



INTI
Success through Migration
Final Recommendations



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Final Recommendations

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Introduction

Immigration is of common concern to all the EU member states. However, the responsibility for immigration policy is still located at the national level. This implies that immigration is inconsistent, but it also offers the chance to learn from the comparison of distinct immigration regimes implemented by EU member states. In the context of the Lisbon strategy, immigration is perceived to be a factor that may strengthen economic performance and contribute to the demographic and societal developmental

dynamic of European societies. In particular the immigration of highly qualified persons is perceived to be an asset for receiving countries.

Immigration of Highly Qualified Third Country Nationals (HQTCN) is a matter of concern for all EU member states, but until now it has not been sufficiently addressed. The EU sponsored project 'INTI – Success through migration' focuses on the situation of admission and integration of Highly Qualified Third Country Nationals in capital cities of the four European member states Poland, Germany, Italy and Portugal. The investigation confirmed that—in spite of considerable particularities in the followed immigration and integration policies and the differences in amount and composition of immigration—HQTCN face considerable problems getting access to the labour market appropriate to their level of employment.

This synthesis report aims to summarize the main observations and conclusions from the four country reports. The first chapter portrays the European context and framework and presents a short summary of the country situations.

Secondly, the report outlines the situation in the four member states Italy, Portugal, Poland and Germany.

Thirdly, the report identifies the problems and shortcomings indicated in the four country reports.

Fourthly, the report presents examples of good practices identified by the authors of the country reports.

Fifthly, the reports aims to synthesise the findings and to formulate a more consistent and coherent approach in order to utilize the resources of immigrants for the sake of the receiving society and the immigrants themselves.

1. Immigration of highly qualified immigrants in Europe

We open with a short discussion of factors of general nature which are necessary for a proper understanding for a comparison of the situations. We then proceed with a comparative account on migration and integration policies and the situation of HQTEN in the four countries under examination.

1.1. Overview and European developments

The current immigration trend into the European Union is characterised by an increase in the size of the migration influx, an increasing diversification of countries of origin of immigrant populations, a gradual decrease in the number of refugee and asylum seekers granted refugee and asylum status, and an increase in the level of illegal migration.

Currently, the European Union host approximately 18 million immigrants according to official statistics (European Commission 2004). This means that immigrants contribute about 4 percent to the European Union's resident population. However, the spatial distribution of the registered immigrant population is extremely diverse and ranges from a mere 1 percent in Poland to over 30 percent in Luxembourg (Cyrus et al. 2005).

However, due to inconsistent definitions and distinct policies of naturalisation and categorization, official data is still insufficient and hard to compare (see OECD 2005: Part II; Cyrus, Gropas, Kosic, Vogel 2005). Even after extensive efforts, it is impossible to get a clear and comprehensive statistical account of the stock and flow of immigration in all 25 member states. The available information from official registers needs to be treated with some caution. The statistical representation and comparison of current immigration in the EU is impaired by the use of inconsistent categories and a consequently extremely poor statistical accounting.

In many EU member states the statistical figures do not account for immigrants but mainly for foreign nationals. Therefore, immigration of co-ethnics or persons who possess the citizenship of the host country are not counted as immigrants. Another aspect that distorts the picture of the amount and impact of immigration is the disregard of the effects of naturalisation. In particular the better-off immigrants may disappear from statistics when they acquire the citizenship of the member state in which they live. On the other hand, the stock data include foreign immigrants with only a temporary stay like seasonal workers, contract workers or students.

Finally, stock data exclude persons which are not officially registered and live in the country without the required residence permissions. According to current 'guesstimates', about 1 percent of the European Union's population has no proper residence status (i.e. 4.5 million persons) (Papademetriou 2005***). Although there is no definite evidence, it is reasonable to assume, in line with the reports, that there are highly qualified immigrants within these omitted categories.

In particular the Italian and Portuguese cases underline that, among illegal immigrants, many possess a higher level of education or professional training, while the German case indicates that, also among co-ethnic return migration, a

considerable share brings with it professional training or academic qualifications.

The omission of these categories of immigrants draws a distorted picture of resident immigrant population in Europe.

In the framework of a consideration of the immigration of highly qualified immigrants it is, moreover, important to stress that highly qualified immigrants are not only accepted through the admission pattern for highly qualified immigrants, but also through the patterns for the reception of other categories, e.g. among co-ethnics, family migrants, refugees or asylum seekers.

Only recently have the efforts increased to improve the data basis using the indicator of foreign birth instead of foreign citizenship (OECD 2005). With this criterion, some immigrant categories which were not accounted for are now included in immigration statistics.

In Germany, for example, for the first time in 2006 the annually conducted micro-census offered information on the immigrant background of respondents in addition to their citizenship. An ongoing migration research project identified eight patterns of immigrant reception relevant in the European context: (1) immigration of co-ethnics and returnees; (2) migration related to colonialism or post-colonialism; (3) pre-1989 settlement in the new EU member states that belonged to the communist bloc; (4) settlement related to old 'guest workers' recruitment programmes followed by family unification; (5) immigration of refugees and asylum seekers from other European states (e.g. former Yugoslavia, Turkey), from Africa and Asia or from the Middle East; (6) migration in the framework of new temporary employment and contract schemes; (7) immigration of highly qualified professionals and finally, (8) undocumented immigration with state reactions varying from active counter measures and repression to tolerance and regularisation.

This typology of patterns of immigrant reception covers the current immigration tracks and its application to the national cases reveals that countries do not only distinguish with respect to the importance and historical continuity of immigration, but also with respect to the composition of pattern of immigrant admission. Taking into account that each EU member state has its distinct composition of immigrant categories with respect to regional origin and legal status, it is clear that member states have to develop policies that match their special situation.

1.2. Characterisation of the four countries under examination

However, it is obvious that the importance of immigration differs between the member states which in turn influences the public perception of immigration and the opportunities for immigrants. Table 1 groups countries according to the importance of immigration movements.

Table 1: The importance of immigration for EU member countries

Level of Importance of immigration country	
High importance and changing patterns for several decades	Former colonial countries and recruitment countries in the north and west
Increasing importance of immigration since the 1980s	Southern European former sending countries for recruited workers [sic.], Ireland and Finland
Increasing importance of immigration since the 1990s	Central European states, Malta and Cyprus
Low importance except for minorities resulting from recent nation-state building	Baltic states, Slovenia and Slovakia

Source: POLITIS compilation, Cyrus et al. 2006****

This conceptualisation may substantiate the choice of countries which take part in this INTI project ‘Success through Migration’.

The four countries belong to three different categories.

Germany belongs to the group of countries which have experienced high immigration and changing patterns for several decades. At the end of World War II and until the 1960s, northern and western EU member states shifted from being emigration countries to being immigration countries. This change was not always recognised in the public debate. France, Germany, Belgium, the Netherlands, Sweden, Denmark and the UK have a relatively long migration history principally due to either a colonial history or to worker recruitment schemes. These countries are generally faced with aging first generation immigrants and the challenge of combating the social exclusion and marginalisation of second or third generation immigrants. Associated with this is the fact that economic crises and social frustration are exacerbating xenophobic reactions on the part of the majority populations, while the religious factor is becoming increasingly visible and present within the immigrant population. Nevertheless, these countries not only have a long experience with different instruments for admitting and rejecting immigrants, but they also have the most elaborate integration policies.

Portugal and Italy belong to the group of countries in which immigration has increased in importance since the 1980s. Over the course of the last two decades, countries in the geographic periphery of the EU have become host coun-

tries. This is the case for southern European countries (i.e. Italy, Greece, Spain and Portugal) and for countries on the northern periphery of the European Union (i.e. Ireland and Finland). Their emigration patterns of the past have been reversed, mostly in spite of high rates of unemployment among native workers. This shift in European migration patterns partly reflects a gradual improvement in the economic situation and the living conditions in these countries, but it is also in part an unintended side effect of the restrictive measures taken by countries like the UK, France, Germany, and Switzerland. The immigration experience in these countries has been characterised by the absence of a consistent migration policy with a long-term approach to the issues of admission and integration. This has led to an increase in both illegal immigration and the number of migrants remaining in these countries unofficially or without proper papers, namely for southern European countries which have long land and sea borders to the African continent. An irregular or illegal status has implications not only for migrants' employment security but also for the extent of their integration into the host society. The large inflow of undocumented immigrants that has been common to the southern member states has led to repeated regularisation programmes. Since 1986 there have been five such programmes in Italy involving more than two million immigrants, and Greece has implemented two similar programmes with a third programme that is currently underway. Since 1992, Portugal has started four regularisation initiatives, and Spain began its third and most far-reaching regularisation scheme in 2005.

***Poland** belongs to the group of countries in which immigration has increased in importance since the 1990s.* In a number of countries major changes in migration patterns have only occurred since the 1990s. Certainly the collapse of the communist states and the 'Autumn of Nations' in 1989 was the most important contributing factor. Central European countries appear to be in the preliminary stages of an inflow of immigrants not only from former Soviet Union countries or neighbouring nations with which there were formal relations (e.g. between former Czechoslovakia and Yugoslavia), but also from the far east and from the west.

But as a general rule, almost all formerly communist European states face the phenomenon of new immigration from African and Asian countries (e.g. Chinese citizens) as well as from some countries of the former Soviet Union (e.g. Ukrainian citizens in Poland). In recent years, CEE countries have also become an attractive destination for entrepreneurs from western Europe and the USA. These immigrants are predominantly involved in economic activities in the tertiary sector as highly-skilled managers, experts, consultants, scientists, etc. Public discussion is concerned with issues of policy formation and migration control. These countries are still characterised by emigration, but they simultaneously experience transit migration and new immigration influx.

We will proceed with an account of the central findings from the INTI country reports.

2. The national context

As mentioned, the situation is different at the national level. Therefore, the remarks take into consideration the most important national aspects.

2.1. Poland

Statistical account

Today there are about 100,000 legal immigrants (temporary residents) in Poland; this is a low percentage for a country of about 38.6 million. Most immigrants originate mainly from Ukraine, Belarus, Russia, Germany, the USA, the United Kingdom, France, and Vietnam. There is a strong Vietnamese community because many studied in Poland during 1970s and 1980s, or came in the beginning of 1990s when Poland liberalised its immigration procedure.

According to the population census of 2002, 775,300 persons or two percent of the total Polish population were born abroad (including in territories that belonged to Poland before World War II). More than 98 percent of permanent residents of Poland were of Polish citizenship, of which 1.2 percent (444,900 persons) held citizenship in both Poland and another country. The category of dual citizenship holders covered 279,600 German citizens (62.9 percent), 30,100 US citizens (6.8 per cent), 14,500 Canadian citizens (3.3 per cent), 7,300 French citizens and approximately one thousand citizens of Ukraine. 40,200 persons held only foreign citizenship. In this category Germans (7,900), Ukrainians (5,400) and Russians (3,200) were predominate.

Political and legal development

The year of 1989 marked a turning point in the migration process in Poland. Profound political, legal and institutional changes in the country brought the opening of borders and the abolition of movement restrictions. Along with the political, social and economic transition which occurred in the Central and Eastern European region after 1989, the mechanisms and patterns of migration have also changed. Although Poland is still a country of emigration, it has recently experienced an inflow of asylum seekers, a movement of transit migrants and permanent immigration both from the east and the west. Indeed, a new ethnic diversity and the creation of a new ethnic consciousness can now be observed.

Like other CEE countries Poland has been, from the very beginning of 1990s, shaping the legislative basis, organs, and institutions to deal with immigration.

The process of accession of the CEE countries into the European Union gradually raised the clear objectives of their migration policy (such as the combating of illegal migration, the asylum policy, and the harmonisation of migration policies with standards of countries in the EU). Since 2000 Poland has additionally introduced many amendments to the laws in order to meet the EU requirements. The 2003 Polish Alien Law¹ provides for a wide harmonisation in this area by regulating the admission and the residence permit system. Poland introduced visa restrictions on 1 October 2004 on Belarus, Russia, Ukraine and

¹ Other acts that regulate immigration in Poland are: the Act on the Conditions of Entry and Stay of EU Citizens and Their Family Members (entered into force on 1 May 2004), the Act on Protections of Aliens (2003), the Repatriation Act (2000), the Act on Promotion of Employment and Institutions of the Labour Market (2004), and the Act Concerning EU Citizens (2002).

the Czech Republic (since 2000) aimed at reducing the number of asylum seekers and illegal immigrants.

So far these rules have not helped to stop the inflow of illegal and temporary immigrants. Nevertheless, these countries are still characterised by the absence of a consistent, effective and balanced migration/integration policy of the state.

