimmigrant/Temporary Workers</p> <ul style="list-style-type: none"> ▪ To obtain E-1, E-2, H-1B, H-1C, H-2B, H-3, L-1, O-1, P-1, P-2, P-3, Q-1, R-1 or TN visas, Form I-129 (Petition for a Nonimmigrant Worker) must be filed by the employer. <p>Other categories</p> <ul style="list-style-type: none"> ▪ Persons wishing to obtain a J-1 visa must complete Form I-612 (Application for Waiver of the Foreign Residence Requirement of Section). ▪ Persons wishing to obtain an F-1 visa to enter the US must complete Form I-20 (Certificate of Eligibility for Nonimmigrant (F-1) Student Status - for Academic and Language Students). Those already in-country must file Form I-539 (Application to Extend/Change Nonimmigrant Status) to change to student status. ▪ Persons on a J-1 or F-1 visa must also complete Form I-765 (Application for Employment Authorization) in order to work.
<p>Charges:</p>	<p>Administration fees for filing specific forms:</p> <ul style="list-style-type: none"> ▪ E-1, E-2, H-1B, H-1C, H-2B, H-3, L-1, O-1, P-1, P-2, P-3, Q-1, R-1, TN visas Form I-129: GBP72 ▪ J-1 visas Form I-612: GBP107 ▪ F-1 visas Form I-20: N/A Form I-539: GBP77 ▪ J-1 and F-1 visas work extensions Form I-765: GBP66 <p>An additional fee of GBP550 per H-1B visas that was used to provide scholarships to encourage US students to study in computer-related fields ended in October 2003.</p> <p>[http://uscis.gov/graphics/formsfee/forms/index.htm]</p>
<p>Conditions and Entitlements:</p>	<ul style="list-style-type: none"> ▪ H-1B: initially entitled to stay and work for up to 3 years, extendable to 6 and since October 2000, to over 6 years for workers with labour certification or permanent immigration applications pending for more than one year (effectively indefinitely for latter group).
<p>Availability of Data on Specific</p>	<p>Latest data, 2002:</p> <ul style="list-style-type: none"> ▪ E-1: 46,440

Schemes:

- E-2: 125,000
- H-1B: 197,500
- H-1C: 111,000
- H-2A: 15,600
- H-2B: 87,000
- H-3: 2,700
- L-1A, L-1B: 314,000
- O-1: 25,000
- P-1, P-2, P-3: 54,700
- Q-1, Q-2: 2,200
- R-1: 19,000
- TN: 73,700

Data available for 1992-2002.

[Yearbook of Immigration Statistics [Annual], Office for Immigration Statistics, Department of Homeland Security (formerly the Immigration and Naturalisation Service, the Department of Justice). Available online at: <http://uscis.gov/graphics/shared/aboutus/statistics/ybpage.htm>]

9.4 Family Migration

<p>Types of Entry Scheme/ Programme:</p>	<p>Family-based immigration (Immigration through a Family Member). There are two broad strands: immediate family members of U.S. Citizens; and a preference system for the rest (see below).</p> <p>[http://uscis.gov/graphics/services/residency/family.htm]</p>
<p>Responsible Agency(ies):</p>	<p>U.S. Citizenship and Immigration Services (USCIS) within the Department of Homeland Security (DHS)</p> <p>[http://uscis.gov/graphics/index.htm]</p>
<p>Legislative Framework & Changes to the Rules:</p>	<p>Immigration and Nationality Act 1952 (INA) with subsequent amendments, the last major one under the Immigration Act 1990 (IMMACT 90)</p>
<p>Quotas/ Targets:</p>	<p>There are no numerical restrictions on immediate family members but there are on the four preference classes. IMMACT 90 set an initial numerical limit of 226,000 per annum from 1992 onwards. In addition, any of the employment-based immigration limit not used from one year may be added onto the family reunification limit the next.</p> <p>[<i>Report of the US OECD SOPEMI correspondent</i>]</p>
<p>Entry Criteria and Procedures:</p>	<p>A relative wishing to immigrate must have Form I-130 (Petition for Alien Relative) filed for them by a relative (sponsor) and then obtain an immigrant visa number based on the preference category into which they fall.</p> <ul style="list-style-type: none"> ▪ Immediate relatives of U.S. citizens (parents, spouses and unmarried children under the age of 21) do not have to wait for an immigrant visa number to become available once the visa petition filed for them is approved by the USCIS. An immigrant visa number will be immediately available for immediate relatives of U.S. citizens. <p>Relatives in the remaining categories must wait for an immigrant visa number to become available according to the following preferences:</p> <ul style="list-style-type: none"> ▪ First Preference: Unmarried, adult sons and daughters of U.S. citizens. Adult means 21 years of age or older. ▪ Second Preference: Spouses of lawful permanent residents, their unmarried children (under twenty-one), and the unmarried sons and daughters of lawful permanent residents. ▪ Third Preference: Married sons and daughters of U.S. citizens. ▪ Fourth Preference: Brothers and sisters of adult U.S. citizens. <p>As of autumn 2001, to reduce separation time between family members, two nonimmigrant visa provisions were implemented: K visas for</p>

