

MIGRATION POLICIES TOWARDS HIGHLY SKILLED FOREIGN WORKERS

REPORT TO THE HOME OFFICE

MARCH 2002

GAIL McLAUGHLAN & JOHN SALT

**MIGRATION RESEARCH UNIT
GEOGRAPHY DEPARTMENT
UNIVERSITY COLLEGE LONDON**

The views expressed in this document are those of the authors, not necessarily those of the Home Office (nor do they reflect Government policy).

CONTENTS

CONTENTS	1
INTRODUCTION	2
HIGHLY SKILLED MIGRATION POLICIES SUMMARY	3
DETAILED INFORMATION ON HIGHLY SKILLED MIGRATION SCHEMES	10
AUSTRALIA	11
CANADA	44
DENMARK	77
FRANCE	82
GERMANY	90
IRELAND	103
NETHERLANDS	116
NORWAY	130
UNITED KINGDOM	135
UNITED STATES	146

MIGRATION POLICIES TOWARDS HIGHLY SKILLED FOREIGN WORKERS

1. INTRODUCTION

This study investigates policies recently developed by selected European and New World states to encourage the recruitment and entry of highly skilled foreign workers.

The aim of the study was to identify the countries where new schemes or policy measures have been introduced recently to facilitate entry of migrants at the higher end of the skill spectrum on both a temporary and/or permanent basis. Policies enabling overseas students to switch into skilled employment schemes were also investigated.

2. METHODOLOGY

The study involved three main phases of research. The first stage was to identify the countries where skilled and highly skilled schemes and policies have been set up. We identified thirty-one schemes in ten countries (including the UK).

The second stage involved the production of a detailed 'grid' of information for each country scheme, including information on the aims and objectives, the procedures and the marketing of these new or existing initiatives. In some study countries schemes involve the modification of existing work permit procedures, in others the schemes are an additional entry route. In a few cases the main work permit system is described to provide a context for a new initiative that has been taken.

The final part of the research programme was a series of visits to selected countries and to overseas representatives in the UK to talk to officials and academics. The purpose of these visits was to obtain more detailed information on the schemes that have been introduced in their countries.

HIGHLY SKILLED MIGRATION POLICIES SUMMARY

1. INTRODUCTION

The policies and countries in this study are not directly comparable although similarities can be seen between them. Countries vary in their philosophies and experiences of managing migration; some such as the UK, France, Germany, the USA, Canada and Australia have long standing immigration policies, others such as Ireland are experiencing the challenges of immigration for the first time. However, these countries are all experiencing skills shortages in sectors of their economy, notably in information technology (IT), health, education and other professional sectors and they are having to compete with each other to attract highly skilled foreign workers to fill gaps in the labour market.

2. TYPES OF POLICIES

Our results suggest that the mechanisms and policy initiatives used by governments to attract foreign expertise can be classified into five groups:

1. Those countries where a comprehensive scheme exists such as the 'Green Card' system in Germany and H 1B visas in the USA, which are specifically aimed at attracting highly skilled migrants.
2. Governments which have made minor positive changes to the existing work permit system to facilitate quicker access to the labour market for highly skilled personnel, for example the fast-track work visas for IT specialists in the Netherlands and the work authorisation system in Ireland.
3. Governments which have used exemptions from work permits or relaxation of work permit regulations to enable employers and foreign workers to gain easier access to the labour market, for example intra-company transfers in Ireland are exempt from work permit regulations and are exempt from a labour market test in the Netherlands.
4. Tax incentives are used to reduce the tax burden, particularly in Nordic countries for high earning foreign workers. These tend to be long-standing rather than recent introductions.
5. Policies to encourage return migration of highly skilled, notably in Ireland.

3. SUMMARY CONCLUSIONS

- Most European countries, together with developed Asian ones, have not introduced special measures to recruit highly skilled workers. They continue to rely on their existing work permit systems. Where schemes have been introduced, they are invariably aimed at IT and health (especially nurses) staff and intra-company transferees (ICTs).
- In a minority of countries, most notably Australia, Canada and the US, the mainspring for policy has been the perceived benefit to national economic growth derived from the permanent acquisition of high-level human expertise. However, even in these countries temporary migration is becoming increasingly important as a strategy to cope with labour shortages in some sectors.
- In Europe, temporary migration has been the norm and schemes have been designed to deal with specific labour shortages that cannot be met by free movement within the EEA.
- In terms of the range of specific schemes and initiatives to attract the high skilled, the UK has moved faster and further than any other country, with the exception of Australia and to a lesser extent Canada.
- Most countries have managed to reduce the length of time taken for work permit approval but Work Permits UK provides a faster response rate than anywhere else.
- Student switching is not yet widespread but several countries are either in the process of liberalising or exploring possibilities. Where this does exist it tends to be sector specific for example IT graduates in France and Germany.
- Countries have a range of criteria for measuring the success of their schemes; some are seen as part of wider training or migration policies. In only a few cases, notably Australia, US and Germany, have there been systematic attempts either to collect the necessary data or carry out a full evaluation and follow-up research. Frameworks for evaluation are only now being worked out.
- There is a strong sense that schemes are employer driven, sometimes resulting in over-estimation of the scale of shortages.
- No country has yet ceased an IT programme.

4. MAIN FINDINGS

4.1 Definition of Highly Skilled

- Normally done on the basis of qualifications.
- Qualifications subject to verification.
- Salary level rather than specific qualifications may be acceptable (*France, Germany*).

4.2 Specific Highly Skilled Policies

- German Green Card System
- H-1B Visas in the USA
- Canadian and Australian permanent and temporary skilled migration programs.
- Fast-track Work Authorisations in Ireland
- Highly Skilled Migrant Programme in the UK

4.3 Design of Overall Policy

- Work permit regulations and procedures have been simplified in order to facilitate entry of highly skilled migrants, largely as a result of employer pressure (*Netherlands, France, Norway*).
- Strategies often address specific shortages
 - IT related (*France, Germany, Netherlands, Ireland, Canada, Australia, USA, Denmark*).
 - Health related (*Norway, Denmark, Ireland, Netherlands*).
- Schemes are part of wider policies to
 - encourage participation of existing foreign workers (*Denmark*).
 - encourage return of highly skilled emigrants (*Ireland*).
 - develop training programmes for indigenous workers, especially those who are unemployed (*Germany, Netherlands*).
- Facilitate access to the labour market for spouses of highly skilled migrants (*Canada*).
- European schemes are largely temporary with possibilities for permanent residence (excluding Germany).
- Australia and Canada have permanent skilled migration entry routes with several specific schemes.
- Australia, the US and, to a lesser extent Canada, have rapidly growing temporary programmes.

4.4 Exemptions from Regulations and Procedures

- Exemptions from national or regional labour market tests enable governments to offer 'fast-track visas' (*Netherlands, France, Ireland*).
- Exemptions from work permit requirements for some highly skilled personnel especially ICTs (*Ireland, Netherlands*).

- Exemptions from labour market testing for spouses of permit holders (*Netherlands, Canada*).

4.5 Simplification of Procedures

- Employers can apply to central employment offices rather than first having to apply to regional offices (*Netherlands*).
- Central employment office no longer has to send out applications from employers for shortage workers to regional offices for market test (*Denmark*).
- Self-assessment of skills before permanent migration application (*Australia*).

4.6 Labour Shortages

- Exist in the IT sector everywhere.
- Public services, particularly health (*Netherlands, Denmark, Norway, France, UK*).
- Shortages and vacancies are listed on websites (*Germany, Australia*).
- Shortages are often exaggerated or over estimated (*Germany, US, Ireland*).
- Long-term concerns with demographic situation exist but do not determine policies towards the highly skilled.

4.7 Quotas

- Quotas are seen as a mechanism for persuading the public that migration is being controlled (*Australia and Canada (planned programme targets), Germany, USA*).
- Quota limits have been raised to meet the increasing demand for skills in the labour market (*Germany, USA*).
- They are seen as a means of providing flexibility.
- Quota system being introduced in Norway from January 2002.
-

4.8 Points Tests

- Points system used to ensure that migrants meet a minimum skills requirement (*Canada, Australia*).
- Points scale amended to recognise changing labour market demands (*Australia, UK*).
- Germany's draft of a new immigration act includes possibility of a points test.
- Nowhere else uses points.

4.9 Intra-Company Transfers (ICTs)

- Governments facilitate international movement of highly skilled personnel by MNCs (*Australia, Netherlands, Ireland, Germany, US*).
- Seen to encourage foreign investment (*Ireland, Netherlands, Australia*).
- Simplified procedures and exemptions are widespread.

- Ireland effectively taken ICTs out of work permit system.

4.10 Student-Switching

- Policies have been introduced to enable foreign students to switch status and access a work permit on the basis of their skills. Previously would have to leave the country when their studies had been completed (*Germany, Australia, France, Norway*).
- No clear links between attempts to attract more overseas students and policies for student switching.