As far as the integration of foreigners with permits to stay in CEE countries is concerned, there has been no topical framework or practical approach to the process in these countries until now.

In all CEE countries, refugees and foreigners with regular stay permits may request citizenship. By law, the subject of naturalisation has to stay permanently in the territory of the country for at least 5 years (in Poland, the Czech Republic and Slovakia) or 10 years (in Hungary).

Situation of highly qualified immigrants in Poland

It is visible that Poland does not meet a majority of the requirements needed to attract HQTNCs. According to their history and current position, HQTNCs were classified into four groups (confirming the sense of the above OECD standards): (1) corporation employees, (2) people who came to Poland because of their special interests, interesting work, etc. but not for financial purposes, (3) economic immigrants, (4) people who came for purely personal reasons (Polish spouses). This classification is partially convergent with the HQTNCs' nationality (e.g. only nationals of some countries belong to group 3), but not entirely.

The educational level of temporary migrants is also high (see Table 2). In the whole country over 80 % of foreigners living temporarily in Poland have a secondary or higher level of education. In the capital province this percentage amounts to over 85%.

It can be suspected that the official high number of well educated immigrants is connected with the fact that highly skilled foreigners are more likely to find legal employment and are registered more often.

For some of the interviewees the very concept of Highly Qualified Third Country Nationals and their integration in the Polish context was something new. Some of the interlocutors stressed that there was no representative research conducted in this field, so they could not speak with absolute certainty. The experts claimed that highly skilled specialists from the Third Countries form a very heterogeneous group; or rather they do not really form a group, because there are more important differences than the level of education and qualifications which decide the position of an individual foreigner in the labour market and social structure. The most important factor, according to the experts, would be nationality, or rather coming from the western versus the eastern countries. The answerers could distinguish a group of highly-skilled professionals, mostly from the United States, who worked for international corporations or big companies. The experts connected this separate group with internationally famous, renowned specialists, of which the country of origin was not considered important. This whole group was perceived as not having any particular problems with integration or with working according to their qualifications. The respondents came up with a suggestion that this 'privileged' group did not have a lot to do with other highly qualified immigrants, who were perceived as those having the same problems as all the other economic immigrants (problems with legalizing their stay, with finding a legal job).

Therefore, the experts' vision was that there is a 'privileged' group of immigrants who come to Poland because they have a good job arranged there. This group, according to the respondents, did not face any problems and did not need any assistance. A comment from one of the experts might serve as an example: 'Those who work in foreign companies luckily do not need our help, because they have their own lawyers in the companies who assist them.' [exp. 3]

Another subgroup of HQTcNs is formed by people with high qualifications who come to Poland mostly for economic reasons. This group might need some help from organizations. The experts, however, did not see a necessity of organizing any specialized form of assistance for HQTcNs. Their opinion was that they need the same kind of legal or organizational aid, but to a much smaller extent than other, less educated immigrants. Respondents said that people with a high level of education very seldom turn to their organizations in need. They ask for social aid or for legal assistance much more rarely than people with a lower level of education or than people who migrated for humanitarian reasons. Such a statement may be a good example: 'Highly qualified immigrants almost never ask for social aid. If they come here [to the Caritas office] at all, these occasions are few and far between. However, sometimes they turn up here. Usually these are people from such countries as Congo, Nigeria, Angola, and Pakistan. I remember an Iraqi as well. But it would be hard for me to think about more than ten or fifteen such people.' [exp. 4] The experts believed that the situation of highly skilled immigrants is easier than the one of less qualified people. Those who are highly qualified, the experts claimed, usually know foreign languages and foreign countries and are more flexible and more active. They usually have access to the internet and are not afraid to actively search for work. One of the experts said: 'Such people [HQTcNs] sometimes know more about the market demand than Poles do.' [exp. 3]

If there is an offer for HQTcNs, its main target are immigrants in general. A good example might be found in IOM's actions, such as assisting foreigners in finding a job. The programme is comprised of computer and office equipment training and meetings with a career adviser. Of course such a program is more useful for people with a lower level of education. At the moment IOM is in the course of building a website on immigrants' issues, which is also intended for HQTcNs, but probably much more for people who have more problems with access to information.

Difficulties connected with the legalization of stay can also make it more difficult for HQTcNs (and other immigrants) to integrate into the Polish labour market. One of the experts paid attention to the fact that diplomas obtained in the countries perceived as exotic (mostly African and Asian countries), even if accredited, might raise doubts. The expert [exp. 4] related a story of a highly skilled Pakistani who was not treated seriously in Poland, but soon found a respected professional position in the UK. The expert did not explain such incidents by citing Polish aversion to foreigners but rather lack of practice in dealing with foreigners.

As far as legal status of the HQTcNs is concerned, there were three people who stayed having a visa with a work permit, nine temporary residents and eight permanent residents.

Seven out of twenty interviewees were single and did not have a partner. Out of the remaining thirteen, only two were married with their fellow citizens (Viet-

namese and Georgian). Ten were married to Poles and one had a stable Polish partner. This might suggest that many of HQTCNs come to Poland or at least stay there for other than professional reasons. Graph 5 presents marital status in relation to the length of stay. As it is presented, people who are single prevail in the category of those who have been in Poland for a short time.

Firstly, it is important to present the motivations of the interviewed HQTCNs for coming to Poland. It was not always easy to distinguish a single motivation. Very often personal and professional motivations went together.

However, it was usually possible to find out the most important purpose of coming to Poland and for making the interviewee stay. The interviewed HQTCNs might be divided into five main groups on account of their motivations.

The first group consisted of international corporations' employees—people who came to Poland because they were sent by their company, or because they wanted to change something in their lives, so decided to leave their home country, but not the corporate world. This group can be characterized by high earnings and a low level of integration into Polish society, because they usually come only for a contract, for a given period of time. In our sample, there were only two people fitting into this category. These were an American IT specialist and Byelorussian manager. International corporations' employees do not have problems with obtaining a visa with a work permit. The entire procedure is managed and paid by the employer. In case of problems, workers of international corporations may count on their companies' lawyers' assistance. Of course, both interviewees from this group worked according to their qualifications.

The second group consisted of people who came to Poland because of their professional development—doctorate studies, academic career (e.g. as professors)—or because they found a more interesting job there. All of them however, regardless their country of origin, claimed that they could have earned more had they stayed in their home countries. They were offered interesting positions in Poland, but they were not driven by financial motives. All these people also had a job (or a grant for doctorate studies) arranged before coming to Poland. They could also count on the assistance of their companies or institutions, though to a smaller degree than corporations' employees. The group consisted of a Russian manager, a Ukrainian IT specialist, an American manager, an American linguist.

A small third group, similar to the previous one, would be a group of people who came to Poland because of their special interest in the country, its culture, language, literature, etc. Such people are rare, but in our group we had two (strangely enough two engineers, from Canada and Croatia). One was interested in the distant roots of his family, another simply found Poland very interesting after a short stay there in the eighties.

Both people from the second and the third group worked according to their qualifications (at least partially). Those who did not work according to their qualifications chose such a way of life, and did not want to change it.

The fourth group includes economic migrants, people who came to Poland because they could achieve a better living standard here than in their countries of origin. Six HQTCNs falling under this category were: a Georgian doctor, a Russian doctor, a Vietnamese doctor, a Turkish engineer and two Ukrainian lin-

guists. Two people from this category claimed they could not develop their professional carrier or earn enough because of political persecutions. They did not, however, emigrate as asylum seekers. Half of this group worked according to their qualifications, the other half either worked partially according to their qualifications or had not managed to find such work and would have liked to find it.

The fifth group was HQTCNs who came to Poland for purely personal reasons, because they simply fell in love with a Pole. Those people usually neither had plans concerning their place in the Polish labour market, nor knew anything about the country. In the researched group there were as many as six people who came because of personal reasons. They were: an American economist, a Russian engineer, an Algerian economist, an Israeli IT-specialist, a Rumanian IT-specialist and an Indian doctor. Only two people in this group have legal jobs (although spouses of Poles do not need work permits). Only one person (an IT-specialist) works according to his qualifications. One works partially according to her qualifications (an engineer working as an editor of technical books, employed by her husband). The others give lessons in their native language or do not work at all or have illegal, casual jobs. Apart from the IT-specialist working according to his qualifications, they would all like to find better, more rewarding jobs. This group was the most frustrated and eager to complain.

The third conclusion is that, against stereotypes, nationality does not necessarily decide affiliation to a certain category of migrants. It is often thought (also by the experts) that citizens of developed countries hold high positions and do not encounter problems in the labour market, whereas people from eastern Europe, for example, come as economic immigrants, under their qualifications. Of course, there are more corporation employees among citizens of the USA and Canada, and people from these countries would not come to Poland for economic reasons. Therefore, nationality and the above categories are partially convergent, but not necessarily. During the research people from eastern Europe were also found among those who held high positions. There were also examples of USA citizens who could not find work according to their qualifications.

Two major differences in the situations of 'western' and 'eastern' immigrants were emphasized. The first was connected with a financial situation. 'The westerners' never came for economic reasons, and did not have everyday problems with paying for basic procedures (e.g. for sworn translations of documents, language courses). They usually did not have to face the problems with dealing with public institutions, because they could afford to hire a lawyer to act as their proxy. This was noticed both by 'the westerners' and the others. Citizens of the USA also paid attention to some disadvantages of that situation, mainly the various occasions when they were overcharged or even forced to give a bribe, because it was taken for granted that they were wealthy.

2.2. Germany

Statistical account: At the moment, 7.3 million persons, i.e. 8.9 % of the total population, do not possess German citizenship; of these, about 84 % are Europeans. In 2003 about 20 % were EU-citizens and 64 % were from other European countries. The main countries of origin are Turkey, FR Yugoslavia, Croatia, Bosnia-Herzegovina, Romania, Vietnam, Iraq, Iran and Morocco. One out of four foreign nationals is a Turkish citizen. Recent surveys showed that about 20

percent of the population residing in Germany was born abroad or has parents born abroad. It is noteworthy that temporarily admitted migrant workers contribute to a high turnover of arrivals and departures. The current German government declares participation and non-discrimination of immigrants to be an important policy target. However, available research literature shows that this target has not yet been reached. Germany is a country of constant, large movements of immigration. Here, the term 'immigrant' refers to all foreign born persons regardless of citizenship. Accordingly, this report deals with third-country nationals, citizens of EU-member states and ethnic Germans that immigrated into Germany as 'late repatriates'. Besides the accepted and institutionally embedded influx of ethnic Germans, foreign nationals enter mainly as family members or refugees.

Political and legal development

In Germany, the immigration law that came into force on 1 January 2005 only slightly broadens the opportunities for labour market related immigration. All in all, the new Residence Act rather proceeds with the traditional restrictive immigration policy and concentrates on efforts to prevent immigration and to promote integration and assimilation of the foreign population.

German society and policy only reluctantly accept the immigration of foreign nationals. Foreign immigrants are socially more excluded than German immigrants. In public discourse, foreign immigrants are mainly faulted for shortcomings such as their cultural otherness (religion) and their reluctance to acquire the necessary language skills. Additionally, their lack of professional skills is declared to be the main reason for failed integration.

Naturalisation

The new 'red-green government' launched a new naturalisation act with a provision for a limited *jus soli* and double citizenship. After fierce protest initiated by the Christian Democratic Party on the eve of a state election, the opportunity for double citizenship was reduced to a temporary status for the second generation with the obligation to decide for the retainment of one citizenship later on. The law stipulates—provided that the parents possess a secure residence status—that children of foreign nationals born in Germany will receive on a preliminary basis the German citizenship regardless of whether they possess another citizenship. However, the legal requirements foresee that naturalised persons with double citizenship have to, by the age of 23, opt for one exclusive citizenship only. Thus, German citizenship will be automatically withdrawn when a naturalised adult with double citizenship does not abstain from the other citizenship. It will be up to the courts to decide on the constitutionality of this provision.

Highly skilled family migrants are invisible

Their labour market access depends on the status of their partners who might be defined as German or non-German citizens. Family migrants are not considered to be the head of the family, and thus their position tends to be weak. They often get little institutional information about their chances on the labour market and have to rely on private and casual networks.

Their situation is not systematically documented by any institutional body. Their formal status means that they are often forced to be non-participants in the labour market, which easily leads to downgrading of their professional skills.

For instance, highly paid immigrants are allowed to work in Germany without restrictions if they receive an annual salary of more than € 84,000 or bring in a million euros. First statistical data from the Interior Ministry document that roughly 700 new labour immigrants immigrated to Germany in the first six months of 2005.