	<p>immediate family members; V visas for the family member preferences. The visas allow the family members to live and work in the US whilst waiting for their application for permanent residence status to be processed.</p>
Charges:	<p>Administration fees for filing Form I-130 is GBP72 paid by relative (sponsor) or applicant.</p> <p>[http://uscis.gov/graphics/formsfee/forms/index.htm]</p>
Conditions and Entitlements:	<p>Lawful permanent residence, including entitlement to work.</p>
Availability of Data on Specific Schemes:	<p>Latest data, 2002:</p> <ul style="list-style-type: none"> ▪ 673,029 total family immigration of which: <ul style="list-style-type: none"> ○ 485,960 immediate relatives ○ 187,069 family preferences ▪ Family immigration made up 63.3 per cent of total permanent immigration to the US in 2002. <p>Data available for 1992-2002.</p> <p>[Yearbook of Immigration Statistics <i>[Annual]</i>, Office for Immigration Statistics, Department of Homeland Security (formerly the Immigration and Naturalisation Service, the Department of Justice). Available online at: http://uscis.gov/graphics/shared/aboutus/statistics/ybpage.htm]</p>

9.5 Foreign Students

<p>Types of Entry Scheme/ Programme:</p>	<p>Student visas:</p> <ul style="list-style-type: none"> ▪ F-1 category includes academic students in colleges, universities, seminaries, conservatories, academic high schools, other academic institutions, and in language training. ▪ M-1 category includes vocational students. <p>[http://uscis.gov/graphics/howdoi/academic.htm; http://uscis.gov/graphics/howdoi/vocation.htm]</p>
<p>Responsible Agency(ies):</p>	<p>U.S. Citizenship and Immigration Services (USCIS) within the Department of Homeland Security (DHS)</p> <p>[http://uscis.gov/graphics/index.htm]</p>
<p>Legislative Framework & Changes to the Rules:</p>	<p>Immigration and Nationality Act 1952 (INA) with subsequent amendments, the last major one under the Immigration Act 1990 (IMMACT 90)</p>
<p>Quotas/ Targets:</p>	<p>There are no numerical limits on numbers of students.</p> <p>[<i>Report of the US OECD SOPEMI correspondent</i>]</p>
<p>Entry Criteria and Procedures:</p>	<ul style="list-style-type: none"> ▪ Applicants must first apply to study at a USCIS-approved school in the United States. ▪ Applicants must be able to prove they have the financial resources required for their education and stay in the United States. ▪ Persons wishing to obtain an F-1 visa to enter the US must complete Form I-20 (Certificate of Eligibility for Nonimmigrant (F-1) Student Status - for Academic and Language Students). Those already in-country must file Form I-539 (Application to Extend/Change Nonimmigrant Status) to change to student status. ▪ Persons on a F-1 visa wishing to work, must also complete Form I-765 (Application for Employment Authorization). ▪ Persons wishing to obtain an M-1 visa Form I-20 M-N/ID (Certificate of Eligibility for Nonimmigrant (M-1) Student Status - For Vocational Students).
<p>Charges:</p>	<ul style="list-style-type: none"> ▪ F-1 visas Form I-20 A-B/ID: N/A Form I-539: GBP77 ▪ M-1 visas

	<p align="center">Form I-20 M-N/ID: N/A</p> <p align="center">[http://uscis.gov/graphics/formsfee/forms/index.htm]</p>
Conditions and Entitlements:	<p>Live and study in the US for the duration of the programme of study. Spouses and dependent children may accompany the principal applicant. Students with F-1 status may apply for employment authorisation.</p>
Availability of Data on Specific Schemes:	<p>Latest figure, 2002, 614,934 students.</p> <p>Data available from 1995-2002.</p> <p>[Yearbook of Immigration Statistics <i>[Annual]</i>, Office for Immigration Statistics, Department of Homeland Security (formerly the Immigration and Naturalisation Service, the Department of Justice). Available online at: http://uscis.gov/graphics/shared/aboutus/statistics/ybpage.htm]</p>