4.11 Links with Training

- Increasing training in IT is a clear policy objective (*Germany*).
- The work permit system is linked with training the domestic workforce (*Netherlands, Germany*).
- Training of existing immigrants a priority (*Denmark*).
- Immigration policies are meant to be a short-term solution and training policies address long-term shortages (*Germany, Netherlands*).

4.12 Spouses

- In order to attract foreign expertise, governments are recognising the importance of allowing spouses immediate access to the labour market (*Canada (specific scheme), Netherlands*).
- In most cases have to wait at least a year before they can work.

4.13 Personal Tax Incentives

- Tax incentives to attract highly skilled and foreign investment (*Denmark, Netherlands*).
- Tend to have existed for some years.
- Little evaluation of the effects of tax incentives so currently no evidence that they attract skills.

4.14 Timescales

- Canadian and Australian skilled migration policies are well established, the US less so.
- Most policies in Europe have been introduced in the past couple of years.

4.15 Role of Agencies

- Very little evidence of use of external agencies. Employers and foreign workers have to apply directly to governments for permits.
- Government departments have legislative and judicial power. Public Employment/Labour offices often implement the policies (*Germany, Netherlands*).
- Collaboration occurs across government departments. For example, Labour, Justice, Interior, Foreign and Economic Affairs are frequently involved.
- Social Partners – trade unions, community and employer representatives are consulted when policies are being developed/reviewed (*Australia, Netherlands, Ireland, Germany*).
- Use of external Migration Agents is regulated (*Australia*).

4.16 Role of Employers

- Identify shortage occupations.
- Put pressure on Governments to simplify procedures, especially in shortage sectors (*all countries*), and to raise caps (*US*).
- Role growing in importance, frequently driving policy.
- 'Occupational Creep' might occur as different sectors approach governments for schemes to deal with their occupational shortages (*Canada*).

4.17 Marketing

- Highly skilled schemes marketed as part of wider policies (*Germany, Denmark, Netherlands*).
- Political and media support raised awareness (*Germany, Denmark, Australia, US, Ireland*).

4.18 Country of Origin

- Language can be a significant barrier, particularly in health (*Norway, Netherlands, Germany*).
- All countries compete in the same regions although in some cases colonial links are highly significant.
- Networks of existing immigrant groups are important in attracting specific nationalities.

4.19 Regional Policy

- State/province input into scheme targets and operation (*Australia, Canada*).

4.20 Criteria for Determining Success

- Qualitative assessment of whether the policy meets its objectives.
- Quantitative measurement of outcome against target.
- Level of complaints from employers, trade unions and applicants.
- Public opinion approval of attempts to liberalise immigration.
- Internal and external research carried out (*Australia, US, Canada, Germany*).

**DETAILED INFORMATION ON SKILLED & HIGHLY SKILLED
MIGRATION SCHEMES:**

AUSTRALIA

SKILLED ENTRY ROUTES:

1. General Skilled Migration - Independent Categories (Permanent)
2. General Skilled Migration - Skill Matching (Permanent)
3. General Skilled Migration - Skilled Australian Sponsored (Permanent)
4. Business Skills Migration (Permanent)
5. Employer Sponsored Migration (Permanent)
6. Distinguished Talent (Permanent)
7. Temporary Residence - Economic Stream
8. Temporary (Long Stay) Business Entry Streams

AUSTRALIA

1. SKILLED ENTRY ROUTE: GENERAL SKILLED MIGRATION - INDEPENDENT CATEGORIES (PERMANENT).

(i) Background

Aims and rationale	<p>Independents¹ are selected on the basis of their education, skills and work experience and their ability to contribute quickly to the Australian economy.</p> <p>Skilled Independent - must be highly skilled and have education, skills and employability, which will contribute to the Australian economy.</p> <p>Skilled - State Territory Nominated Independent - must be nominated by a participating State or Territory which will select nominees on the basis of occupations being in shortage in the particular State or Territory.</p> <p>Skill Matching Database - to be placed on the database the applicant must meet the pool mark² for the points test and complete the 'skill matching' section of the form. The database is sent regularly to certain Regional Certifying Bodies and State and Territory governments who may nominate applicants to fill vacancies that cannot be filled.</p> <p>Skilled - Independent Overseas Student - similar to the skilled independent visa but is only available to eligible overseas students in Australia wishing to apply for permanent residence under this category.</p>
Legislative basis	<i>The Migration Act 1958</i>
Agencies involved	<p>Department of Immigration and Multicultural Affairs (DIMA)</p> <p>A list of registered migration agents is available from the Migration Agents Registration Authority (MARA) of from DIMA for those applicants who wish to use an agent (www.themara.com.au).</p>
Number of people entering in 2000 through this route	This group forms the largest contingent of skilled migrants to Australia each year. In 2000-01 14,234 (55 per cent) were Independent migrants.
Recent major reviews	None.
How are shortages	Employers and State and Territory Governments who are

¹ i.e. applicants that are not sponsored by family members or employers.

² If the applicant does not achieve the pass mark, the pool mark is the total number of points you must score if you application is to be held in reserve for up to 2 years after it is assessed, in a case a newer, lower pass mark is set.

identified?	seeking to fill specific vacancies identify shortages.
How does the scheme respond to changing needs?	The Skill Matching Database enables State and Territory governments to respond to changing needs.
Website	www.immi.gov.au/

(ii) The Permit

Duration of permit?	Permanent settlement is granted.
Quota restricted?	No.
Points System?	Point tested.
Eligibility Criteria	<p>Basic requirements:</p> <ul style="list-style-type: none"> ▪ <i>Criminality</i> - applicants must be of good character. ▪ <i>Age</i> - must be under 45 when application is made. ▪ <i>Language ability</i> - must have sufficient ability in the English language for working in Australia. ▪ <i>Educational level</i> - Post secondary qualifications (eg university or trade). In some occupations substantial relevant work experience is acceptable. ▪ <i>Skills</i> - Applications must include a nominated skilled occupation which fits the applicants skills and qualifications. This occupation must be on the Skilled Occupations List. ▪ <i>Recent Work Experience</i> - If the nominated occupation is worth 60 points the applicant must have had been in paid employment for at least 12 of the 18 months before applying. If the occupation is worth 40 or 50 points the applicant must have been in paid employment for at least two of the three years before applying. ▪ <i>Health</i> - the applicant and all dependent family members must undertake a medical examination by the appropriate authorities. <p>Skilled Independent: must pass the points test and satisfy the basic requirements.</p> <p>Skilled - State Territory Nominated Independent: must meet the pool mark for the points test and satisfy basic requirements</p> <p>Skill Matching Database - must meet the pool mark for the points test.</p> <p>Skilled - Independent Overseas Student - must pass the points test and satisfy the basic requirements. All applicants pass a skill assessment in a 60 point occupation</p>

	or a 50 point occupation if they have an Australian doctorate degree.
Exemptions	Applicants are exempt from the work experience requirement if they have completed an Australian qualification less than 6 months before lodging a visa application.
Facilitated Access	None.
Tied to specific employer/ location?	Visas are not tied to a specific employer. State Territory Nominated Independent applicants are tied to the region that nominates them.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	Applications can be made from both inside and outside Australia. All applications are sent to the processing centre in Adelaide.
Application procedures?	<ul style="list-style-type: none"> ▪ Applicants must indicate the class of visa they require and complete the correct form. ▪ An application charge must be paid. ▪ The completed form and certified copies of any required documents should be mailed to the Adelaide Skilled Processing Centre.
Consideration/processing timescale?	Processing time varies between offices. DIMA notify the applicant in writing when a decision has been made.
How are criteria confirmed/tested?	Before an application is made the relevant Australian assessing authority as suitable for your nominated occupation must assess skills.
Possibilities for renewal?	Not applicable.
Possibilities for switching to other employers/ from other entry routes?	Not applicable.
<i>(b) Restrictions:</i>	
Labour market restrictions?	Applicants must pass the relevant sections of the points test related to skills.
Grounds for refusal	If any incorrect information or documents are provided the visa may not be granted.
<i>(c) Attached Rights:</i>	
Spouses access to labour market?	Spouses must satisfy the basic requirements and have immediate access to the labour market.
Possibilities for family reunion?	The application may cover a family unit; a main applicant and if applicable spouse and dependents.

Possibilities for permanent settlement?	The visa grants permanent settlement rights.
Social benefits/civil rights?	In general, Australian social security payments are only available to people who reside in Australia and are either Australian citizens or holders of permanent visas. Most newly arrived migrants have to live as permanent residents in Australia for two years before they can get most social security payments.

(iv) Marketing

How is the scheme marketed?	It is not.
Are there any incentives offered to encourage applications?	None.
Are specific countries of origin targeted?	No.
What information is supplied to migrants in their country of origin and in the host country?	Applicants can also call DIMA in Australia on 131 881 for the cost of a local call. A booklet on 'General Skilled Migration' is available from the Department of Immigration and Multicultural Affairs and more general information is available on their website at www.immi.gov.au .