Asylum seekers, other refugees and family migrants are not supported in the same way. Especially in respect to refugees, authorities aim at avoiding a longer stay of this immigrant group because this could affect their status of residence. Therefore, refugees and other more restricted groups have to cope with long periods of professional inactivity, and as a result are affected by downgrading more than any other group. Even after their status of residence is finally clarified, their access to counselling and to labour market programmes is limited and not yet not systematically organised. It looks as if regular integration measures often do not meet the needs of highly skilled immigrants. For instance language courses aiming at improving the abilities of highly skilled students are rarely provided (as various NGOs told us).

NGOs report that immigrants of certain nationalities, such as Iraqis and Afghans, are frequently very well educated. Single studies further indicate that the share of highly skilled refugees is underestimated because the education of refugees is rarely documented (Foda and Kadur 2005). The same holds true for those migrants that come under the category 'family reunification'.

The decision on who should be accepted as a non-EU medical doctor is left to the health administrations of the individual federal states (*Länder*). University certificates of non-EU nationals are examined and compared to German standards. Medical doctors from developing countries were unlikely to be admitted into the German labour market because Germany followed a policy that aimed at avoiding 'brain-drain' (the emigration of highly qualified staff from developing countries to the developed countries). Medical doctors from non-EU countries have to prove their abilities to a committee at the *Landesärztekammer*, and can be sent to absolve further training. Additionally, they are requested to enrol in a paid 12 month training programme in their field of specialisation (Berliner Ärzte 3/2004). In summary: the legal situation is restrictive and integration into the labour market is difficult, but the coming labour shortage in this field of professional expertise may open windows of opportunity for third country nationals in the near future.

As work permits of labour migrants are less dependent on the recognition of their educational skills (their working contracts are supposed to be evidence enough for their expertise), temporary labour immigrants are less affected by this barrier.

Coming to Germany involves an array of different tasks such as organising social benefit, housing, learning the language and job seeking. Whereas labour immigrants successfully find a position in Germany before they immigrate to Germany, other status groups start to look for jobs after having settled and after they have acquired basic language abilities, which is in their second year of residence. Some groups of refugees (civil war refugees from former Yugoslavia) and asylum seekers receive their work permit after a much longer time (8 years or even 12 years; Foda and Kadur 2004; expert of an NGO). But refugees never plan to emigrate from their home countries as labour migrants mostly do because they flee from a specific situation.

'If I had known that I'd immigrate to Germany one day, I would have been better prepared to find work. But I came to Germany because of family matters, and then I did not know the situation in Germany.' (Jewish refugee from Russia, engineer)

The first contact with public administration for refugees, asylum seekers and family migrants who arrived in reception centres for repatriates was often confined to the migration authorities (*Ausländerbehörde*), where they had to apply for a residence permit. Since some of the immigrants interviewed had to wait for two or more years to receive a work permit, all issues around their professional development were postponed to a later date and there was the danger of being eventually 'forgotten'. Our field study shows that individuals of these groups would need to be approached more systematically. Otherwise, those immigrants are only informed by chance about their access to the labour market, about their rights and about possible measures. The invisibility of the qualification also worked as a barrier. As companies or politicians were not aware of this group of immigrants as qualified personnel, they did not even recognise them as a valuable source for recruitment (NGO/Project Managers; two social welfare institutions).

The economic situation of the interviewed engineers became more vulnerable the older they got and the more specialised they were. Young engineers seemed to profit from their early graduation and early work experience in the country of origin. In contrast, highly specialised and experienced engineers working beforehand in executive positions in cutting edge institutes related to the arms industry in the former Soviet Union had suffered heavy losses in income and responsibility at the time of being interviewed. Both had found positions thanks to the advice of a Russian friend. After those businesses went bankrupt, they were unemployed again. Whereas the older one chaired a counselling initiative related to the state-aided labour market, the younger engineer was still struggling to enter employment again.

The interviewed scientists were all family migrants. Although the economic situation of females was often better than that of the interviewed males, their economic situation was related to their family status. One was strongly affected by the divorce from her husband in terms of her economic income and residence permit. After securing her residence, she enrolled in a distance learning programme in Germany. Then she managed to gain a position in the first labour market, which appeared to generate slightly less income than she had in her home country. The economic situation of the rest of our interview partners was

difficult to judge. They said that they were disappointed not to have found access to the academic labour market in Germany yet, but they said that they were able to rely on their husbands' financial support. Having both lived and acquired educational credentials in English speaking countries such as the US and UK where they were able to pursue their careers without difficulty, they were surprised by existing social and cultural barriers that cut them off from the German academic market.

The non-recognition of qualifications is a severe hurdle to accessing the labour market for professionals in certain occupations, who often remain invisible to the authorities in Germany. They might not get any special treatment and are often lumped into one category with unskilled migrants. Neither the public institutions nor prospective employers are able to approach them for highly skilled activities.

2.3. Italy

Statistical account

Just like other countries in Southern Europe, Italy has, in the course of less than two decades, rapidly and unexpectedly changed from a country of emigration to a country of immigration.

Italy witnessed a steady increase in the number of foreign nationals from 1986 to 2002. On 1 January 2004 there were an estimated 2.6 million foreigners present in Italy, who account for approximately 4.2% of the total resident population (about 57 million persons). This is far less than in many other western European countries. Italy attracts migrants from a variety of countries. The largest groups in 2004 were Romanians, Albanians, Moroccans, Ukrainians, Chinese, and Filipinos. However, the ten largest groups represent just over half of the total immigrant population. As of January 2004 there were an estimated 2.6 million foreigners present in Italy, accounting for approximately 4.2 percent of the total resident population. Most of these immigrants are young people (aged between 20 and 40 years) who emigrated mainly for economic reasons. As early as 2001, more than half (about 59 percent) of the immigrant population had lived in Italy for more than five years. Acquisition of Italian citizenship, given the difficulties posed by the law currently in force, is still infrequent, with a high rejection rate.

Political and legal development

Immigration to Italy did not begin in a period of reconstruction and economic development, as it did in north-western European nations, but rather during a time of severe economic crisis, characterised, among others, by growing unemployment. Italy has developed a piecemeal approach to immigration, lacking until recently a comprehensive and consistent policy framework. Several regularisation programmes have been enacted since the late 1980s (five times in sixteen years: 1986, 1990, 1996, 1998 and 2002), allowing the legalisation of more than 2 million immigrants. Nevertheless, these 'amnesties' have not solved the problem of undocumented migration. The 2002 regularisation programme brought to the fore a large number (approximately 700,000) of undocumented migrants working as care providers, domestic helpers and factory workers. Italy, because of its geographical position, is highly exposed to penetration by illegal immigrants from the south and the east. Moreover Italy, like

other southern EU countries, has a widespread informal economy that appears to be a prime determinant for illegal migration. Combating undocumented immigration and the trafficking of human beings is a priority both in terms of security and foreign policy, a priority to which public opinion is also sensitive. During the last two decades, the Italian mass media has promoted a negative and highly stereotyped image of immigrants. The main criticism against the media is the tendency to transmit alarmist information on immigration. News reports have linked immigration and undocumented (clandestine) entry to Italy, transforming all immigrants into 'illegal', 'criminals' and 'threats' in the 'common imaginary'. Several NGOs, trade unions and charitable organisations have been active since the 1980s, providing assistance to undocumented immigrants who wish to obtain legal status. To facilitate contacts, these organisations encourage the civic participation of immigrants and their involvement in representative bodies. Furthermore, these organisations provide support for immigrant associations. Immigrant participation in trade unions, voluntary organisations, consultative bodies at the local and regional level and immigrant associations ensures their access to what are called 'intermediate political rights'.

However, civic and political participation remains mostly the realm of Italian citizens and naturalised immigrants. Even though migration is a relatively new phenomenon in Italy and immigrant integration an even more recent one, there are a number of studies on immigrant integration and political participation.

In Italy, the immigration policy landscape has changed since 2002 when the centre-right governmental coalition currently in office adopted the new and more restrictive law 189/2002 (known as *Bossi-Fini* law). This Law introduces a more repressive policy toward undocumented immigrants through the use of compulsory repatriation. Immigrants are admitted into the country only on a temporary basis, and only for work purposes; they can remain in Italy as long as they have a job. Non-EU immigrants can enter Italy only with a 'residence contract' (*contratto di soggiorno*), i.e. a contract of dependent employment signed by themselves and an employer (a firm or a family). The foreigner with a regular residence permit (for dependent job or self-employed) that consents to an undetermined number of renewals, who has lived in Italy for at least six years and who earns enough to provide for himself/herself (and family) might request a residence card (*carta di soggiorno*).

Naturalisation

The process of naturalisation of non-citizens is always long and complicated. Almost everywhere the naturalisation process takes several years, with most member states varying between five and ten years. Overall, we can also witness a progressively more restrictive policy in terms of access to citizenship on behalf of most member states, and an effort towards greater harmonisation between the conditions across the twenty-five EU members.

Italian law allows for foreign permanent residents to apply for naturalisation and does not require cultural assimilation (knowledge of the Italian language, for instance, is not required). Double citizenship is also allowed. An individual can request citizenship on the base of length of residence in Italy. Residence requirements vary depending on the country of origin. For EU citizens four years are requested; for adopted foreigners who are no longer minors, or for refugees and the stateless, five years; and for non-EU citizens, ten years of residence are necessary. The process for applying is complex and cumbersome requiring

a very long list of documents. Italy has one of the lowest naturalisation rates, a high rejection rate of applications and very long time for receiving a feedback.

Situation of highly qualified Immigrants in Italy

Authorizations to entry in Italy can also be issued according to quotas, in order not to hinder particular needs of the national labour market, as in the case of specific professional categories or productive fields.

Categories and cases are defined by art. 27 of Consolidated Act on Immigration 'D.lg. 25 July 1998, n. 286', in the following order:

- a) Executives or highly qualified personnel of companies with main or secondary offices in Italy
- b) University lecturers
- c) University professors and researchers
- d) Translators and interpreters
- e) Home helpers living with Italian or EU citizen
- f) People who are staying in Italy for professional training purposes
- g) Workers who are admitted on a temporary basis by request of employers to carry out specific tasks for a limited pre-established period are required to leave Italy as soon they have completed these tasks.
- h) Seamen
- i) Employees seconded to Italy from a foreign nation, in order to perform services under a contract with foreign employer
- l) People who work for circuses or travelling shows
- m) Cast and crew members for opera or drama shows, music concerts, ballet shows
- n) Dancers, artists and musicians working in entertainment facilities
- o) Talents engaged by private and public theatre, music or motion picture companies, radio/television companies, or by public bodies in connection with cultural or folklore events
- p) Professional athletes
- q) Press correspondents officially credited to Italy
- r) People engaged in research or occasional jobs, under the provisions of international treaties in force in which Italy is a partner or in connection with youth exchange or 'au pair' programmes
- s) Professional nurses hired by public and private hospitals and clinics

The common trait of these categories is that it is not possible to practice another profession or job, to change employers (except for translators and interpreters) or to draw up indefinite employment contracts (except for nurses, university lecturers, university professors and researchers). Out of these categories, the entry in Italy of management or high skilled personnel depends on the common annual quotas, both for employed work and self-employed work, as a professional or an entrepreneur.

Regarding the new **EU-member states of central and eastern Europe**, the percentage of immigrated individuals graduated is very high: 15.3%, with a high rate represented by Poland

The eastern European countries are collocated slightly under the average percentage of graduated immigrants with 8.4% compared to the European 10.6%, but with a great difference between the individual central-eastern European countries, in which we can find a higher level of education which involves more than half of the residents.

Africa is, instead, collocated at the lower level of graduated immigrants with 6.4%. Within the African individuals the last place is referred to northern African immigrants with a percentage of 24.5% (comprehensive individuals having a degree or diploma).

The Americans: 48.8% of the American immigrants have a high degree qualification or are graduated. Regarding only North American immigrants, the value definitely increases up to 69.3% in relation especially to the high number of graduated which represents the top for all the sub-continental areas.

Asia can be placed at a middle position with 34.3% (graduated and high degree), but with a very high level (70.2%) for the few thousands of immigrants originating from western Asia. Regarding the other sub-continental areas, the values can be collocated under 40%, but Japan with 87.6% and South Korea with 82.6% represent two exceptions, especially in relation to the high number of graduated immigrants.

Oceania: the percentage of high education is fixed to 58.9%.