9.6 Refugees and Asylum Seekers

<p>Types of Entry Scheme/ Programme:</p>	<p>Refugees and Asylees, and Temporary Protection</p> <p>Permanent protection for those who qualify under the definitions of the 1967 UN Protocol on Refugees. Asylees differ from refugees only in that they are at a US port or are already inside the US when they make their application whereas refugees are outside the country.</p> <p>There also is a scheme offering Temporary Protected Status.</p> <p>[http://uscis.gov/graphics/services/RefAdjust/]</p>
<p>Responsible Agency(ies):</p>	<p>U.S. Citizenship and Immigration Services (USCIS) within the Department of Homeland Security (DHS)</p> <p>[http://uscis.gov/graphics/index.htm]</p>
<p>Legislative Framework & Changes to the Rules:</p>	<p>Immigration and Nationality Act of 1952 (INA), amended by the Refugee Act of 1980 and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.</p>
<p>Quotas/ Targets:</p>	<p>Maximum numbers of refugee admissions are set annually by the President after consultation with Congress. These “refugee ceilings” can be increased during the year to accommodate more refugee admissions if necessary. However, there is normally a strong correlation between the ceilings and the actual numbers admitted. In the years 2002-2004, the refugee ceiling is 70,000 per annum.</p> <p>[<i>Report of the US OECD SOPEMI correspondent</i>]</p>
<p>Entry Criteria and Procedures:</p>	<p>Refugees and Asylees seeking lawful permanent residence</p> <p>Applicants must first file Form I-589 (Application for Asylum and for Withholding of Removal). They must then be fingerprinted, filing fingerprint card FD-258. They will later be interviewed and a decision will be made on their case.</p> <p>After one year of residence with refugee status, applicants may claim lawful permanent residence by filing Form I-485 (Application to Register Permanent Residence or Adjust Status).</p> <p>Temporary Protected Status</p> <p>Temporary Protected Status (TPS) is a temporary immigration status granted to eligible nationals of designated countries (or parts thereof). In 1990, Congress established a procedure by which the Attorney General may provide TPS to aliens in the United States who are temporarily unable to return to their homeland because of ongoing armed conflict, environmental disasters, or other extraordinary and temporary conditions.</p> <p>During the period for which the Attorney General has designated a</p>

	<p>country under the TPS program, TPS beneficiaries are not required to leave the United States and may obtain work authorization. However, TPS does not lead to permanent resident status. When the Attorney General terminates a country's TPS designation, beneficiaries return to the same immigration status they maintained before TPS (unless that status had since expired or been terminated) or to any other status they may have acquired while registered for TPS. Accordingly, if an alien had unlawful status prior to receiving TPS and did not obtain any status during the TPS period, s/he will revert to that unlawful status upon the termination of that TPS designation.</p> <p>A person is not eligible for TPS if they are a convicted felon, a persecutor or a terrorist or is subject to any other security or criminal-related bar to asylum.</p> <p>Applicants must file Form I-821 (Application for Temporary Protected Status) and must be fingerprinted, filing fingerprint card FD-258.</p>
<p>Charges:</p>	<p>Administration fees for filing the following forms:</p> <p>Refugees/Asylees</p> <ul style="list-style-type: none"> ▪ Form I-589: No charge. ▪ Fingerprint card FD-258: No charge (GBP28 fee waived for asylum applications). ▪ Form I-485 (for conversion to permanent residency): GBP140 <p>Temporary Protected Status</p> <ul style="list-style-type: none"> ▪ Form I-821: GBP28 paid for first application (no cost for subsequent re-registering). ▪ Fingerprint card FD-258: GBP28 fee <i>may be required</i> <p>[http://uscis.gov/graphics/formsfee/forms/index.htm]</p>
<p>Conditions and Entitlements:</p>	<p>Lawful permanent residence, including entitlement to work, after 1 year of residence with refugee status.</p>
<p>Availability of Data on Specific Schemes:</p>	<p>Latest data, 2002:</p> <ul style="list-style-type: none"> ▪ 28,000 refugees admitted ▪ Could we also have the data for Asylees from the Country Summaries please? It would be interesting to know what happens to these and those on the backlog. I.e. if they are allowed in, what benefits they're allowed/ whilst their application is pending, if it's OK to work etc. ▪ Asylee claims October 2002-September 2003: 43,300, joining a backlog of 304,000. <p>Data available for 1981-2002.</p> <p>[Yearbook of Immigration Statistics <i>[Annual]</i>, Office for Immigration Statistics, Department of Homeland Security (formerly the Immigration</p>