(v) Statistics

Who collects the data?	DIMA
What statistics are collected?	DIMA collect data on the total numbers of visas issued in the various categories of the General Skills Program as part of the Skilled Stream of the Migration Program.
How are the data made available?	Some data are available on the website, more detailed information is from DIMA on request.

AUSTRALIA

2. SKILLED ENTRY ROUTE: GENERAL SKILLED MIGRATION - SKILL MATCHING (PERMANENT)

(i) Background

Aims and rationale	<p>Skill matching has been designed to help overcome regional skills shortages by helping some migrants settle in Australia where their skills and abilities are in demand. Their details are placed in a skills matching database and this information is made available to employers and State and Territory governments who may then nominate an applicant for migration.</p> <p>The category is not points tested and applicants who satisfy the basic requirements but are unsure that they will pass the test should enter through this route.</p> <p>Details are kept on the database for two years.</p>
Legislative basis	<i>The Migration Act 1958</i>
Agencies involved	<p>Department of Immigration and Multicultural Affairs (DIMA)</p> <p>A list of registered migration agents is available from the Migration Agents Registration Authority (MARA) of from DIMA for those applicants who wish to use an agent (www.themara.com.au).</p>
Number of people entering in 2000 through this route	Not available.
Recent major reviews	None.
How are shortages identified?	Employers and State and Territory Governments who are seeking to fill specific vacancies identify shortages.
How does the scheme respond to changing needs?	As people listed in the database have already had their skills assessed, processing times are rapid if there is skills match and a shortage in a specific State or Territory. Migrants can then relocate quickly to the region in question.
Website	www.immi.gov.au/

(ii) The Permit

Duration of permit?	Details are kept on the database for two years.
---------------------	---

Quota restricted?	No.
Points System?	No.
Eligibility Criteria	<p>Basic requirements:</p> <ul style="list-style-type: none"> ▪ <i>Criminality</i> - applicants must be of good character. ▪ <i>Age</i> - must be under 45 when application is made. ▪ <i>Language ability</i> - must have sufficient ability in the English language for working in Australia. ▪ <i>Educational level</i> - Post secondary qualifications (eg university or trade). In some occupations substantial relevant work experience is acceptable. ▪ <i>Skills</i> - Applications must include a nominated skilled occupation which fits the applicants skills and qualifications. This occupation must be on the Skilled Occupations List. ▪ <i>Recent Work Experience</i> - the applicant must have been employed in a skilled occupation for at least 6 months in the 12 months before applying for migration. ▪ <i>Health</i> - the applicant and all dependent family members must undertake a medical examination by the appropriate authorities.
Exemptions	Applicants are exempt from the work experience requirement if they have completed an Australian qualification less than 6 months before lodging a visa application.
Facilitated Access	Not applicable.
Tied to specific employer/ location?	Applicants will be tied to the regions sponsoring their application.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	Applications can be made from both inside and outside Australia. All applications are sent to the processing centre in Adelaide.
Application procedures?	<ul style="list-style-type: none"> ▪ Part I 'Skill Matching' in the application form must be completed. ▪ Basic requirements are assessed and if the applicant is successful their details will be included on the database. ▪ If a State/Territory/Employer wishes to nominate an applicant they will lodge a nomination form with a DIMA regional office in Australia.

	<ul style="list-style-type: none"> The relevant overseas processing pose will be contacted and the visa processing will be finalised. <p>An applicant nominated by a State or Territory government may be eligible for a Skill Matching Visa. An applicant nominated by an employer may be eligible for a visa under the Regional Sponsored Migration Scheme (RSMS).</p>
Consideration/processing timescale?	Processing time varies between offices. DIMA notify the applicant when a decision has been made.
How are criteria confirmed/tested?	Before an application is made skills must be assessed by the relevant Australian assessing authority as suitable for your nominated occupation.
Possibilities for renewal?	Not applicable.
Possibilities for switching to other employers/ from other entry routes?	Not applicable.
<i>(b) Restrictions:</i>	
Labour market restrictions?	Applicants must include a nominated skilled occupation that fits the applicant's skills and qualifications.
Grounds for refusal	If any incorrect information or documents are provided the visa may not be granted.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	Spouses must satisfy the basic requirements and have immediate access to the labour market.
Possibilities for family reunion?	The application may cover a family unit; a main applicant and if applicable spouse and dependents
Possibilities for permanent settlement?	The visa grants permanent settlement rights.
Social benefits/civil rights?	<p>In general, Australian social security payments are only available to people who reside in Australia and are either Australian citizens or holders of permanent visas.</p> <p>Most newly arrived migrants have to live as permanent residents in Australia for two years before they can get most social security payments.</p>

(iv) Marketing

How is the scheme marketed?	It is not.
-----------------------------	------------

Are there any incentives offered to encourage applications?	None.
Are specific countries of origin targeted?	No.
What information is supplied to migrants in their country of origin and in the host country?	Applicants can also call DIMA in Australia on 131 881 for the cost of a local call. Detailed information is given on the DIMA website. A booklet on 'General Skilled Migration' is available, explaining the steps involved in applying for migration to Australia under this category.

(v) Statistics

Who collects the data?	DIMA
What statistics are collected?	DIMA collect data on the total numbers of visas issued in the various categories of the General Skills Program as part of the Skilled Stream of the Migration Program.
How are the data made available?	Some data are available on the website, more detailed information is from DIMA on request.

AUSTRALIA

3. SKILLED ENTRY ROUTE: GENERAL SKILLED MIGRATION – SKILLED-AUSTRALIAN SPONSORED (PERMANENT)

(i) Background

Aims and rationale	<p>The applicant has a greater chance of success if you or your spouse has a relative in Australia who is willing to act as a sponsor and provide financial support.</p> <p>Skilled-Designated Area Sponsored - the Government is seeking skilled migrants to settle in certain regions of Australia.</p> <p>Skilled-Onshore Designated Area Sponsored New Zealand citizen - only available to New Zealand citizens in Australia wishing to apply for permanent residence under this category.</p> <p>Skilled-Designated Area Sponsored Overseas Student - only available overseas students in Australia wishing to apply for permanent residence under this category.</p> <p>Designated Areas: <i>Victoria (anywhere), South Australia (anywhere), Northern Territory (anywhere), Tasmania (anywhere), Queensland (anywhere except urban Brisbane, Sunshine Coast and Gold Coast), Western Australia (anywhere except Perth metropolitan area), New South Wales (anywhere except Sydney, Newcastle and Wollongong).</i></p> <p>Skilled-Australian Sponsored - This category is designed for potential skilled migrants whose sponsor lives outside the designated areas listed above.</p> <p>Skilled-Onshore Australian Sponsored New Zealand Citizen - similar to the Skilled-Australian sponsored category but is only available to New Zealand citizens in Australia wishing to apply for permanent residence under this category.</p> <p>Skilled-Onshore Australian Sponsored Overseas Student - similar to the Skilled-Australian sponsored category but is only available to New Zealand citizens in Australia wishing to apply for permanent residence under this category.</p>
Legislative basis	<i>The Migration Act 1958</i>
Agencies involved	Department of Immigration and Multicultural Affairs

	(DIMA) A list of registered migration agents is available from the Migration Agents Registration Authority (MARA) of from DIMA for those applicants who wish to use an agent (www.themara.com.au).
Number of people entering in 2000 through this route	-
Recent major reviews	None.
How are shortages identified?	Employers and State and Territory Governments who are seeking to fill specific vacancies identify shortages.
How does the scheme respond to changing needs?	-
Website	Http://www.immi.gov.au

(ii) The Permit

Duration of permit?	Permanent.
Quota restricted?	No.
Points System?	Applicants for the Skilled-Australian Sponsored Categories must pass the points test. Applicants for the Skilled-Designated Area Sponsored Categories are not required to pass the points test.
Eligibility Criteria	<p>Skilled-Designated Area Sponsored Categories: The applicant or their spouse must only satisfy the basic requirements of age, English language, qualifications, nominated occupation and recent work experience.</p> <p>Skilled-Australian Sponsored Categories: Applicants must pass the points test as well as satisfy the basic requirements.</p> <p>Basic requirements:</p> <ul style="list-style-type: none"> ▪ <i>Criminality</i> - applicants must be of good character. ▪ <i>Age</i> - must be under 45 when application is made. ▪ <i>Language ability</i> - must have sufficient ability in the English language for working in Australia. ▪ <i>Educational level</i> - Post secondary qualifications (eg university or trade). In some occupations substantial relevant work experience is acceptable. ▪ <i>Skills</i> - Applicants must provide a satisfactory skills assessment in any listed skilled occupation from the Skilled Occupations List (SOL).