For professionals of foreign origin in the medical-nursing field, the job placement path in the private healthcare system, if their educational qualifications are recognized, is a path that is substantially appropriate for their qualifications, even if it is often characterized by an underuse of their vocational skills, caused by the declassification resulting from the recognition of their qualifications. On the other hand, access to the private healthcare system would seem to be the only prospect for placement possible for immigrants specialized in this sector, who have pointed out the poor or non-existent possibility for job placement in the public healthcare system. The contractual conditions applied by private healthcare structures are often unfavourable, since they prefer to hire foreign medical-nursing personnel precisely because of the possibility to offer less protection and few economic-contractual guarantees compared to those generally demanded by Italian professionals—including even illegal and poorly paid positions if the person does not have legal status or is not certified for the practice of the profession.

In the cases studied, the choice of undertaking the migration path was not necessarily connected with critical economic conditions. In fact, most of the key respondents practised a qualified profession in their country of origin, appropri-

ate for their educational qualifications, and were then forced in their country of settlement to accept jobs that were often deskilling. The subordinate position is strengthened by the idea that there are ethnic attitudes that determine work fields, i.e. the mechanism of 'statistical discrimination', for which belonging to a certain ethnic group becomes an excellent reference for hiring in a certain sector, precluding other employment opportunities. In reality, ethnic characterization, evident for certain types of employment, such as domestic work for Filipino immigrant women, is closely connected to the opportunity, through ethnic networks, to be able to enter the job market, which is characterized by few possibilities of mobility between sectors, and of finding qualified jobs. The testimony of those who have succeeded in obtaining a job in primary work sectors indicates that competitive mechanisms and racism in workplaces hinder an objective assessment and the full acknowledgment of working skills, blocking the possibility to undertake a successful professional career.

'There are many Italians with the same educational qualifications as mine who think that immigrants have come to Italy to steal their jobs, especially when we work better, an experience I have had myself. I was hired as a computer operator in a company, but my co-workers did not want to work with a Moroccan and so I was fired. We foreigners know that we cannot have an important position, because even with a degree we are always foreigners, and are forced to accept being simple labourers, to accept what the market offers.' (int. 11, 63 years old, Morocco)

A category that suffers greatly from this situation is that of the foreign medical and paramedical personnel. There are considerable difficulties in establishing a relationship of trust with the patients, who usually consider vocational training and professional expertise irrelevant compared to the ethnic-cultural differences, and even the skin colour. These are cultural barriers that solidify the status of inferiority of the immigrant, who *'cannot ask for more, but must content himself with what he has'*.

2.4. Portugal

Statistical account

This is also a relatively new destination country, characterised to a significant degree by the major inflows of *retornados* after the decolonisation period. Most immigrants come from the PALOP countries. The main third-country foreign nationals originate traditionally from Portuguese-speaking African countries (namely Cape Verde, Angola, Guinea Bissau, and Sao Tomé e Príncipe) and Brazil. The recent trend is new immigrants coming mainly from eastern European countries, such as Ukraine, Moldavia, and Romania.

Political and legal development

Portugal's historical past has strongly influenced the composition of the country's immigrant population. The main third-country foreign nationals in Portugal originate traditionally from Portuguese speaking African countries (Cape Verde, Angola, Guinea Bissau and S. Tomé e Príncipe) and Brazil. In 2001, a newly created immigrant status entitled 'permanence' authorisation uncovered a quantitative and qualitative change in the structure of the immigrant population in Portugal. First, there was a quantitative jump from 223,602 foreigners in 2001 to 364,203 regularised foreigners in 2003. Secondly, there was a substantial qualitative shift in the composition of the immigrant population. The majority of the new immigrants come from eastern European countries, such as Ukraine, Moldavia, Romania and the Russian Federation. Thus, European countries outside the EU zone now rank second (after African countries) in their contribution of individuals to the immigrant population of Portugal. The differences between the new and traditional immigration flows are visible in the geographical distribution of immigrants and in their insertion into the labour market. While the traditional flows would congregate around the metropolitan area of Lisbon and in the Algarve, the new migratory flows tend to be more geographically dispersed and present in less urbanized areas of Portugal. In terms of insertion into the labour market, although the construction sector is still the most important industry for immigrant labour, eastern European workers may also be found in the agriculture and manufacturing sectors. Access to Portuguese citizenship has been increasingly restricted in the past decades. In principle, foreign spouses and children of Portuguese citizens born abroad or adopted may acquire Portuguese nationality. Naturalisation and thus the acquisition of full citizen's rights are available after 6 years of legal residence for foreign nationals from Portuguese speaking countries, and after 10 years of residence for other foreign nationals, provided that a number of other conditions are met. Access to local voting rights is granted to some nationalities on the basis of reciprocity, with voting rights being available after two years of legal residence for nationals from Portuguese speaking countries and after three years for others. Running for local elections requires four to five years of residence. Voting requires registration and registration rates are low.

Since 2001, Portugal has a new immigrant status called the 'permanence' authorisation that allows for the regularisation of immigrants that have a work contract. This led to a quantitative jump and to a qualitative change in the immigration population, bringing into the country a greater proportion of immigrants from eastern (non EU) European countries. Portuguese law distinguishes between temporary authorisation residence permits and permanent residence authorisations for aliens legally residing in Portugal for a minimum of 5 consecutive years

(for Portuguese speaking country nationals) or 8 years (for nationals of other countries).

Naturalisation

Portugal has also been gradually characterised by more restrictive conditions to Portuguese nationality and the nationality law has been extensively adjusted in the past twenty years in order to reflect the new migratory realities.

Situation of highly qualified immigrants

As is well known, most immigrants fulfil low qualified professional positions which are not fulfilled by national citizens (duties that require physical effort and which are not prestigious from the social point of view). The general profiles of this group (Africa, Asia and Brazil) tend to easily match these labour segments, be it in agriculture, construction, food and cleaning sectors or another equivalent activity.

Speaking about nationalities, EU citizens in 1998 represented 52% of the highly qualified immigrants in Portugal, followed by the Brazilians (18.1%). Brazilians occupied mainly technical and professional positions (20.5%) and management positions (8.1%). Among Europeans organizational immigration prevails and among Brazilians independent immigration prevails. From 1990 to 1998 highly qualified Brazilian immigrants doubled in Portugal.

As to the professional profile of foreigners who lived in Portugal in 1998, we would like to underline that the Brazilians were clearly a segment with high qualifications, since about one half had positions requiring high qualifications. The positions requiring low qualifications were mainly occupied by African people, coming from the former Portuguese colonies (namely from Cape Verde, Angola and Guinea-Bissau). Out of these, only 4.7% were highly qualified, whereby these communities seem affected by 'brain waste' processes. The same happened with the community from eastern Europe after 2000. (Peixoto, 2004:5)

It is interesting to see that out of the immigration flows that took place in Portugal from 1999 to 2000, between 22% and 33% of all entries were highly qualified immigrants: Europeans (56% and 59%) and Brazilians (30%). However, the Brazilians start to be less qualified. (Peixoto, 2004:6). As to the level of education of immigrants that in 2000 applied for residence permits, about 18% had a high educational degree. Once again we have the Europeans (about 45%) and the Brazilians (23%).

At the beginning of the 90's APMD, the Professional Association for the Dentist Doctors in Portugal, raised the issue of the presence of illegal Brazilian dentists in Portugal. The problem was that the university degrees of the Brazilians and the Portuguese had differences (which to the Portuguese were significant differences but not to the Brazilians). In view of the diplomatic impasse, since the Brazilian-Portuguese Cultural Agreement of 7 September 1966 in its article 14 regulated the equivalence of Brazilian and Portuguese professional diplomas, the Portuguese Government approved a Decree Order to legalise at the administrative level the practice of Brazilian dental surgeons in Portugal. Decree-Order 180-A/92 of June 1992 considered the Brazilian dentists as technicians and allowed them to practice the profession and, as they were not doctors of dentistry, they were bound to the Ministry of Health and not to APMD. The

weakness of that decree order was judicially opposed by APDM on 16/04/1993, and all Brazilian dentist surgeons were personally notified in individual lawsuits.

The importance of the demonstration of the Brazilian dentists was such that in 1994 the Brazilian and the Portuguese Governments began negotiations to overcome the issue. Among those negotiations was the intention of renegotiating the Portuguese-Brazilian Cultural Agreement. At that time the Brazilian Government demanded the recognition of 416 Brazilian dentists brought to court by APMD.

The problem became even more serious due to the fact that CLAD (EU Dentist Art Connection Committee), the body that regulates the equivalence of curricula of dentist doctors in Europe, threatened the Portuguese government with a complaint to the European Court of Justice, should Portugal have recognised the Brazilian dentists as doctors of dentistry. Finally in 1999, the Brazilian dentistry associations and the Portuguese stomatology association, pressed by the respective national diplomacies, succeed in reaching an agreement that solved the problems of these dentists, apart from requiring the drafting of a new cultural agreement that would consider situations such as the Brazilian dentist issue.

The new treaty considered that the equivalence of diplomas was a problem of the respective professional associations of the two countries. At this time, the Portuguese association admitted that dentists who were affiliated members of ABOP would be integrated into the Portuguese professional association through a soft chronogram of courses adapting the curricula. Dental surgeons who were granted diplomas in university courses equivalent to the ones taught in Portugal automatically received the title of doctor of dentistry. Those who made different courses but arrived in Portugal up to December 1993 were able to receive the same title. Meanwhile they had to attend continuing training classes until July 2000 to complete the curriculum.

During the 90's a highly qualified migration flow began coming from eastern Europe, mainly scientists who integrated into the Portuguese scientific system, complementarily with national specialists. (Sousa, 200:3)

The reasons that made these emigrants leave their countries and come to Portugal are quite diversified, and making the connection of these reasons to the entry in the Portuguese labour market, we may include them in three different groups. Using Portes typology (Peixoto, 1999:4)—referring three different ways to include professional immigrant groups and managers—three of the immigrant interviewees came to Portugal in a weakness context (two African people admit to having left their country due to instability associated with civil wars), eight came in a neutral context (for economic, study and family reasons), and three in an advantage context (already with a labour agreement).

Summary: Impact and amount of highly qualified immigrants

Statistical situation

The comparative reading of the four country reports reminds us (1) that member states are unevenly affected by immigration with respect to composition and amount, (2) and that the available statistical data on stock and flow is of rather poor quality and does not systematically register the qualification of immigrants.

Political and legal developments

Furthermore, we are reminded (3) that the attitude and approaches towards immigration and immigration policies and immigration management differ considerably among the member states, (4) but that some joint problems and trends can be identified which will probably, with some delay, affect the countries currently not affected by immigration on a large scale.

Situation of HQTCN

There has always been temporary and permanent immigration of highly qualified professionals such as managers, investors and business persons, researchers in academia and industry, engineers in multinational companies, sport professionals and actors in the western and southern EU countries.

This migration occurs to a lesser extent in the new member states in the east. Immigration law usually foresees preferential treatment for highly qualified migration, but differs with regard to the degree of discretion and the definition of 'high' level skills. Although some highly qualified migrants have received particular media attention and have used their position to defend the cause of other immigrants, the majority of these migrants seem to be largely invisible and are not considered to be part of the immigration issue. In recent years the discourse in many countries has had a tendency to actively address the issue of attracting this 'gold-collar' immigrant labour force. It is perceived to be a major challenge to attract and keep a part of this highly qualified, multilingual, internationally mobile cosmopolitan elite in order to enhance the knowledge-based competitiveness of the economy. (Cyrus, Gropas, Kopic, Vogel 2006:76 f)

Situation and significance of local level

The opportunities of the four capital cities to develop a more coherent and consistent approach is unevenly shaped. The scope of opportunity depends to a large extent on legal and institutional stipulations of higher institutions at the national level and from the concrete economic and labour market situation. As a rule, within these constraints the capital cities have the chance to streamline and optimize the administration of the highly qualified immigrants. The accounts indicate that municipalities have the chance to take care of a more efficient and user-friendly administration and more systematically to implement and coordinate at the local level the available programmes and opportunities for the support of the labour market integration of highly qualified immigrants according to their qualification. Finally, the municipalities have some discretion used to launch and implement innovative projects and to advertise for a better public perception and understanding of the immigration of highly qualified immigrants. Among the four capital cities considered, Berlin has a special role because of its a constitutional status as a federal state with the corresponding legislative power. As a city and federal state, the Berlin has far reaching chances to stipulate more appropriate regulations and to implement them more consistently.

3. Obstacles to labour market integration of HQTCN

The reports identified many obstacles to the labour market integration of highly qualified immigrants. These factors can be summarised as legal obstacles, institutional obstacles, personal obstacles and societal obstacles.