	<i>and Naturalisation Service, the Department of Justice). Available online at: http://uscis.gov/graphics/shared/aboutus/statistics/ybpage.htm]</i>
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NOTES

Definitional note:

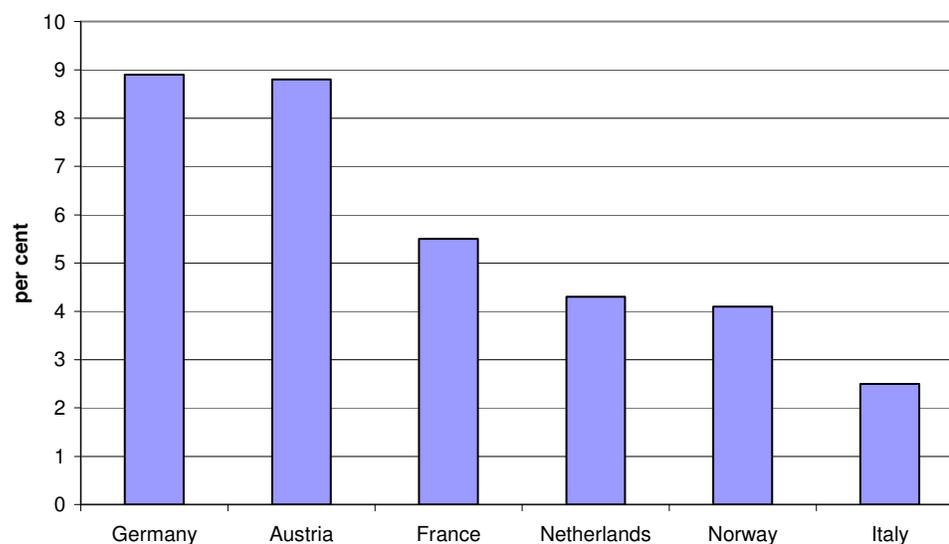
The US defines immigration as permanent immigration – immigration specifically for settlement. Successful migrants are awarded a “green card” which is an entitlement to Lawful Permanent Residence (LPR). Non-settlement migration is termed “Temporary Admission” or “Non-Immigration” and is governed by the issue of visas. Migrants entering under a temporary admission route are referred to as “nonimmigrants”.

Note on charging (by Jackie Bednarz, Department of Homeland Security):

The Bureau of Citizenship and Immigration Services charges fees for immigration benefits. In fact, that bureau receives little money appropriated by our Congress for its operations. Rather, it has statutory authority to charge fees for service (such as form filing fees) under a cost-recovery mandate since the mid-1980s. Additionally, for the last few years, the Bureau has authority to charge a premium processing fee for business immigration applications. The premium fee is GBP550 and guarantees a money-back 15-day response (approve, deny or seek more information).

ANNEX – STATISTICAL TABLES

Figure A1– Foreign Nationals as a Proportion of Total Population, 2002 or latest year

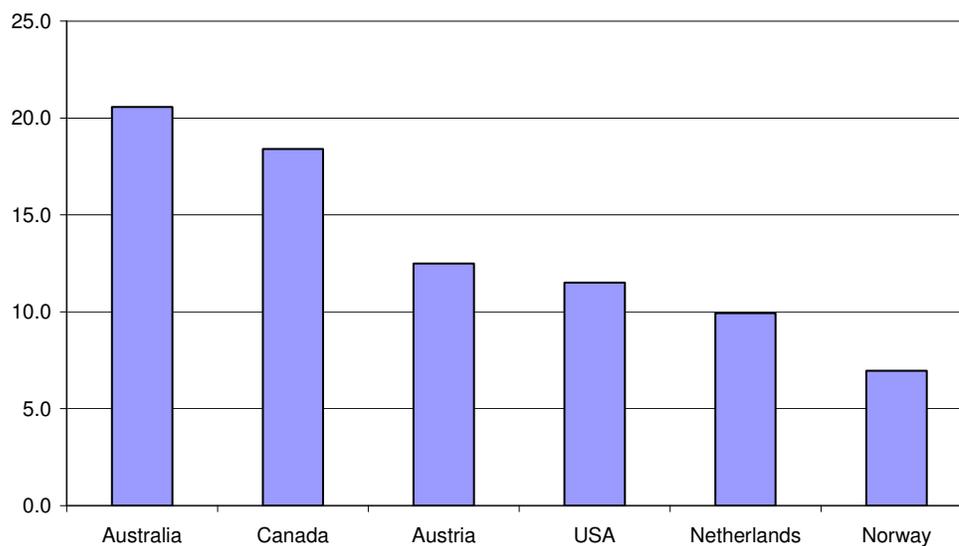


Source: Eurostat; Council of Europe.