	<ul style="list-style-type: none"> ▪ <i>Recent Work Experience</i> - If the nominated occupation is worth 60 points the applicant must have had been in paid employment for at least 12 of the 18 months before applying. If the occupation is worth 40 or 50 points the applicant must have been in paid employment for at least two of the three years before applying. ▪ <i>Health</i> - the applicant and all dependent family members must undertake a medical examination by the appropriate authorities. ▪ <i>Family</i> - A satisfactory sponsorship form must be submitted with the application. The sponsor must have lived for at least one year and still live in one of the designated areas. Must provide proof of your relationship to the sponsor and obtain and Assurance of support.³
Exemptions	None.
Facilitated Access	None.
Tied to specific employer/ location?	Visas are not tied to a specific employer. Designated Area applicants are tied to the region that nominates them.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	Applications can be made from both inside and outside Australia. All applications are sent to the processing centre in Adelaide.
Application procedures?	<p>Applicants must:</p> <ul style="list-style-type: none"> ▪ Obtain a skill assessment, proof of age and language ability and recent skilled employment or Australian qualifications. ▪ Obtain proof of your sponsor's residence in a designated area of Australia and proof of relationship to the sponsor is required. ▪ Obtain Assurance of support ▪ Applicants must complete the correct form. ▪ An application charge must be paid. ▪ The completed form and certified copies of any required documents should be mailed to the Adelaide Skilled Processing Centre.
Consideration/processing timescale?	Processing time varies between offices. DIMA notify the applicant when a decision has been made.
How are criteria	Before an application is made the relevant Australian

³ An Assurance of Support is a commitment to provide financial support to the person applying to migrate so that the migrant will not have to rely on any government forms of support.

confirmed/tested?	assessing authority as suitable for your nominated occupation must assess skills.
Possibilities for renewal?	Not applicable.
Possibilities for switching to other employers/ from other entry routes?	Not applicable.
Possibility for student switching?	<p>Specific Requirements for Eligible Overseas Students in Australia:</p> <ul style="list-style-type: none"> ▪ Applications can only be lodged after completing at least 12 months study in Australia. ▪ Applicants must hold a substantive student visa. ▪ Must provide evidence that they hold an award by an Australian educational institution following at least one-year full-time study in Australia and completed within 6 months of the application. ▪ The applicant must be onshore at the time of application. <p>Must provide evidence of a recent medical examination from the appropriate health body.</p>
<i>(b) Restrictions:</i>	
Labour market restrictions?	Applicants must pass the relevant sections of the points test related to skills.
Grounds for refusal	If any incorrect information or documents are provided the visa may not be granted.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	If the spouse's relative is sponsoring the application the spouse must complete the form as the main applicant. Spouses must satisfy the basic requirements and have immediate access to the labour market.
Possibilities for family reunion?	The application may cover a family unit; a main applicant and if applicable spouse and dependents.
Possibilities for permanent settlement?	The visa grants permanent settlement.
Social benefits/civil rights?	<p>In general, Australian social security payments are only available to people who reside in Australia and are either Australian citizens or holders of permanent visas.</p> <p>Most newly arrived migrants have to live as permanent residents in Australia for two years before they can get most social security payments.</p>

(iv) Marketing

How is the scheme marketed?	It is not.
Are there any incentives offered to encourage applications?	None.
Are specific countries of origin targeted?	No.
What information is supplied to migrants in their country of origin and in the host country?	Applicants can also call DIMA in Australia on 131 881 for the cost of a local call. A booklet on 'General Skilled Migration' is available from the Department of Immigration and Multicultural Affairs and more general information is available on their website at www.immi.gov.au .

(v) Statistics

Who collects the data?	DIMA
What statistics are collected?	DIMA collect data on the total numbers of visas issued in the various categories of the General Skills Program as part of the Skilled Stream of the Migration Program.
How are the data made available?	Some data are available on the website, more detailed information is from DIMA on request.

AUSTRALIA

4. SKILLED ENTRY ROUTE: BUSINESS SKILLS MIGRATION (PERMANENT)

(i) Background

Aims and rationale	<p>The Business Skills Migration Program encourages successful business people to settle permanently in Australia and develop new business opportunities.</p> <p>There are five categories of visa in this program:</p> <ul style="list-style-type: none"> ▪ Business owner ▪ Senior executive ▪ Established business in Australia ▪ Regional established business in Australia ▪ Investment-linked
Legislative basis	<i>The Migration Act 1958</i>
Agencies involved	<p>Department for Immigration and Multicultural Affairs (DIMA)</p> <p>A list of registered migration agents is available from the Migration Agents Registration Authority (MARA) of from DIMA for those applicants who wish to use an agent (www.themara.com.au).</p>
Number of people entering in 2000 through this route	In 2000-01, 7364 business migration visas were granted to business people and their families.
Recent major reviews	None.
How are shortages identified?	Employers and State and Territory Governments who are seeking to fill specific vacancies identify shortages.
How does the scheme respond to changing needs?	
Website	Http://www.immi.gov.au

(ii) The Permit

Duration of permit?	Permanent
Quota restricted?	No.
Points System?	There is a points test for each of the Business Skills categories.
Eligibility Criteria	<p>Basic Requirements</p> <ul style="list-style-type: none"> ▪ <i>Criminality</i> - applicants must be of good character.

- *Age* - must be under 45 when application is made.
- *Language ability* - must have sufficient ability in the English language for working in Australia.
- *Health* - the applicant and all dependent family members must undertake a medical examination by the appropriate authorities.

Business Owner

Must:

- pass the points test for this category
- have ownership of at least 10% in a business
- be involved in strategic management of the business
- have significant net assets in business
- intend do engage in business in Australia.
- notify an Australian State or Territory government business development agency.

Senior Executive

Must:

- pass the points test for this category
- be employed in one of the top three levels of management of a major business
- intend to engage in business in Australia
- notify an Australian State or Territory government business development agency

Established Business in Australia

Must:

- pass the points test in this category
- be the holder of a visitor, student or temporary resident visa at the time of application
- have an ownership interest of at least 10% in a business in Australia.
- be involved in strategic management of the business.

Regional Established Business in Australia:

Must:

- pass the points test for this category
- be the holder of a business (long stay) visa at the time of application.
- have an ownership interest of at least 10% in a business in Australia in a designated area
- be involved in strategic management of the business
- have significant net assets in business
- be sponsored by an Australian State or Territory

	Government business development agency. Investment Linked Must: - pass the points test for this category - have a successful record of business management or investment management - have significant personal assets - be willing to make a substantial investment in a government approved Designated Investment for 3 years.
Exemptions	None.
Facilitated Access	None.
Tied to specific employer/ location?	Not tied to a specific employer. Regional Established applicants are tied to the region that sponsors their application.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	<ul style="list-style-type: none"> ▪ Business Owner and Senior Executive applicants can apply inside or outside Australia ▪ Established Business in Australia, Regional Established Business in Australia and Investment Linked applicants can only apply in Australia
Application procedures?	Applicants must: <ul style="list-style-type: none"> ▪ Indicate the class of visa required and use the correct form. ▪ Where applicable applications can be lodged via the internet. ▪ Pay the required charge (where applicable). ▪ Send/deliver the application to the nearest DIMA office or nearest mission overseas.
Consideration/processing timescale?	Processing times vary between offices. DIMA notify the applicant in writing when a decision has been made.
How are criteria confirmed/tested?	The progress of migrants is monitored after their arrival. If it is decided that no significant steps have been taken towards engaging in business within three years of arrival, the right to residence for the businessperson and their family may be cancelled. In 2000-01, 439 visas were cancelled.
Possibilities for renewal?	Not applicable.
Possibilities for switching to other employers/ from	Not applicable.

other entry routes?	
<i>(b) Restrictions:</i>	
Labour market restrictions?	Applicants must pass the relevant sections of the points test related to skills.
Grounds for refusal	If any incorrect information or documents are provided the visa may not be granted.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	Spouses must satisfy the basic requirements and have immediate access to the labour market.
Possibilities for family reunion?	The application may cover a family unit; a main applicant and if applicable spouse and dependents.
Possibilities for permanent settlement?	The visa is for permanent settlement.
Social benefits/civil rights?	In general, Australian social security payments are only available to people who reside in Australia and are either Australian citizens or holders of permanent visas. Most newly arrived migrants have to live as permanent residents in Australia for two years before they can get most social security payments.

(iv) Marketing

How is the scheme marketed?	It is not.
Are there any incentives offered to encourage applications?	None.
Are specific countries of origin targeted?	No.
What information is supplied to migrants in their country of origin and in the host country?	Applicants can call DIMA in Australia on 131 881 for the cost of a local call. A booklet on 'Business Skilled Migration' is available from the Department of Immigration and Multicultural Affairs and more general information is available on their website at www.immi.gov.au .