3.1. Legal obstacles

The legal obstacles address the legal framework and refer to regulations that prevent or complicate labour market access of HQTCNs. The observations deal with existing regulations but also with gaps in the legislation like the missing legal requirement that authorities should properly document the qualifications the immigrants bring with them.

Regulations concerning entrance and residence

As a general trend, all countries have introduced provisions that allow the intra-corporate mobility of cadres. This track received public attention in the last decade. Within this context the recognition of credentials is mainly market regulated and an official recognition is not required. This mobility of highly qualified professionals does not pose problems with respect to the recognition of credentials but mainly with reference to the admission to enter and stay in a country.

The Polish case shows that a bureaucratic, non-transparent and expensive admission procedure may entail that professionals may arrive and stay in the country without registration.

Apart from this international mobility of cadres, all correspondents considered that the current legal framework for immigration does not altogether or at least partly suit a transparent and fair treatment of immigrated HQTCN.

As already mentioned, the Polish immigration law is yet not prepared for the immigration of HQTCN and the integration of HQTCN that arrived not as workers but as refugees or family migrants. In Poland the legal situation seems to open space for arbitrariness. (PL 336) Contradictory Regulations (PL 341; I)

In Italy and Portugal, the legislation is rather responsive and consists mainly of a belated public reception of immigrants who arrived informally and surfaced in response to regularization opportunities. The quota-based immigration system in Italy requires the employers as applicants. This procedure creates the situation that not persons interested in immigrating from abroad apply, but persons that are already staying in the country and have established contacts with employers and see the chance to regularize. However, since these job opportunities are often in industries with a demand for low skilled manpower, HQTCN may find themselves trapped in a situation of de-qualification.

In Portugal, the liberalising of access for citizens from PALOP countries eased the access of citizens from these countries. The extremely complicated requirements for regularization (I 246, 264; P) or naturalisation (D 144, PL) were mentioned as obstacles that prevent or at least delay labour market integration.

In Germany, a sophisticated immigration law defines distinct categories of immigrants that entail a more or less favourable treatment. On the one hand, newly arriving immigrants are accommodated in reception centres and later distributed among the federal states. As a consequence, immigrants may find themselves placed far away from the city where they had hoped to get a job

with their qualifications (D 227). On the other hand, the privileged admission of particular categories of immigrants (ethnic Germans and to a lesser degree Jewish quota refugees in Germany) allowed immigration. Within this admission pattern the entrance of highly qualified immigrants also takes place.

The legal regulations for the management of immigration are perceived to be detrimental.

The reports showed that in all countries highly qualified persons immigrate not only in a labour-market bound channel as workers but also as family migrants, refugees or illegal immigrants. Problems related with these admission procedures are their non-transparent, bureaucratic, restrictive implementation and expensive fees.

Regulations concerning access to labour market and profession

The reports identified considerable obstacles that prevent or complicate the access of HQTEN to employment in compliance with the qualifications they bring with them to the destination countries. The aforementioned definition of distinct legal immigrant status also has an impact on the access to labour markets and professions. In particular the German report underlines the different treatment of admitted immigrants. For HQTEN who are legally categorized as family migrants or refugees, the labour market access is by law prevented or restricted and conditionally linked with the residence permit as a consequence of a policy that does not grant a secure residence permit to only tolerated immigrants even after ten or twenty years and who depend on social benefits (D 264).

The legal situation is characterised as unclear (D 214).

Regulations concerning the recognition of credentials

The reports showed that the current regulations concerning the recognition of 'brought along' qualifications is insufficient. A legal regulation stipulating the proper registration and assessment of brought along qualifications is missing in all countries. It remains the own responsibility of immigrants to strive for an official recognition of brought along credentials and qualifications.

The legal framework regulating the recognition of credentials is different. As a general line, there is a distinction of responsibility for the recognition of academic diplomas and professional qualifications in general and the recognition of so-called regulated professions.

With respect to the recognition of academic diplomas, in all countries the institution that grants a degree is responsible for examining the equivalence of that degree in a foreign educational institution. Accordingly, the board of examiners is responsible for examining the equivalence of education and for asking that applicants attend some courses or attend the whole educational programme. As a matter of fact, however, the recognition practice depends on the discipline and the country in which the grade was acquired. All in all, the procedure is non-transparent and the outcome is unclear. As a consequence, graduated immigrants have to repeat courses or the whole course of studies, even in cases where the course of studies is rather equivalent. The Situation is non-transparent and may deter graduated immigrants from striving for recognition of their diplomas or force them to repeat courses they have already successfully passed. Currently at the European level the so-called Bologna process aims to harmonize the education and therefore to develop a common and European-

wide standard for the mutual recognition of university diplomas. However, this does not include grades acquired outside the European Union.

With respect to the professional credentials, the main problem concerns so-called regulated professions. In particular the German report stresses that legal regulations for access to regulated professions and the recognition of credentials are obstacles (D 224). One legal requirement stipulates that, in particular professions, only citizens are allowed to perform that particular regulated profession (Ger 144). Thus, currently the naturalisation of immigrants is the necessary and additional pre-condition to performing these occupations. The problem of access to regulated professions depends on the number of professions specially regulated. As a rule, the number of regulated professions increases from the southern European member states to the northern European member states. In particular in Italy and Portugal the high number of regulated professions complicates access to the profession.

In order to utilize a professional qualification in an officially regulated profession, immigrants have to seek the recognition of their professional education. In the four countries different bodies are responsible for the recognition procedure. As a rule, there is not one agency dealing with the recognition process but a number of agencies who are responsible for a particular profession. In Portugal and Italy ministries at the national level are responsible for the recognition procedure. In Germany, bodies at the federal state level are responsible, which means that fifteen state agencies conduct the equivalence procedure.

One problem is that the bodies do not follow a consistent line. Moreover, the recognition standards seem to change with respect to specific labour market demand. If a demand for a special qualification exists, the recognition may be acquired more easily compared to a situation when there is no demand. This arbitrary dealing causes non-transparency and undermines the trust in authorities. Also the Polish country reports indicated a high level of in transparency and arbitrariness. In Italy, the national ministries which are responsible for the recognition procedure produce red-tape and bureaucracy. In Portugal, regulations and support are more coherent only in professions with a special demand, in particular health care and medical professions. The country reports show that the main cause for these shortcomings is not individual incompetence of officials in charge but a result of inconsistent or entirely missing regulations.

Restriction of access to public programmes

Regulations concerning the **support / credits**, for instance the bursary "BAFÖG" in Germany is restricted to students up to the age of 30.

The recognition process is very expensive (P 572).

Summary

It is important to note that not only deficient or inadequate legal regulations matter but also missing regulations. In this respect, the reports stressed the importance of an anti-discrimination law. The frequent reference to the experience of discrimination indicates that anti-discrimination legislation should be evaluated and improved. The other important observation concerns a missing legal requirement for a proper documentation of brought along qualifications.

3.2. Institutional obstacles

The legal regulations for the management of immigration needs to be implemented. The implementation may be complicated or inadequate. The institutional level is the main domain of the cities because they are required to do the implementing, but the discretion is narrow in some areas. For example, in the German case some categories of newly arriving immigrants are accommodated in reception centres and later distributed among the federal states. As a consequence, immigrants may find themselves placed far away from a city where they had hoped to get a job with their qualifications (D 227).

Institutional structures are unclear. The responsibilities of agencies remain unclear to immigrants (P 576). The key respondents denounce the difficulty of access to information.

The access to counselling and to labour market programmes is limited and not yet systematically organised. It looks as if regular integration measures often do not meet the needs of highly skilled immigrants (D 24). The offers of support are not matching the needs of the immigrants (D 151). They are also not informed about available opportunities (courses, etc.). (D 192)

The responsible authority (Foreigners' Office) is primarily dealing with other targets (controlling and restricting immigration) and does not serve the immigrants as clients (D 238).

The experiences with employment services are rather negative (D 239). Immigrants do not feel well advised (D 214). The lack of preparation on the part of the employees in the offices in charge who, with detached and discriminating airs, do not provide clear information, but send the immigrants from one office to another (I 263). Also the work permit application procedure is very expensive (PL 231; PL 337).

Qualifications are not documented by employment services and HQTCN are lumped together with unqualified immigrant workers (D 282).

The participation in labour market integration programmes turned out to be a trap (D 239).

There are problems receiving credits for the financing of training/education (D 243) and problems getting credits to establish self-employment (PL 342; D 284). There is restriction of access to public programmes, for instance in Germany the BAFÖG is restricted to students up to the age of 30.

3.3. Personal Obstacles

Reports also identified obstacles on the personal level. Immigrants are not familiar with how professional strategies work in their new environment and try too long to apply the strategies they are familiar with (networking, seniority principle) (D 163). Relation to social networks enable and channel information (I 296). There are difficulties in accessing information (I 23 and 263; D 213) due to linguistic problems (I 263). Language is a problem (P 586, D 231. PL 231). There is a feeling that they have to improve their language competencies for a long time (D 231).

There is a lack of time, resources and incentives to learn the language (P 572). There is a lack of command of the foreign language (PL 332). The informal

economy fosters the language acquisition (I 246). Difficulties obtaining legal status and recognition of credentials against the background of the migration target to earn money let them abstain from attempts to regularize the status. (P 575)

Immigrants are aware of biased procedure of recognition (D 140) and experiences of participation in dead end programmes create a sense of frustration (D 145; I 296).

It is even more difficult to assess information (D 213). There are problems because different information sources or counselling institutions are used, which leads to confusion (D 213; D 269). Sometimes the immigrants developed a sense of distrust because their expectations were not met by representatives of authorities (D 204). In response to unsatisfying counselling the immigrants develop a mood of suspicion or hostility and distrust official information (D 204).

3.4. Societal obstacles

There is a belief in the superiority of the own education system (D 149). There are stereotypes of immigrants as unqualified and there is stigmatization (I 286, 289, 291). There is marginalization and a perception of refugees as unqualified (D 238). Foreign diplomas of particular countries are perceived as being exotic (PL 231). Some interest groups reject the admission of HQTCN, in Germany or Portugal for instance in the field of health services (D 130; P 232).

Many experience xenophobic reactions (D 163; P 593, 595). There is a reluctance or incapability to work in an international team (PL 333).

There is age discrimination (D 235; 262). Younger professionals under 30 are more likely to find a regular position (D 261). Older personnel is more expensive than younger (D 237).

There is a lack of intersectoral mobility (I 247).

There is a rise in the underground economy and the phenomenon of informal hiring (I 247, 262; P 584) There is a societal acceptance of informal hiring, which is profitable for consumers (I 268). Owners of flats do not like to register foreigners in order to avoid paying tax (PL 341).

3.5. Summary of obstacles

Country reports emphasize that resident HQTCN who did not immigrate as workers meet serious problems in utilizing the qualifications they bring along. The country reports revealed several factors that complicate or prevent successful labour market integration of immigrants in accordance to their qualifications. As main obstacles the commentators identified legal inconsistencies, inappropriate institutional structures, insufficient support to correct faults on the personal level and societal reluctance to accept immigration and the labour market integration of HQTCN.

4. Good Practices

In order to gain some impulses for an improvement of the situation, the researchers were asked to pay particular attention and to report good practices. As a matter of fact, however, the review of the reports show that the list of obstacles is much longer than the list of good practices. One reason for this is that the current dealings with the immigration and labour market admission of HQTCN are rather dominated by rejective or ignorant approaches in all countries. Against this background, the reporting of good examples is even more valuable because it indicates that alternative approaches are possible and even realized under the current framework.

Poland

Due to a general ignorance towards immigration the Polish authorities do not deal with immigration and accordingly do not develop many practical activities that may be identified as good practice. In the case of Poland, the provision of the Foreigners' Act introduced in 2004 to exempt foreign language teachers and sport coaches from obtaining work permits was considered a good practice. The rapporteur suggested that this exemption should also be given to other groups of HQTCNs, according to the demand on the Polish labour market. However, the cooperation of the Warsaw Municipal Administration in this INTI-project raised awareness and yielded that recently the authorities designed and published information for HQTCN. The participation of the Warsaw Municipal Administration in the INTI project is a good practice as such and may be perceived as a first step to a higher awareness of the relevance and more efficient management of the immigration of HQTCN.