Notes:

1. Figures for Austria and Italy refer to 2001.
2. Figure for France refers to 2001.

Figure A2– Foreign-Born Population as a Proportion of Total Population, 2002 or latest year



Source: Eurostat; Council of Europe.

Notes:

1. Figures for Australia, Austria and Canada refer to 2001.

Table A1– Inflows of Foreign Population to Study Countries, 1998-2002 (thousands) (1)

	1998	1999	2000	2001	2002
Austria	59.2	72.4	66.0	75.0	-
France	139.0	108.1	119.3	-	-
Germany	605.5	673.9	649.2	685.3	658.3
Italy	127.1	268.0	271.5	232.8	388.1
Netherlands	81.7	78.4	91.4	94.5	86.6
Norway	26.7	32.2	27.8	25.4	30.8
Australia (2)	77.3	84.1	92.3	88.9	108.1
	173.2	194.1	224.0	340.2	-
Canada (2)	174.1	189.9	227.3	250.3	229.1
	68.1	75.5	86.2	-	263.9
United States (2)	654.3	646.6	849.9	1064.3	1063.7
	2141.1	2363.4	2741.3	2948.3	-

Sources: Various national sources

Note:

1. Asylum seekers are excluded.
2. Figures in italics refer to temporary immigration.

Table A2– Inflows of Foreign Labour to Study Countries, 1998-2002 (thousands)

	1998	1999	2000	2001	2002
Austria	15.4	18.3	25.4	27.0	24.9
France	10.3	10.9	11.3	32.3	-
Germany	275.5	304.9	333.8	-	-
Netherlands	-	-	27.7	30.2	26.2
Norway	-	-	20.4	30.6	26.7
Australia	35.0	35.3	44.7	53.5	66.1
	<i>112.5</i>	<i>121.5</i>	<i>128.8</i>	<i>136.0</i>	<i>145.1</i>
Canada	95.0	106.0	133.5	153.0	136.5
	<i>79.5</i>	<i>85.4</i>	<i>93.7</i>	<i>93.1</i>	<i>187.9</i>
United States	77.5	56.8	107.0	179.2	175.0
	<i>778.5</i>	<i>911.5</i>	<i>1098.1</i>	<i>1194.2</i>	<i>1144.0</i>

Sources: Various national sources

Note:

Figures in italics refer to temporary labour immigration.

Table A3 – Inflows for Family Reunion to Study Countries, 1998-2002 (thousands)

	1998	1999	2000	2001	2002
Austria (1)	-	-	-	-	27.0
France	-	-	-	45.4	-
Germany	-	-	-	-	-
Netherlands	-	-	-	34.6	35.4
Norway	-	-	-	13.1	9.4
Australia	32.0	32.0	33.4	38.1	40.8
Canada	50.9	55.3	60.5	66.6	65.3
United States	474.8	475.5	583.2	675.2	673.0

Sources: Various national sources

Notes:

1. 2003.

Table A4 – Inflows of Foreign Students to Study Countries, 1998-2002 (thousands)

	1998	1999	2000	2001	2002
Austria (1)	-	-	-	-	4.5
France	-	-	-	40.0	-
Germany	-	-	-	-	-
Netherlands	6.1	6.2	6.3	7.7	9.3
Norway	-	-	-	-	-
Australia	67.1	120.6	146.6	151.9	162.6
Canada	41.5	52.0	63.7	74.0	68.8
United States	-	386.2	557.7	648.8	638.0

Sources: Various national sources

Notes:

1. 2003.

Table A5 – Asylum Applications in Study Countries, 1998-2002 (thousands)

	1998	1999	2000	2001	2002
Australia	8.2	9.5	13.1	12.4	5.8
Austria	13.8	20.1	18.3	30.1	39.4
Canada	25.4	30.9	37.9	44.7	33.4
France	22.4	30.9	38.8	47.3	51.1
Germany	98.6	95.1	78.6	88.3	71.1
Italy	11.1	33.4	15.6	9.6	7.3
Netherlands	45.2	42.7	43.9	32.6	18.7
Norway	8.4	10.2	10.8	14.8	17.5
United States	50.3	45.8	57.2	83.2	81.8

Source: UNHCR