(v) Statistics

Who collects the data?	DIMA
What statistics are collected?	DIMA collect data on the total numbers of visas issued in the Business Skills Program as part of the Skilled Stream of the Migration Program.

How are the data made available?	Some data are available on the website, more detailed information is from DIMA on request.
----------------------------------	--

AUSTRALIA

5. SKILLED ENTRY ROUTE: EMPLOYER SPONSORED MIGRATION (PERMANENT)

(i) Background

Aims and rationale	<p>These programs are employer driven. The program has been developed to enable Australian employers to recruit, on a permanent basis highly skilled staff from overseas or staff who are currently temporary residents in Australia, where the employer can not meet their labour needs from the domestic labour force or through training.</p> <p>There are four categories of visa in this program:</p> <ul style="list-style-type: none"> ▪ Employer Nominations Scheme (ENS) ▪ Regional Sponsored Migration Scheme (RSMS) – designed to help employers in regions where they are unable to fill skilled vacancies from the domestic labour market. ▪ Labour Agreements (LA) – enable employers to recruit, on a permanent or temporary basis, a specified number of workers in response to identified or emerging labour market or skill shortages in the Australian labour market. ▪ Regional Headquarters Agreements (RHQ) – provides streamlined immigration arrangements to enable the transfer on a permanent or temporary basis of executive and specialist personnel who are essential in establishing Regional Headquarters in Australia.
Legislative basis	<i>The Migration Act 1958</i>
Agencies involved	<p>Department for Immigration and Multicultural Affairs (DIMA)</p> <p>A list of registered migration agents is available from the Migration Agents Registration Authority (MARA) of from DIMA for those applicants who wish to use an agent (www.themara.com.au).</p>
Number of people entering in 2000 through this route	In 2000-02, 7420 permanent visas were granted for Employer nomination, RSMS and Labour Agreements.
Recent major reviews	None.
How are shortages identified?	Employers and State and Territory Governments who are seeking to fill specific vacancies identify shortages.
How does the scheme	Flexible labour market test requirements enable the

respond to changing needs?	scheme to respond to changing needs in occupations on the Migration Occupations in Demand List (MODL).
Website	Http://www.immi.gov.au/facts/24bskill.htm

(ii) The Permit

Duration of permit?	Permanent
Quota restricted?	No.
Points System?	There is no points test.
Eligibility Criteria	<ul style="list-style-type: none"> ▪ <i>Criminality</i> - applicants must be of good character. ▪ <i>Age</i> - must be under 45 when application is made. ▪ <i>Language ability</i> - must have sufficient ability in the English language for working in Australia. ▪ <i>Educational level</i> - Post secondary qualifications (eg university or trade). In some occupations substantial relevant work experience is acceptable. ▪ <i>Skills</i> - The nominee must meet the definition of 'highly skilled'. i.e. have completed 3 years of formal training or equivalent experience and completed 3 years of relevant work experience since this training. ▪ <i>Health</i> - the applicant and all dependent family members must undertake a medical examination by the appropriate authorities
Exemptions	Labour market test requirements are waived for occupations on the Migration Occupations in Demand List (MODL).
Facilitated Access	None.
Tied to specific employer/ location?	Not tied to a specific employer. Regional Established applicants are tied to the region that sponsors their application.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	The nominee can apply in or outside Australia. If the nominee is applying from within Australia, they must hold a valid visa wither permission to work and hold a temporary resident visa or a working holiday visa or a student visa.
Application procedures?	<ul style="list-style-type: none"> ▪ The employer in Australia must first nominate all prospective applicants. The employer contacts a DIMA Business Centre. If the

	<p>nomination is approved the employer will advise the nominee.</p> <ul style="list-style-type: none"> ▪ The employee must be ‘highly skilled’ ▪ The position must be a full-time, fixed appointment for at least 3 years (2 years for RSMS) ▪ The employer must show evidence of a labour market test (RHQ exempt from this) ▪ If approved the nominee must lodge their application for a visa within 6 months. <p>Employers or Industry Associations wishing to enter Labour Agreements must put forward a submission to DIMA covering:</p> <ul style="list-style-type: none"> ▪ Company and industry background ▪ Skilled persons to be recruited overseas ▪ Efforts to recruit on the domestic market ▪ Training efforts of the employers <p>After this agreement has been negotiated employers can nominate employees.</p> <p>Employers wishing to nominate an employer for a Regional Headquarters Agreement must submit its proposal to Invest in Australia in the Department of Industry Science and Resources (DISR). Proposals are assessed against criteria agreed between DIMA, DISR and the Department for Employment. Once the Agreement has been signed the employer can nominate an applicant for a visa.</p>
Consideration/processing timescale?	Processing times vary between offices. DIMA notify the applicant in writing when a decision has been made.
How are criteria confirmed/tested?	The employer must assess the nominee’s qualifications if registration, licensing or membership of a professional body is mandatory in the proposed field of employment, or if the Tradesmen’s Rights Regulations Act covers the trade.
Possibilities for renewal?	Not applicable.
Possibilities for switching to other employers/ from other entry routes?	Not applicable.
<i>(b) Restrictions:</i>	
Labour market restrictions?	For all categories (with the exception of RHQ), the employer must show that they have been unable to find

	an Australian citizen or resident to fill the position.
Grounds for refusal	If any incorrect information or documents are provided the visa may not be granted.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	Spouses must satisfy the basic requirements and have immediate access to the labour market.
Possibilities for family reunion?	The application may cover a family unit; a main applicant and if applicable spouse and dependents.
Possibilities for permanent settlement?	The visa is for permanent settlement.
Social benefits/civil rights?	In general, Australian social security payments are only available to people who reside in Australia and are either Australian citizens or holders of permanent visas. Most newly arrived migrants have to live as permanent residents in Australia for two years before they can get most social security payments.

(iv) Marketing

How is the scheme marketed?	It is not.
Are there any incentives offered to encourage applications?	None.
Are specific countries of origin targeted?	No.
What information is supplied to migrants in their country of origin and in the host country?	Applicants can call DIMA in Australia on 131 881 for the cost of a local call. A booklet on 'Employer Sponsored Migration' is available from the Department of Immigration and Multicultural Affairs and more general information is available on their website at www.immi.gov.au .

(v) Statistics

Who collects the data?	DIMA
What statistics are collected?	DIMA collect data on the total numbers of visas issued in the Employer Sponsored Migration program as part of the Skilled Stream of the Migration Program.
How are the data made available?	Some data are available on the website, more detailed information is from DIMA on request.

AUSTRALIA

6. SKILLED ENTRY ROUTE: DISTINGUISHED TALENT (PERMANENT)

(i) Background

Aims and rationale	This is a small category for distinguished individuals with special or unique talents of benefit to Australia.
Legislative basis	<i>The Migration Act 1958</i>
Agencies involved	Department for Immigration and Multicultural Affairs (DIMA) A list of registered migration agents is available from the Migration Agents Registration Authority (MARA) of from DIMA for those applicants who wish to use an agent (www.themara.com.au).
Number of people entering in 2000 through this route	In 2000-01, 229 visas (including family members) were granted under this category.
Recent major reviews	None.
How are shortages identified?	They are not.
How does the scheme respond to changing needs?	Not applicable.
Website	Http://www.immi.gov.au/allforms/special.htm

(ii) The Permit

Duration of permit?	Permanent
Points System?	There is no points test.
Quota restricted?	No.
Eligibility Criteria	<ul style="list-style-type: none"> ▪ Applicants must be nominated by and Australian organisation, citizen or permanent resident. <p>Basic Requirements:</p> <ul style="list-style-type: none"> ▪ <i>Criminality</i> - applicants must be of good character. ▪ <i>Age</i> - no age restrictions. ▪ <i>Language ability</i> - must have sufficient ability in the English language for working in Australia. ▪ <i>Educational level - Skills</i> - Applicants must have relevant qualifications and/or awards in their profession or activity. ▪ <i>Recent Work Experience</i> - Applicants must have an exceptional record of achievement in their chosen profession, the arts or sport.

	<ul style="list-style-type: none"> ▪ <i>Health</i> - the applicant and all dependent family members must undertake a medical examination by the appropriate authorities
Exemptions	Not applicable.
Facilitated Access	None.
Tied to specific employer/ location?	This visa is not tied to a specific employer or location.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	Applications can be made from inside or outside Australia. All applications are sent to the processing centre in Adelaide.
Application procedures?	<ul style="list-style-type: none"> ▪ The nominator must complete an application form and include a brief résumé of their own standing in the nominee's field of 'distinguished talent'. <p>Applicants must:</p> <ul style="list-style-type: none"> ▪ Indicate the class of visa required and use the correct form. ▪ Where applicable applications can be lodged via the internet. ▪ Pay the required charge (where applicable). ▪ Send/deliver the application to the nearest DIMA office or nearest mission overseas.
Consideration/processing timescale?	Processing times vary between offices. DIMA notify the applicant in writing when a decision has been made.
How are criteria confirmed/tested?	Applicants have to provide evidence that they are still prominent in the arts or sport (if applicable). References from persons qualified to assess claims of 'distinguished talent' are requested.
Possibilities for renewal?	Not applicable.
Possibilities for switching to other employers/ from other entry routes?	Not applicable.
<i>(b) Restrictions:</i>	
Labour market restrictions?	None.
Grounds for refusal	If any incorrect information or documents are provided the visa may not be granted.