Germany

In the case of Germany, several elements applied in the reception of ethnic Germans were identified as good practices. In particular the granting of unlimited access to the labour market for ethnic German immigrants and their spouses was highlighted. Another positively evaluated element was the provision that the recognition procedure of educational credentials is mandatory in the case of ethnic Germans. Another good practice was the introduction of a website (ANABIN) informing of the equivalency of particular qualifications. The rapporteurs perceive the counselling from the beginning to up to three years and the supply of language courses as particularly helpful. Ethnic Germans are entitled to participate in publicly funded labour market integration programmes and training programmes. The existence of a central institution (OBS) that was coordinating the assistance of HQTCN was emphasized. Finally, at least in a few cases a good counselling of immigrants was highlighted. All in all, the identified good practices belong to the reception pattern of ethnic Germans which was separated from the supply for other reception patterns until recently. It is thus fair to mention that the supply which was restricted and reserved for ethnic Germans was opened with the introduction of the new Residence Act. However, the amount of language training was reduced (to 600 hours only) and a fee was introduced (€1.50 per hour).

Italy

In the case of Italy, the bilateral agreements with Peru (concerning nurses) and the USA (concerning information technologies specialists) which enable an easier and faster recognition of the qualification of professionals was stressed as a good practice.

Portugal

The Portuguese rapporteurs applied a wider understanding of good practices and considered several activities as good practices. The opening of media for immigrant groups was considered a step making immigrants visible and immigration more acceptable. Civic activities of immigrant groups also had a positive impact. In particular political activities of Brazilian dentists was mentioned as a contribution.

The report directed attention to several bilateral agreements on the mutual recognition of qualifications. The launching of several publicly funded programmes for the promotion of the labour market integration of HQTCN implemented by NGOs was mentioned, among them: a programme by the Jesuit Refugee Service supporting the professionalisation of immigrant medicine doctors; a project that enables the equivalence of academic and professional credentials in nursing; some programmes for raising the public awareness that immigration is beneficial for the country; and training programmes in order to enhance employability of individual immigrants.

Comment

The differences in the list show that obviously the correspondents had different concepts of good practices and applied different standards. As a matter of fact, some of the identified good practices, like the EQUAL project, also exist in countries where they were not mentioned. In the context of this project, the varying focus of correspondents is, however, not a disadvantage but an advantage because it increases the horizon. The following chapter summarises and systematically presents the suggestions made by the correspondents.

5. Recommendations

This chapter provides a structured summary of the recommendations proposed in the four country reports. All commentators agreed that public authorities are able to support the labour market success of highly skilled immigrants by legislation, labour market policy measures, and the institutional organisation of the integration process. (D 278) The recommendations presented in this chapter are neither new nor original. Some of the recommendations may be already implemented in some European countries, but since this chapter aims to give a structured outline of the recommendations formulated in the reports, the presentation does not claim either originality or completeness.

Recommendations are grouped—in accordance to the categories of obstacles identified above in chapter 3—into the four domains of (1) legal measures, (2) institutional measures, (3) personal measures and (4) societal measures. This grouping serves mainly analytical purposes. It is important to keep in mind that the four identified areas of action are closely interlinked. Accordingly, the measures taken in all four areas need to be harmonized.

5.1. Legal area

All reports emphasize that admission and integration legislation set the framework for and influence the labour market performance of HQTCN. Accordingly, a coherent and transparent legal framework is the necessary pre-condition for the improvement of the labour market performance. The suggestions refer to the four areas of admission policies, labour market access regulations and the recognition of credentials and qualifications.

Admission to enter and stay

The reports suggest improvements of regulations at the European and national levels concerning the admission of immigrants in general and highly qualified workers in particular. For successful management of immigration a coherent immigration policy at the European level needs to be launched that provides the framework for a transparent framework for the admission of immigrants to enter and stay. A common European framework may enhance transparency and help to avoid immigrants bypassing regulations.

At the national level, the reports recommended relaxing the procedure for the admission of HQTCN. Another opportunity mentioned was the introduction of special regulations for highly qualified immigration (I 315) and the introduction of temporary employment opportunities for the highly qualified (P 187). In particular bilateral agreements were mentioned (P 600) as well as exemptions and privileged treatment for HQ migrants (PL 71).

The reports direct attention to the situation of de facto immigrants. In particular immigrants with illegal or only tolerated status were identified as a sensitive category of immigrants that suffer from legal obstacles to making use of qualifications they bring along. In order to avoid such brain waste, programmes for the regularization of these special groups were recommended.

Finally, a less complicated and long lasting naturalisation procedure was recommended in order to enable immigrants the access to professions and positions reserved for citizens.

Access to labour market and employment

The legal framework regulating the access to the labour market received particular attention.

The reports show that the current admission policy is in so far inconsistent that entrance and stay of immigrants is accepted or tolerated but for particular categories of immigrants the access to labour markets remains restricted or prevented.

All reports underlined that the regulations for labour market access and control need to be evaluated (D 166; PL 330) and recommended to relax the labour market access for HQTCN. In particular the labour market access for immigrants admitted as family migrants, refugees or asylum seekers should be relaxed.

The administrative procedures for work-permit granting (PL 350) and the establishment of self-employment or of a company (PL 351) should be streamlined. Moreover, it was suggested that the labour market should be opened for certain professions with a demand for workers that cannot be satisfied by the resident work force (PL 353, D 290).

As a general rule, the regulation of access and stay on the one hand needs to be harmonized with the regulation of access to the labour market and employment in order to avoid that immigrants become dependent on public welfare subsidies or income from an informal economy.

Recognition of Credentials

The country reports showed that the legal framework for the recognition of brought along credentials is insufficient and requires particular attention. In the long run, the inclusion of the assessment and standardization of credentials acquired outside the European Union in the European Qualification Framework (Copenhagen and Bologna process) should be aimed at.

Currently, when the academic and professional qualifications of HQTCN are not recognized, they have to pass the whole or at least the main education procedure a second time in the host country in order to receive the recognition. A thorough assessment and documentation of the brought along qualifications would reduce this unnecessary repetition of training and education.

Accordingly, a legal provision stipulating a proper registration of brought along credentials and qualifications is important in order to get a picture of the composition of immigrant population and their level of qualifications. Such a legal provision makes the qualifications visible but does not automatically imply their recognition.

Technical instruments to get qualifications of immigrants recognized include the ratification of bilateral agreements concerning the mutual recognition of professional and academic credentials.

It was moreover suggested that the bodies responsible for the recognition of academic credentials should be better connected and supported by higher institutions.

A provision stipulating the exchange and publishing of decisions of equivalence checks would help to develop common standards and increase transparency for all actors involved.

The creation of a website which would inform on the current standards of recognition was recommended as a means to inform immigrants and contribute to a harmonization of recognition procedures.

5.2. Institutional measures

The meso-level of institutional arrangements at the European and national levels received the largest attention in all reports. The suggestions concerned the establishment of an appropriate transparent institutional structure, the better coordination of institutions and the providing of information and advising services.

Appropriate institutional framework

A recommendation concerned the connecting up and tuning of the European and national levels and in particular the linking with ongoing initiatives at the European level, in particular NARIC (P 379) and ENIC (P 381). In a broader sense, the inclusion of HQTCN into the relevant European Qualification Framework currently only for EU citizens was considered an option. In the long run, the development of European standards for the assessment of equivalence of grades acquired outside the EU would enhance transparency and reduce bureaucracy and insecurity.

At national level, the establishing of an institutional counselling structure (supporting, orienting, training) was recommended. The existing programmes for the labour market integration should be opened for HQTCN (D 192) and tailor made programmes should be additionally designed and launched by labour employment services and implemented by providers from professional education, welfare associations or immigrant associations.

In particular the German report stressed the institutional factor and recommended a central counselling agency in order to avoid undesirable developments (D 289) and giving immigrants a detailed understanding of the German labour market.

The importance of a detailed understanding should be mediated to the immigrants as early as possible and supported as a long-term learning process. Mentoring and early counselling might be used to inform migrants about the particularities of the labour market of the destination country and might give them responsibility and reassurance. (D 289)

One suggestion was to introduce an *integration card*, a successful contract between municipality and immigrant, focused on multi-annual training in national language, culture and education (I 345).

Public servants in all EU member states dealing with HQTCN need to be made more aware of the assets of their clients (D 165).

Transparency and Information

All reports draw the conclusion, on the basis of qualitative interviews with HQTCN, that more transparency and information is required. The lack of information on the legal framework, the procedures and the requirements for the recognition of qualifications and credentials was seen as a serious obstacle that prevent HQTCN from striving for the recognition of brought along credentials. All efforts to improve and ease the procedures for the recognition of credentials

will go wrong when the HQTCN as addressees are not aware of the opportunities, and due to their dependence on information they are in a more vulnerable situation (D 200).

For the transfer of information, different channels should be used, among them websites, brochures and leaflets in mother tongues (P 347), or the cooperation with immigrant associations (I 307) and consulates. It was suggested to connect information providers, including consulates, ethnic associations, employment services, etc. (I 342).

A particular problem turned out to be that immigrants have difficulties assessing and implementing information according to their needs. HQTCN need reliable and good information (PL 71; D 210) about how labour markets work and where to get more concrete information.

Accordingly, the establishment of counselling agencies that support HQTCN in accessing and assessing information was suggested (D 213).

Moreover, agencies dealing with immigrants should employ persons with a command of the English language (PL 348).

5.3. Measures at the personal level

All four reports identified and proposed several measures for the more effective labour market integration of HQTCN aiming at the individual level. The main areas were the registration of brought along qualifications and the subsequent launching of training for a tailor made complementing of professional and language competencies. The reports draw moreover the conclusions to treat the highly motivated and well equipped HQTCN as actors who are able and willing to improve their own situation actively.

Immigrants as actors

In accordance with the actor focused approach of the INTI-project, all reports emphasized the importance of taking the HQTCN as actors and of developing strategies to activate their resources. Eventually, successful labour market integration will be organised by the immigrants themselves. Success in the labour market was strongly dependent on the age and the status of the migrants. In addition immigrants who took an active approach were more likely to join the first labour market successfully (D 246). Therefore, their position in society is a key to integration. As women tend to play an important role in eastern European societies, they should be rated as very important actors in this process. (D 290)

Many interview partners emphasised the importance of their self-esteem and continuous search in order to find employment. All interviewed immigrants showed a high motivation to work. With regard to microscale practices, individual strategies and individual practices are of major importance for the success of the immigrants on the labour market. The immigrants' own networking activities and the reliance on friends and family members were mentioned as an important aspect of fostering labour market integration which needs some consideration by supporting agencies (P 581), also access to native German professionals and friends who are able to advise them. (D 275)

The reports concluded that the immigrants need some guidance and support for their individual efforts to find employment. Mentoring and early counselling

might be used to inform migrants about the particularities of the labour market of the destination country and might give them responsibility and reassurance. (D 289)

It was stressed that the supporting institutions have to consider the information provided by immigrants seriously. The associations of immigrants have a fundamental role in the promotion of the full exercise of the citizenship of the immigrant communities and ethnic minorities of the Portuguese society. They are the social, cultural and legal support of their representative communities (see example of Brazilian dentists' demonstration). (P 107)

The associations of immigrants have an intervening and participative power in political decisions, namely in regards to political debate on amendments to the immigration law. This requires that the associated immigrants may have an 'active voice' in the political decision making. (P 601)

Registration of qualifications

The reports show clearly that the documentation of brought along qualifications is insufficient in all four countries. Labour market integration is impaired by the fact that the qualifications are not visible (D 238). Correspondents recommend accordingly a proper documentation of qualifications on arrival by the competent authorities in order to make the qualifications visible (D 290) and identifying the resources and also the deficiencies and educational gaps (D 271; I 281). A thorough documentation of brought along qualifications is the necessary precondition for the providing of tailor made training.

Language Training courses

One of the fundamental factors for a better and greater integration of the HQTCNs, as well as of the citizens in general, is in fact the learning of the host country's language. It is suggested to organize more language courses and to let more institutions (public, private, NGOs) take part as providers of language training courses. These courses should be divided into several levels of difficulty and technical specialization. Courses should include a reciprocal knowledge of history and geography as well as cultural habits of the immigrant communities and of the hosting society in order to facilitate social and cultural understanding and cooperation of both cultures (P 604).

It makes sense that language courses focus on professional demands of special technical language (i.e. technical language for health professionals, engineers, etc.). However, at least the German report argued that, although the importance of language proficiency is often underlined by various actors, it was observed that language proficiency might be overestimated. Comparing different groups of highly skilled immigrants such as highly skilled labour migrants or delegated managers who are rarely able to speak the native language of their host country showed that the language competence is one asset among others. It was moreover considered that the idea that successful language acquisition is a necessary precondition for labour market integration is misleading.

It was argued that language training on the job is a much more efficient pattern that should be supported by tailor made courses supplementing on-the-job training schemes.

Professional training and academic education modules

The reports stressed that the existing labour market programmes should be opened to HQTCN (D 192) and, moreover, special training programmes and educational courses need to be launched.

A demand was identified to set up vocational training courses aiming to provide the theoretical and practical know-how and tools necessary for undertaking a vocational path in the migration context, and to fill the specific training gaps without having to repeat the course of university studies (I 307). The main target is to provide modules that give HQTCNs the chance to supplement their academic or professional qualifications and to fill the gaps of qualifications the HQTCN does not hold or were not recognized in order to enable them to present a recognized educational credential that would open new working opportunities for a clearly defined field and that is complementary to their former education

Such programmes should also be launched in branches of craftsmen working in trades such as carpentry (I 303).

5.4. Societal Measures

The reports indicate that immigration is currently a highly contested issue in all four countries. Immigration has a rather negative image and the population shows serious reservations against ongoing and future immigration. The development and implementation of policies for a transparent and coherent admission and integration policy requires some level of societal acceptance. Against this background, the INTI-reports emphasize the necessity of awareness raising campaigns in favour of an improvement of the image of immigration.

All reports underlined the necessity of making the public aware that immigration in general and the immigration of qualified persons in particular is not only a necessary but also a positive aspect of future development. Accordingly, at the political level the necessity for immigration needs to be admitted (I 303) and the negative framing of immigration needs to be stopped. In particular politicians and policy are called upon to give a clear commitment in favour of immigration and to abstain from populist rhetoric against immigration. Instead, politicians should change the image of needy immigrants into valuable immigrants (I 362, P 373).

In order to improve the societal coherence, the correspondents recommend awareness campaigns against xenophobia. A particular approach to making society familiar with immigration is the supporting of immigrant associations and their systematic representation in the media.

6. Final Remarks

Recommendations on the Integration of Highly Qualified Immigrants in Europe

6.1. Preliminary remarks

Together with the transnational partners from Poland, Lisbon and Rome, the conditions and backgrounds for the immigration and integration of highly qualified third country nationals were examined in the course of the INTI project of the Berlin International Cooperation Agency 'Success through Migration'. On the basis of the results of the study, recommendations are being presented to the European Commission which aim at improving the regional, national and European conditions of immigration. Especially taken into consideration are the large European cities, as they have the most draw for immigrants. They play a central role in the development and provision of structural requirements and offerings in regards to the promotion of the social and professional integration of immigrants. In the course of the project, remedies were developed and suggested as to how beneficial integration structures can be promoted in order to do justice to the growing requirement for immigration while taking into account the necessary integration processes. Also tied in are the increasing need for qualified skilled workers and the immigrants' need for appropriate offerings of qualification and integration. The purpose of the recommendations is to provide exemplary surrounding conditions and approaches for the integration of highly qualified workers while also functioning as a model for other large European cities to identify with and to further develop. They are intended to serve as orientation to the programming of future support programmes of the EU.

6.2. The importance of highly qualified workers for the future of the large European cities

At present Europe faces great problems caused by a low population growth and the aging of its population.² Especially the large cities face demographic changes, in the process of which the age distribution of the labour force as well as its size will change. The potential of the labour force will decrease in the large cities because the distribution of the population will increasingly become the burden of the younger generation. Negative economic effects on the development of the cities can come from these changes in the age distribution. A regressive population development can mean a deterioration in the conditions in the cities. Fall in consumer demand, vacancy of dwellings or failure to reach the critical number of users of social and cultural facilities and the accompanying closing or consolidation (e.g. schools) have a negative effect on the attractiveness of large cities and the quality of life of their residents.

A central problem concerns the supply of qualified workers which, independent on the particularities of the economic structure, have a significant importance for

² According to the report titled 'Accepting the Challenges—the Lisbon Strategy for Growth and Employment' which was submitted to the European Council in November 2004. See: European Commission (2004): *Accepting the Challenges—the Lisbon Strategy for Growth and Employment (Die Herausforderung annehmen – die Lissabon-Strategie für Wachstum und Beschäftigung)*. Luxembourg: Office for Official Publications of the European Communities.

future economic development. In the course of the demographic transformation a heightened scarcity of labour will occur.

On the one hand, this results from inadequate results in education and training of the younger generations which have grown up in their native land, a large portion of which, EU-wide, is not able to be integrated into the labour market. At the same time, academic education in Europe is showing negligible increase or even stagnation—as in Germany (approx. 22%)—and stands far behind countries like Canada, where an increase from 33% to 53% has occurred in recent years. Qualified immigrants, despite their qualifications, often work in professions which require little or no qualifications. On the other hand, the number of third country immigrants among highly qualified workers is less than average. Because of a lack of incentive and restrictive immigration rules, the workers that come into the country are, for the most part, unqualified.

In light of the negative population development in many large cities, an acute need for action is evident. In order to be able to secure the demand for qualified labour, in the future many large European cities will have to promote the immigration of highly qualified workers, also from foreign countries. Because of the expected increased deficiency in labour and the progressing structural transformation into an society of information and service, appropriate strategies are crucial.

From an economic perspective, an increasingly important aspect of urban development is the immigration of qualified workers from abroad who, due to their training, add to the qualifications of the native population and can contribute to the reduction of bottlenecks in segments of the labour market. A potential to raise the economic achievement potential therefore very likely exists through the integration of foreign workers' specific knowledge and skills. This potential will only develop, however, through the development and expansion of integrative structures (not only) for immigrants. Only successful integration and diversity also add to the demographic gains of immigration humanitarian, cultural and social aspects.

6. 3. Obstacles to immigration and integration

In contrast to the assured findings as to the regressive population development in Europe and the resulting economic and social consequences, immigration laws were tightened in recent years (e.g. in Switzerland, France, England and Germany). The debate around immigration law has increasingly become a debate about combating terror, yet in an emerging immigration society the issues of immigration and integration play a central role in the politics of economics, society and culture. A clear political orientation guided by the factual reality of immigration is lacking.

The results of the obstacles to integration given in the country reports³ will now be presented in the four distinct categories of obstacles to integration:

1. Legal obstacles
2. Institutional obstacles

³ The following summary of obstacles and recommendations are based on the analyses by Norbert Cyrus from the University of Oldenburg (September 2006): Draft-INTI-Synthesis. Overview on obstacles, good practices and recommendation

3. Social obstacles
4. Personal and social obstacles

6. 3.1. Legal obstacles to integration

Throughout Europe foreigners are subject to a heavily modulated legislation. The most important regulations for the immigration and integration of highly qualified workers are determined by the immigration and residence laws of the individual countries. They have an influence on the integration process, as they have a supporting or impeding effect on the social and professional integration of individual immigrant groups.

Here one observes an unequal treatment of different status groups of immigrants and their native countries, which leads to ambivalent selection processes. Certain groups get privileged treatment because of special rules (e.g. resettlers and Jewish quota refugees in Germany, Portuguese speaking immigrants from PASOK countries in Portugal). This shows that a more active and more open policy in regards to immigrants is already possible under the prevailing circumstances. The privileged treatment of individual groups makes the restrictive treatment of highly qualified workers who don't belong to these privileged groups seem a glaring contradiction.

The following concrete obstacles to integration have been named in the country reports:

- The legal regulations for directly immigrated persons are, in part, contrary to the requirements of integration. In Germany there are reception camps from which the immigrants are distributed among the federal states. They often find themselves located in the remote province, where adequate possibilities of professional integration appropriate to their qualifications are lacking.
- From the German report emerges that access to the labour market for highly qualified immigrants depends on residence status. With an unsure residence—e.g. with the status of a family immigrant or refugee, which sometimes stretches across many years—attainment of work is only very limited or even impossible.
- Also cited are further handicaps to access to the labour market due to the high and complicated demands required for citizenship, which can lead to long waiting periods before attaining work. The country reports often speak of unclear elements and breaches of regulations, in part also from rules which contradict themselves and arbitrariness in the laying out of guidelines which, in the face of missing legal foundations, leave too much room for interpretation.
- Unclear elements and breaches in the area of recognition of qualifications the immigrants bring with them also create a central obstacle to integration. Qualifications only just acquired in the native country prove worthless, and professional experience degenerates when it does not get adjusted and activated in the receiving country. To some extent, job specifications and entrance restrictions constitute debilitating factors. Contrariwise, a facilitated access to the labour market is only possible when an especially economic, scientific and societal interest exists.

- Foreign students can apply for financial aid for their studies only in individual cases. Most of them have to finance their studies themselves. The possibilities for a work permit are negligible.

6. 3.2. Institutional obstacles to integration

Highly qualified immigrants are often confronted with difficulties of an institutional type, especially locally in the region or in the community. Germany, for example, has failed for decades to submit adequate and appropriate offerings for integration. In most cases the path of access to the labour market is difficult to discern, afflicted with bureaucratic hurdles and unstructured. There are not enough individual offerings of consultation and qualifications which deal with the qualifications and competencies the immigrants bring with them, which evaluate them and estimate which intermediate steps are necessary until the practicing of a profession in the target country is possible. The existing offerings and structures are often neither quantitatively sufficient nor are they fitted to the heterogeneous needs of the immigrants with their specific requirements for further education. Thus, the consultations are not very precise and often not oriented towards professional standards. Overviews of offerings of consultation and qualifications can only be kept up to date by means of an extensive investment of personnel and are therefore not available or are out-dated. Additionally, there are the following difficulties with professional integration:

- The responsible government agencies are responsible for a multitude of different tasks, e.g. controlling and regulating of immigration, and often view immigrants as 'customers' who need their support. To some extent the responsibilities and distribution of tasks are not clearly determined.
- Similarly, a standardised, comparable system for recognising foreign educational achievements is lacking. The process of getting educational credentials recognised is a main problem of the integration of qualified immigrants. The process is too complex, drawn out, cost-intensive and daunting. The qualifications gained in the native countries get devalued unless specific conventions counteract this.
- The available regional offerings of qualifications are not differentiated enough according to occupational fields and previous work experience, often causing highly qualified workers to be trained together with unskilled workers.
- The institutional routes of transmission of information and access to work are either unknown or ineffective. The long time span necessary for recognition of legal status and credentials leads to a disqualification of the immigrant in many cases. Long waiting periods and bureaucratic procedures, e.g. the work permit process, are debilitating postponements to the integration process.
- The cost of financing integration activities (getting qualifications, citizenship) are high and lead to stoppage of professional integration.
- Forms and informational material are only available in the national language.

6. 3.3 Social obstacles to integration

A basic requirement for the integration of highly qualified immigrants is the acceptance of immigrants as a permanent part of an increasingly heterogeneous population. The reality of the immigration society has been helplessly denied for a long time, with the consequence that systematic approaches towards the integration of immigrants fail to appear. Despite the explicit prohibition of discrimination in the constitution of the Federal Republic of Germany, a great deal of unequal treatment of immigrants occurs, to the point of hostility or even—in recent times heightened once again—to violent extremes.

The following are cited as further obstacles:

- Native professional interest groups deny the access of foreign skilled workers (e.g. in Portugal in the health sector).
- Entrepreneurs with an immigration background generally have difficulties or no access at all to credit.
- Xenophobia, right-wing extremism, fear of people different than oneself and anti-Semitism create a climate uncondusive to integration. Stigmatising, prejudice and resentment impede a positive view of immigration and cultural diversity.
- Due to a lack of knowledge of the conventions of a country, immigrants are often victims of racketeering, as an example from Portugal shows, where flats are rented to them illegally.

6. 3.4. Personal obstacles to integration

Integration is a two-sided process which demands great effort both from the receiving society and the non-native persons. When these do not take place, undesirable developments occur, e.g. hotspots of social unrest, in which ethnic and social problems collide and aggravate each other. The obstacles to professional and social integration depend on the individual status and the resulting restrictions and possibilities. Obstacles to integration that were identified as being in line with the individual are, in detail:

- Against the background of negative signals received by the non-native persons that they are in actual fact not wanted, through ambivalent and biased attitudes in the government agencies, the immigrants let themselves be held back from activities which are indispensable for professional and social integration (language acquisition, getting answers to questions in legal and professional aspects, professional qualification activities, etc.). They develop mistrust of government agencies and withdraw their cooperation.
- The absence of success in integration can also be caused by personal attitudes, prejudices and a lack of readiness to face up to the problems arising with integration, e.g. learning the language.
- In many cases, immigrants do not have the financial resources to undertake the necessary social and professional measures (e.g. for professional training).

- Capitulation to the immense, almost insurmountable difficulties with meeting the administrative demands is, ultimately, not a seldom occurrence.

6. 4. Recommendations for the integration of highly qualified immigrants

Immigration has become the reality in every large European city. In order to compensate for the decreasing population and the arising gap in qualifications, they will have to depend more on immigration in the future. Immigration for humanitarian reasons is to be strictly separated from immigration for economic reasons. The European societies that are developing more and more into immigration societies require active immigration and integration policies, i.e. immigration policies directed externally and integration advancement directed internally.