<i>(C) Attached Rights:</i>	
Spouses access to labour market?	Spouses must satisfy the basic requirements and have immediate access to the labour market.
Possibilities for family reunion?	The application may cover a family unit; a main applicant and if applicable spouse and dependents.
Possibilities for permanent settlement?	The visa is for permanent settlement.
Social benefits/civil rights?	In general, Australian social security payments are only available to people who reside in Australia and are either Australian citizens or holders of permanent visas. Most newly arrived migrants have to live as permanent residents in Australia for two years before they can get most social security payments.

(iv) Marketing

How is the scheme marketed?	It is not.
Are there any incentives offered to encourage applications?	None.
Are specific countries of origin targeted?	No.
What information is supplied to migrants in their country of origin and in the host country?	Applicants can call DIMA in Australia on 131 881 for the cost of a local call. A booklet on 'Special Migration' is available from the Department of Immigration and Multicultural Affairs and more general information is available on their website at www.immi.gov.au .

(v) Statistics

Who collects the data?	DIMA
What statistics are collected?	DIMA collect data on the total numbers of visas issued in the Employer Sponsored Migration program as part of the Skilled Stream of the Migration Program.
How are the data made available?	Some data are available on the website, more detailed information is from DIMA on request.

AUSTRALIA

SKILLED ENTRY ROUTE 7: TEMPORARY RESIDENCE (ECONOMIC STREAM)

(i) Background

Aims and rationale	<p>The Temporary Residence Program is designed to allow overseas people to migrate to Australia for a limited time and for specific purposes that benefit Australia. There are three streams in the program: economic, social and cultural and international relations.</p> <p>The economic stream comprises of three visa categories:</p> <p>Business Entry Visas (short stay) - allows employers to recruit skilled personnel from overseas to overcome temporary skilled labour shortages.</p> <p>Educational Visas - allow educational and research institutions or organisations to fill academic, teaching and research positions that cannot be filled from the Australian labour market.</p> <p>Medical Practitioner Visas - for suitably qualified medical practitioners from overseas who satisfy labour market requirements. Visa grants now have a much greater focus on providing service to rural and remote communities.</p>
Legislative basis	<i>The Migration Act 1958</i>
Agencies involved	<p>Department for Immigration and Multicultural Affairs (DIMA)</p> <p>A list of registered migration agents is available from the Migration Agents Registration Authority (MARA) of from DIMA for those applicants who wish to use an agent (www.themara.com.au).</p>
Number of people entering in 2000 through this route	During 2000-01 45,000 visas were issued in the skilled visa categories.
Recent major reviews	None.
How are shortages identified?	Employers and State and Territory Governments who are seeking to fill specific vacancies identify shortages.
How does the scheme respond to changing needs?	
Website	www.immi.gov.au

(ii) The Permit

Duration of permit?	Business (short stay) visas may be issued for either single entry or for multiple entries. Holders of a multiple entry visa may make any number of journeys to Australia for up to three months on each occasion. Multiple entry visas may be valid for either up to five years, or the life of the passport (to a maximum of 10 years).
Quota restricted?	No quota system.
Points System?	No points system.
Eligibility Criteria	<p>Basic requirements:</p> <ul style="list-style-type: none"> ▪ <i>Criminality</i> - applicants must be of good character. ▪ <i>Age</i> - ▪ <i>Language ability</i> - must have sufficient ability in the English language for working in Australia. ▪ <i>Educational level</i> - ▪ <i>Skills</i> - ▪ <i>Recent Work Experience</i> - ▪ <i>Health</i> - the applicant and all dependent family members must undertake a medical examination by the appropriate authorities.
Exemptions	Not applicable.
Facilitated Access	Not applicable.
Tied to specific employer/ location?	These visas are normally subject to a sponsorship from an Australian employer or organisation.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	Applicants must apply for this visa outside Australia.
Application procedures?	Australia's Electronic Travel Authority (ETA) allows a business traveller to apply for a visa on the internet.
Consideration/processing timescale?	ETA visas are issued within seconds of being requested through computer links between DIMA, travel agents, airlines and specialist service providers around the world.
How are criteria confirmed/tested?	-
Possibilities for renewal?	Not applicable.
Possibilities for switching to other employers/ from other entry routes?	The holders cannot change sponsor or seek employment outside the agreement with the sponsoring body, without DIMIA's approval.

<i>(b) Restrictions:</i>	
Labour market restrictions?	Business Entry Visas - labour market testing may be required to establish that the required skills are not available in Australia.
Grounds for refusal	If any incorrect information or documents are provided the visa may not be granted.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	Spouses must satisfy the basic requirements and have immediate access to the labour market.
Possibilities for family reunion?	The application may cover a family unit; a main applicant and if applicable spouse and dependents.
Possibilities for permanent settlement?	An applicant can apply for a permanent visa. Applications must be lodged before existing status expires.
Social benefits/civil rights?	Temporary residents are required to pay taxes on income earned in Australia and do not have access to social welfare benefits or national public health cover.

(iv) Marketing

How is the scheme marketed?	It is not.
Are there any incentives offered to encourage applications?	None.
Are specific countries of origin targeted?	No.
What information is supplied to migrants in their country of origin and in the host country?	Applicants can call DIMA in Australia on 131 881 for the cost of a local call. General information is available on their website at www.immi.gov.au .

(v) Statistics

Who collects the data?	DIMA
What statistics are collected?	DIMA collect data on the total numbers of visas issued in the Business Skills Program as part of the Skilled Stream of the Migration Program.
How are the data made available?	Some data are available on the website, more detailed information is from DIMA on request.

AUSTRALIA

8. SKILLED ENTRY ROUTE: TEMPORARY (LONG STAY) BUSINESS ENTRY STREAMS

(i) Background

Aims and rationale	<p>The temporary residence program is designed to help businesses that are unable to meet their skills need within the Australian labour force. Employers can sponsor and recruit staff from overseas for temporary entry to Australia for up to four years.</p> <p>Streamlined entry arrangements for Business Entry (long stay) were introduced in August 1996, catering for the entry of:</p> <ul style="list-style-type: none"> ▪ personnel (executives, managers and specialists) for companies operating in Australia; ▪ personnel from offshore companies seeking to establish a branch in Australia, participate in joint ventures, or fulfil a contract awarded to an offshore company; ▪ independent executives seeking to establish a new business or joining existing businesses in Australia.
Legislative basis	<i>The Migration Act 1958</i>
Agencies involved	<p>Department for Immigration and Multicultural Affairs (DIMA)</p> <p>A list of registered migration agents is available from the Migration Agents Registration Authority (MARA) of from DIMA for those applicants who wish to use an agent (www.themara.com.au).</p>
Number of people entering in 2000 through this route	
Recent major reviews	None.
How are shortages identified?	Employers and State and Territory Governments who are seeking to fill specific vacancies identify shortages.
How does the scheme respond to changing needs?	-
Website	www.immi.gov.au

(ii) The Permit

Duration of permit?	Between 3 months and 4 years.
Quota restricted?	No quota system.
Points System?	No points system.
Eligibility Criteria	<p>Employers: To recruit staff from overseas employers must act as a business sponsor. There are two types of sponsorship:</p> <ul style="list-style-type: none"> ▪ Pre-Qualified Business Sponsorship - for employers seeking to bring an unlimited number of people to Australia over a two-year period. ▪ Standard Business Sponsorship for employers seeking to recruit a specified number of people within a 12-month period. <p>Employers must show that their business is of good standing, explain how Australia benefits from your business employing overseas personnel and demonstrate the commitment of their business to training Australian residents or introducing new technology or business skills.</p> <p>Employers must also nominate each of the positions that they wish to fill with a temporary resident. The position must:</p> <ul style="list-style-type: none"> ▪ Relate to an occupation which meets the minimum skills threshold covering managerial, professional and trade occupations. ▪ Remuneration must be at the minimum salary level - currently \$33,800 <p>Applicants:</p> <ul style="list-style-type: none"> ▪ <i>Criminality</i> - applicants must be of good character. ▪ <i>Age</i> - no restrictions ▪ <i>Language ability</i> - must have sufficient ability in the English language for working in Australia. ▪ <i>Educational level</i> - must have skills that match that of the nominated vacancy. ▪ <i>Skills</i> - must have skills that match that of the nominated vacancy. ▪ <i>Health</i> - the applicant and all dependent family members must undertake a medical examination by the appropriate authorities.
Exemptions	Not applicable.
Facilitated Access	Not applicable.
Tied to specific	These visas are subject to a sponsorship from an

employer/ location?	Australian employer or organisation.
---------------------	--------------------------------------

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	Applicants can apply from inside or outside Australia.
Application procedures?	Applicants must: <ul style="list-style-type: none"> ▪ Complete the relevant forms. ▪ Include a copy of the job description and contract or offer of employment. ▪ Provide a copy of their Curriculum vitae and evidence of qualifications. ▪ Include references from previous employers and the approval letter of sponsorship and nomination.
Consideration/processing timescale?	Processing times vary between offices. DIMA notify the applicant in writing when a decision has been made.
How are criteria confirmed/tested?	A skill assessment of the applicant may be required to ensure that the applicant has the skills/experience to fulfil the duties of the position.
Possibilities for renewal?	Visa holders may extend their stay by applying for a new visa before their existing one expires.
Possibilities for switching to other employers/ from other entry routes?	The holders cannot change sponsor or seek employment outside the agreement with the sponsoring body, without DIMA's approval.
<i>(b) Restrictions:</i>	
Labour market restrictions?	Labour market testing may be required to establish that the required skills are not available in Australia.
Grounds for refusal	If any incorrect information or documents are provided the visa may not be granted.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	Spouses are able to work during their stay in Australia.
Possibilities for family reunion?	The application may cover a family unit; a main applicant and if applicable spouse and dependents.
Possibilities for permanent settlement?	An applicant can apply for a permanent visa. Applications must be lodged before existing status expires.
Social benefits/civil rights?	Temporary residents are required to pay taxes on income earned in Australia and do not have access to social welfare benefits or national public health cover.

(iv) Marketing

How is the scheme marketed?	It is not.
Are there any incentives offered to encourage applications?	None.
Are specific countries of origin targeted?	No.
What information is supplied to migrants in their country of origin and in the host country?	Applicants can call DIMA in Australia on 131 881 for the cost of a local call. General information is available on their website at www.immi.gov.au . A booklet entitled 'Sponsoring a temporary overseas employee to Australia'.

(v) Statistics

Who collects the data?	DIMA
What statistics are collected?	DIMA collect data on the total numbers of visas issued in the Business Skills Program as part of the Skilled Stream of the Migration Program.
How are the data made available?	Some data are available on the website, more detailed information is from DIMA on request.

SKILLED ENTRY ROUTES:

1. Independent Skilled Workers Program (Permanent)
2. Business Immigrants (Permanent)
3. Canadian Employment Authorisation (Temporary)
4. Pilot Facilitated Processing for Information Technology Workers (Temporary)
5. Spousal Employment Authorisations for Highly Skilled Workers (Temporary)

CANADA

1. SKILLED ENTRY ROUTE: INDEPENDENT SKILLED WORKERS PROGRAM (PERMANENT RESIDENTS)

(i) Background

Aims and rationale	<p>Skilled workers are selected for their ability to participate in the Canadian labour market, based on an assessment of their labour market skills.</p> <p>The Provincial Nominee Program facilitates the selection of persons who, in the estimation of the provincial government, will contribute to the industrial and economic development of that province.</p>
Legislative basis	<i>Immigration Act 1978</i>
Agencies involved	<p>Citizenship and Immigration Canada. Ministère des Relations avec les citoyens et de l'Immigration of the province of Quebec.</p> <p>Citizenship and Immigration Canada has also entered into a series of bilateral agreements with interested provinces to permit the admission of a limited number of provincial nominees under provisions that exist in the current Immigration Legislation. To date, agreements have been entered into with Newfoundland and Labrador, New Brunswick, Manitoba, Saskatchewan, British Columbia, Prince Edward Island and Yukon.</p>
Number of people entering in 2000 through this route	118,495 immigrants (including dependants) entered Canada through this route in 2000.
Recent major reviews	<p>A new Skilled Worker Selection Program is under development and will be incorporated into the regulations being drafted in support of Canada's new Immigration and Refugee Protection Act (Bill C-11) that will come into effect in June 2002.</p> <p>A document released in January 1999 'Building a Strong Foundation for the 21st Century', outlined a new framework for a selection system for skilled and business immigrants that will focus on flexible and transferable skills necessary for success in the knowledge based economy.</p> <p>The new system will emphasis educational attainment, official language skills and work experience, while</p>

	continuing to assess adaptability, age and the existence of relatives in Canada.
How are shortages identified?	Human Resources and Development Canada in consultation with private organizations/agencies determine which economic sectors have labour shortages. A General Occupations List is posted on the internet listing skills that are in demand in Canada.
How does the scheme respond to changing needs?	<p>The General Occupations List is updated, as labour market needs change.</p> <p>Pilot projects may be initiated to test the feasibility of changes to program management and delivery.</p> <p>The Provincial Nominee Program permits greater involvement of provincial authorities in the selection of immigrants destined to their province. The program recognizes that provincial governments are best positioned to identify their unique economic needs that can be effectively addressed by immigration. Each province establishes its own standards and processes by which it chooses its nominees. All provinces undertake to nominate candidates who demonstrate a strong likelihood of integrating and settling effectively into that province.</p>
Website	http://www.cic.gc.ca/english/immigr/iindenpen-e.html http://www.immq.gouv.qc.ca/anglais

(ii) The Permit

Duration of permit?	Permanent.
Quota restricted?	No quotas but each year planning levels are announced.
Points System?	<p>Skilled migrants are subject to a selection test that awards points on the basis of specific selection criteria.</p> <p>Applicants have to score a minimum of 70 points out of 107 to qualify for admission as a permanent immigrant.</p>
Eligibility Criteria	<p>The mix and weighting patterns of the selection criteria are designed to reflect those factors that contribute to long-term economic success.</p> <p>Emphasis is placed on education, language proficiency, occupational skills, work experience and practical training. These employment related factors account for</p>

over half the total number of points required.

- *Criminality* - must have no criminal record.
- *Age* - 10 points if aged 21-44, 8 points if aged 20 or 45, 6 points if 19 or 46, 4 points if 18 or 47, 2 points if 17 or 48 and 0 points if under 17 or older than 48.
- *Language ability* - Assess knowledge of French and English. Points are given according to proficiency to a maximum of 15.
- *Educational level* - Secondary school completion gives 5-10 points. Post-secondary other than university is granted 13 points. University degree can gain 15 points if completed 3 years of full-time study. The maximum of 16 is granted for a post-secondary degree at a graduate level.
- *Training* - Level of training required for the occupation, maximum 18 points.
- *Occupation* - Points are shown on the General Occupations List (maximum of 10 points).
- *Arranged Employment* - Refers to the validated job offer, maximum 10 points.
- *Recent Work Experience* - Must have had at least one year of experience. Points given are calculated based on years worked, maximum 8 points.
- *Connections with host country* - applicants with relatives in Canada receive 5 bonus points.
- *Demographic Factor* - Number is currently set at 8 points by the federal government (maximum of 10 points).
- *Personal Suitability* - Refers to applicants' ability to settle in Canada, based on qualities assessed at the interview such as motivation and initiative. Maximum possible 10 points.
- *Wealth* - Applicants must prove that they have transferable funds of at least \$10,000 (Canadian) for themselves and \$2,000 for each dependent.
- *Health* - Applicants and their dependents must also pass a medical examination.

Procedures for application and issuance of **provincial nominations** vary from province to province. For information with respect to the province you seek nomination from, refer to the Web sites:

	<p>Newfoundland: www.success.nfld.net</p> <p>New Brunswick: www.gnb.ca/immigration/english/immigrate/nb.htm</p> <p>Manitoba: www.gov.mb.ca/chc/immsettl</p> <p>Saskatchewan: www.gov.sk.ca/econdev</p> <p>British Columbia: www.pnp.mi.gov.bc.ca</p> <p>Prince Edward Island: www.gov.pe.ca/development/iiatp-info/index.php3ca</p> <p>Yukon: www.gov.yk.ca</p>
Exemptions	-
Facilitated Access	<p>Assisted relatives - skilled workers who may receive bonus points for having a relative in Canada. Applicants only need 65 points instead of the 70 required by independent skilled worker immigrants.</p> <p>They must apply directly to a visa office outside Canada and meet the immigration selection criteria.</p>
Tied to specific employer/ location?	No – however, some skilled workers enter Canada with arranged employment which is a guaranteed job offer from a Canadian employer.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	Applications must be made to a visa office at a Canadian Embassy, High Commission or Consulate abroad.
Application procedures?	Applicant, spouse and each dependent child 18 years and older must complete an Application for Permanent Residence in Canada. Applicant and dependants must undergo a medical examination and submit completed application along with required documentation and applicable fees.
Consideration/processing timescale?	-
How are criteria confirmed/tested?	Applicants may be asked for an interview where eligibility criteria will be evaluated.
Possibilities for renewal?	Not applicable.
Possibilities for switching to other employers/ from other entry routes?	Not applicable.
<i>(b) Restrictions:</i>	
Labour market restrictions?	Not for permanent residents.