Needed for improved integration are a whole bundle of different measures both at the national and regional levels and the European level, where it is now being attempted to agree on a common immigration policy for all the European countries which meets the present political demands of immigration.

6. 4.1. General societal and social conditions

In addition to a new political evaluation of immigration, a change in the social and legal framework is required. A deciding condition for the integration of immigrants is, above all, the climate in regards to them. Especially the readiness of the population and the institutions responsible for the administrative steps have great influence on the integration process and the efforts of the immigrants to engage with the language, the culture and the social rules. Concerning this, the following recommendations are to be made:

1.) Intercultural opening of the society and the institutions. Integration demands a lot from every level of the state, the receiving society, the economy and, above all, the immigrants. An important area of application for successful integration is the intercultural opening of the administration. Even when local authorities have to struggle with freezes on hiring and a strained financial situation, many creative approaches can be found. Their goal is to make the administration more customer friendly and here especially to integrate the public authority responsible for aliens with its new functional emphases. Measures towards intercultural openness incorporate offerings that make employees more open to intercultural issues as well as initiatives of active personnel policies.

2.) Non-discrimination. Immigrants and refugees should no longer be discriminated as a threat to the native labour force. Responsible political figures, but also social organisations, should perceive their function as models for a fact-based debate of the issue of immigration. A directive of the European Union requires the member states to transfer the European guidelines for the combat of discrimination into national legislation. Antidiscrimination laws create more legal security for the citizens, and through this the formation of the antidiscrimination endeavour receives a reliable framework. Furthermore, with a new law it will be expressed that, in a constitutional state, discrimination and unjustified unequal treatment of persons because of their race or ethnic background is not only unacceptable but also legally impermissible and can therefore be

prosecuted. It is not only a matter of securing changes in the law but also preventative measures for the hindrance of structural disadvantages. These criteria should have an increasing effect on the politics of subsidising in the individual states and Europe and on independent aid agencies in the awarding of public funds.

The following examples are here to be named:

In Portugal there is a campaign executed by the immigration commission (ACIME) with the goal of unmasking the 'immigration myth' that immigrants have negative effects on the country. It is being featured that Portugal was a country of emigration for decades and that the 400,000 legal immigrants are needed yearly to make Portugal a 'better country'.

The Senate of Berlin has set up an office coordinating against discrimination on ethnic, religious and ideological grounds, which citizens who have been discriminated against or who feel discriminated against can turn to. The new antidiscrimination legislation will facilitate the work of the coordination office.

3.) Legal security and incentives. Immigration legislation classifies immigrants into different groups with different legal and residence statuses, hampering the possibilities of integration of highly qualified immigrants. Immigrants who have lived in a country for many years who do not yet have the right to stay should receive a permanent residence status. Furthermore, it is necessary to create well-directed incentives for immigrants and to raise the attractiveness as an immigration country. A part of this would be the reduction of bureaucratic red tape before the start of employment.

The following examples are here to be named:

In Poland, foreign language teachers and athletic trainers can—according to immigration legislation from 2004—be granted a waiver of the work permission requirement.

In Germany, certain groups get privileged treatment on the grounds of special rules, e.g. foreigners and Jewish quota refugees. This exemption should be extended to other groups of highly qualified immigrants according to demand for labour.

This shows that a more active and more open policy in regards to immigrants is already possible under the present circumstances.

6. 4.2. Measures at the local and regional levels

The integration of foreign immigrants as labour or entrepreneurs can be promoted and optimised, also within existing social and legal frameworks. Cities and local authorities have, in this area, extensive room to manoeuvre, for example concerning the awarding of work permits (deportation), the recognition of training qualifications, as well as offerings of education and qualifications for members of the public with a history of immigration. Here the following recommendations are to be considered:

1.) Solutions for individual large cities. The development of large cities influences the growth of the whole economy. National economies develop so much the better, the better their cities are positioned in the competition among locations. The setting up of integration offerings are to be tied in with basic regional conditions, which can be extremely diverse (according to the flow of migration, motivation for immigration, social background, regional integration structures, etc.). Consequently, there cannot be a one-size-fits-all formula for successful urban development policy. There are political areas of action, within which an improvement in the basic conditions for economic activities can be reached for cities in general, independent of their structure. To the same extent for all cities there should be the goal—with respect to the improvement of economic development—to invest in education and research policies, to reduce deficiencies in the infrastructure, to improve soft location factors and to pursue internationalising strategies, which include the better integration of foreign labour and business into economic life.

2.) Differentiated approaches to integration. The approaches to integration of highly qualified workers are not to be developed in isolation from the structures and attempts at integration already existing for other groups of immigrants.

They are only one target group among many which should be addressed through integration policies. The goal of large European cities should generally be to build up differentiated approaches to integration for persons with a history of immigration as well as directly immigrated persons. The offerings are to be oriented towards the immigrants' respective needs for qualifications.

3.) Qualification measures. Highly qualified persons have acquired professional training or an academic degree and many have been working for years in their profession. In order to be able to integrate into the relevant scientific and occupational system, they need, in many cases, special courses in language used in their profession, supplementary higher education and scientific training of a practical nature. The knowledge that they acquire in this way demonstratively supports integration. The promotion of these kinds of qualification measures serves to make it possible to utilise education completed outside of the target country and, at the same time, to make the qualifications of immigrants available to the economic system.

4.) Transparency. The requirements situation as well as the infrastructure of offerings should be made transparent to the immigrated persons. The transparency of structural and subjective states of needs fulfils the prerequisite that offerings specific to target groups get developed, made available and coordinated with each other.

5.) Cornerstones of a communal or regional system of integration. Immigration is a fact with which the large European cities see themselves confronted, albeit to different extents. The goal in this regard should be to build up integrated structures for professional qualifications in combination with the mediation of linguistic and social competencies. Cornerstones for this could be:

1. Information and counselling for current arrivals
2. Determination of formal qualifications as well as the ascertainment of competencies
3. Measures towards the recognition of formal educational credentials

4. Language advancement
5. Offerings of qualification with integrated language advancement
6. Legalisation and qualification according to needs
7. Labour market monitoring which defines the needs for qualifications of talented persons so that they can be trained towards these qualifications

The goal should be to identify the individual starting point for qualification and, on the basis of this, to develop an offerings structure appropriate to the diversity (different levels of qualifications, variety of skilled professions and heritages) of the target group.

6.) Grouping of approaches to integration. Through the grouping of resources and the networking of relevant actors, approaches to sustainable solutions with mid-term perspectives and visions are to be developed—solutions upon which the actors in the area of integration policy agree. The plans which up to now have been promoted as individual projects should be grouped into one collective project. Within a framework concept, the responsible persons in the different areas of immigration policy bindingly commit themselves to measures which form cities in a manner suitable for immigrants. In doing so, it is important to assess the accomplishment of goals with concrete indicators. This gets tied in with existing integration concepts (e.g. the integrations concept of the immigration commission in Berlin).

7.) Use of existing network structures and regulated involvement of associates. The development processes are to be involved in existing structures instead of developing in parallel new existing networks. This approach involves the qualification of political agents and their effective involvement in the development processes (in contrast to the ineffective everyone-at-one-table strategy), and namely on the operational level, the middle decision-making level (department leadership), as well as higher decision-making levels (state secretary). Suggestions as to content and methods are to be worked out together with the affected persons (the consultation network MSO).

8.) Management. The problem most large cities are confronted with is not a lack of means but lacking coordination of the numerous measures which have integration-promoting effects about which little is known. For the coordination and organisation of the required reversing processes, a management with the following functions is essential:

- Development of long-term perspectives
- Gathering and testing of approaches to solutions in the different areas of education and qualification
- Agreement on the required processes of change
- Measurement and controlling of the integrative effects of new and existing measures

9.) Systematic approach. It is recommended, within the processes of change, to revert to a systematic, knowledge-based methodology, e.g. the *'Methodik BQN'*. This was developed in the years 2004-2006 within the *Bildungs Qualifizierungsnetzwerk*, a network for educational qualification of immigrants in Berlin. It focuses the intended fields of action—in the first step—within the scope of individual projects, which are from the outset in line with structural changes.

The second step is the area-wide execution of the results, as soon as they are successful. It consists of four individual steps: 1. problem analysis; 2. evaluation of the status quo on the basis of 'assured integration knowledge', filtering out of sustainable approaches to solutions as reference models and deriving of tasks for the regional actors; 3. further development and testing in the area of action; 4. transfer into policy and practice and 5. evaluation of the achieved effects with permanent further development.

10.) Public relations. Without targeted clarification and information, the goals are not able to be realised. For this reason there is a need for selective measures for sensitisation and informing, which address the diverse political actors of the labour force (employers, government agencies, businesses, scientific facilities, etc.) and which clarify and inspire cooperation.

6.4.3. Renunciation and reorientation

In the face of decades of unsuccessful efforts in integration policy, many European countries require new ways of thinking and working. The presented recommendations and innovative strategies are the attempt to present a way out of the current lack of prospects for the future and to oppose this situation in a way that is promising. In their search for solutions for immigration and integration, large European cities should set forth together on the same path, develop brilliant, presentable models and learn through their exchange.

7. Final Comments

Within the INTI project “Success through migration”, the conditions and backgrounds for the immigration of highly qualified immigrants in Europe were examined.

On this basis, the forgoing recommendations were submitted to the European Commission. The purpose of these recommendations is to develop exemplary approaches for the integration of highly qualified workers, which work as models for other large European cities as well.

They are intended to serve as orientation for the programming of future support programmes of the EU.

Results/findings from ANALYSES–politics, society

1. Immigration is a fact which all large European cities are confronted with. (Berlin is one of the few large cities that is not growing despite immigration.) The status of the problem is that this is receiving neither social nor political recognition.

The demographic transformation is detectable in all countries of the EU.

2. Thereby, for successful integration, the finding that immigration and integration policy play key roles in economic, social and cultural politics is fundamental.

3. The development processes are to be integrated into existing structures rather than developing in parallel new existing networks. This approach involves the qualification of political agents and their effective involvement in the development processes.

4. Approaches to the integration of highly qualified persons should not in any case be developed in isolation from the already existing structures and attempts at integration of other groups of immigrants.

STRATEGY/METHODS, approach

1. It should be the goal of large European cities in general to build up systematic and

differentiated approaches to integration for persons with a history of integration as

well as those who immigrated themselves.

2. The offerings must be orientated towards the immigrants’ respective needs for

qualifications in all their diversity.

3. The setting up of integration offerings are to be tied in with basic regional conditions.

4. There is only a limited possibility for making universally valid recommendations!

5. The goal should therefore be to build up integrated structures like, for example,

professional qualification in combination with the mediation of competencies the

immigrants bring with them.

NETWORKING STRATEGIES

1. Only the grouping of resources and the networking of relevant actors are approaches to achieve sustainable solutions with mid-term perspectives and visions to be developed—solutions upon which the actors in the area of integration policy agree.
2. The plans which up to now have been promoted as individual projects should be grouped into one collective project.

General remarks on the transfer of products

All products have been prepared on the basis of agreed basic conditions and plans. The experience shows:

1. The European comparison is sensible. However, the development of the individual measures must take place at the local level because the national labour market and basic legal conditions are different in each of the countries.
2. The comparison of methods is entirely sensible and possible.
3. The best practices are transferable, but the ability to do so must be assessed!
4. Without stronger involvement of the responsible political persons, the practical implementation is not possible.

Measures—cornerstones for these could be:

1. More selected information and specific consultation for newly arrived immigrants
2. The determination of formal qualifications as well as competencies
3. Measures improving the practices, used up to the present day, of the recognition of formal educational credentials
4. The promotion of language must be rethought (competence orientation).
5. Development of qualification offerings according to need with the involvement of immigrants and the small and middle-sized enterprises (SMEs)
6. Labour market monitoring which defines the needs for qualifications of talented persons so that they can be trained towards these qualifications
7. The target group has to be involved in the development process of the integration issues
8. The transfer of the best practices needs a better cooperation with the media
9. The systematic transfer and further development of the integration of this special group of migrants require an agreed mainstreaming strategy involving key operators at policy level in every European country
10. The advancement and the perfecting of the cooperation between all the responsible stakeholders in different fields of migration is necessary.

Further discussion of the integration of HQTCN in general as well as critical issues and comments from external participants are desirable and necessary. Likewise an important aspect is the discussion on future research plans and possible collaborations between the network partners & new partners.

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