Grounds for refusal	Applicant does not meet eligibility criteria.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	Spouses who are permanent residents have unrestricted access to the labour market.
Possibilities for family reunion?	The application covers spouses and dependents.
Possibilities for permanent settlement?	Application is for permanent settlement.
Social benefits/civil rights?	Applicants and their dependents have the right to live, study and work in Canada for as long as they remain permanent residents and are entitled to most social benefits accorded to Canadian citizens. When they have met citizenship requirements, they may apply for Canadian citizenship and a Canadian passport.

(iv) Marketing

How is the scheme marketed?	Application information and application kits are provided on the Internet.
Are there any incentives offered to encourage applications?	No
Are specific countries of origin targeted?	No
What information is supplied to migrants in their country of origin and in the host country?	Detailed information is available on the website. Applicants view a self-assessment guide and application kit. Information is also available on-line in Canada and links are provided to other useful websites.

(v) Statistics

Who collects the data?	Citizenship and Immigration Canada
What statistics are collected?	Data are available broken down by; source countries, provincial destinations, urban destinations, gender, age, level of education and language ability.
How are the data made available?	Data are available in Citizenship and Immigration Canada published reports (available on website) and on request. http://www.cic.gc.ca/english/pub/index.html#reference Data are also available on the Statistics Canada website and on request.

CANADA

2. SKILLED ENTRY ROUTE: BUSINESS IMMIGRANTS (PERMANENT RESIDENTS)

(i) Background

Aims and rationale	Business immigrants include investors, entrepreneurs, self-employed persons and their dependants, who will make a significant economic contribution by establishing, purchasing or investing in a business venture in Canada.
Legislative basis	<i>Immigration Act 1978</i>
Agencies involved	Citizenship and Immigration Canada (CIC). Ministère des Relations avec les citoyens et de l'Immigration of the province of Quebec. Provincial/territorial governments.
Number of people entering in 2000 through this route	In 2000 13,655 business immigrants (and their dependants) entered Canada; 6,177 entrepreneurs, 2,530 self-employed, 4,948 investors.
Recent major reviews	<p>The Immigrant Investor Program (IIP), in existence since 1986, was redesigned as of April 1, 1999 following a review of the Business Immigration Program.</p> <p>The redesigned program includes changes to simplify administration, reduce the potential for abuse and to increase the economic benefits to the provinces and Canadians. Emphasis is on the selection of well-qualified business immigrants rather than on the imposition of terms and conditions on arrival.</p> <p>The redesigned model requires investments of \$400,000 from applicants who have a net worth of \$800,000. The program will allow immigrant investments to be distributed to funds held by participating provinces. Investments in the funds are used interest free for five years to meet provincial economic priorities with fewer federal restrictions.</p>
How are shortages identified?	Not applicable.
How does the scheme respond to changing needs?	Citizenship and Immigration Canada works closely with the provinces to promote business immigration and enables them to recruit and nominate immigrants to reflect their labour market demands.
Website	http://www.cic.gc.ca/english/immigr/ibusiness-e.html http://www.immq.gouv.qc.ca/anglais

(ii) The Permit

Duration of permit?	Permanent.
Quota restricted?	No.
Points System?	Yes there is a points selection system.
Eligibility Criteria	<p>Selection criteria vary for each category, applicants are then assessed against a modified selection system.</p> <p>Investors:</p> <ul style="list-style-type: none"> ▪ Applicants must have successfully owned, operated or directed a business. ▪ Investors are not required to start a business in Canada. ▪ Applicants must make a \$400,000 (Canadian) investment and have a net worth of \$800,000 (Canadian). ▪ Investments are fully guaranteed by provinces and territories that participate in the program and they control the investment during the five-year lock-in period. <p>Entrepreneurs:</p> <ul style="list-style-type: none"> ▪ Entrepreneur must establish, buy or make a substantial investment in a business in Canada. ▪ There is no set amount to invest, but a business must be set up within two years of arrival and support the entrepreneur and dependants. ▪ The business must contribute to the Canadian economy and create one or more jobs that employ at least one Canadian citizen or permanent resident other than the entrepreneur or dependants. <p>Self Employed:</p> <ul style="list-style-type: none"> ▪ Applicants must be able to establish or buy a business in Canada that will provide employment for themselves and contribute economically or culturally to Canada. <p>Other Factors Assessed: (maximum points) Entrepreneurs and Investors need a total of 25 points and Self Employed need 70 points. The maximum points given for self-employed are listed below in brackets.</p> <ul style="list-style-type: none"> ▪ <i>Criminality</i> - no criminal record ▪ <i>Age</i> - 10 (10) ▪ <i>Language ability</i> - 15 (15)

	<ul style="list-style-type: none"> ▪ <i>Educational level</i> - 16 (16) ▪ <i>Training</i> - 18 (18) ▪ <i>Recent Work Experience</i> - 8 (8) ▪ <i>Demographic factor</i> - 10 (10) ▪ <i>Occupational Demand</i> - n/a (10) ▪ <i>Personal suitability</i> - 10 (10) ▪ <i>Self employed bonus</i> - (30) ▪ <i>Wealth</i> - Applicants must prove that they have transferable funds of at least \$10,000 (Canadian) for themselves and \$2,000 for each dependent. ▪ <i>Health</i> - Applicants and their dependents must also pass a medical examination.
Exemptions	Not applicable.
Facilitated Access	Not applicable.
Tied to specific employer/ location?	Not applicable.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	Business applications must be submitted to one of nine Business Immigration Centres abroad. Centres are in China, Germany, USA, Syria, Hong Kong, UK, France, Korea and Singapore.
Application procedures?	Applicant, spouse and each dependent child 18 years and older must complete an Application for Permanent Residence in Canada. Applicant and dependants must undergo a medical examination and submit completed application along with required documentation and applicable fees.
Consideration/processing timescale?	The time needed to process a business class application may vary among visa offices and from one applicant to another. Applicants may be interviewed.
How are criteria confirmed/tested?	CIC in Ottawa will advise the visa office, once payment has cleared, so that case finalization and visa issuance to investors and their dependents can occur.
Possibilities for renewal?	Not applicable.
Possibilities for switching to other employers/ from other entry routes?	Not applicable.
<i>(b) Restrictions:</i>	
Labour market restrictions?	Applicant must meet eligibility criteria.
Grounds for refusal	Applicant does not meet eligibility criteria.
<i>(C) Attached Rights:</i>	

Spouses access to labour market?	Spouses who are permanent residents have unrestricted access to the labour market.
Possibilities for family reunion?	The application covers spouses and dependents
Possibilities for permanent settlement?	The application is for permanent residence.
Social benefits/civil rights?	Applicants and their dependents have the right to live, study and work in Canada for as long as they remain permanent residents, and are entitled to most social benefits accorded to Canadian citizens. When they have met citizenship requirements, they may apply for Canadian citizenship and a Canadian passport.

(iv) Marketing

How is the scheme marketed?	Application information and application kits are provided on the Internet.
Are there any incentives offered to encourage applications?	<p>Effective July 1, 2001, the participating provinces of Ontario, British Columbia and Prince Edward Island have supported the implementation and administration of a seven-percent commission (\$28,000) paid on their behalf by Citizenship and Immigration Canada to designated financial institutions after a visa is issued. The commissions will be used by the financial institutions to market the Immigrant Investor Program to prospective immigrants and to promote attractive financing packages.</p> <p>In 1999 Citizenship and Immigration Canada and British Columbia launched the 'British Columbia Business Pilot Program'.</p> <p>The two-year project was designed to attract better informed migrants to the province. It encouraged prospective migrants to make and exploratory visit to the province and to attend a seminar given by the British Columbia Business Immigration Office.</p>
Are specific countries of origin targeted?	Recruitment campaigns have been conducted in Europe and the Middle East.
What information is supplied to migrants in their country of origin and in the host country?	Both federal and provincial governments offer services to help immigrants settle and start a business in Canada. A guide for business immigrants is available on the website.

(v) Statistics

Who collects the data?	Citizenship and Immigration Canada
What statistics are collected?	Data are available broken down by; category, source countries, provincial destinations, urban destinations, gender, age, level of education and language ability.
How are the data made available?	Data are available in Citizenship and Immigration Canada published reports (available on the CIC website) and on request. http://www.cic.gc.ca/english/pub/index.html#reference http://www.cic.gc.ca/english/immigr/bus-stats2000.html Data are also available on the Statistics Canada website and on request.

CANADA

3. SKILLED ENTRY ROUTE: CANADIAN EMPLOYMENT AUTHORISATION (EMPLOYER SPONSORSHIP) – TEMPORARY RESIDENTS

(i) Background

Aims and rationale	<p>The Canadian government supports the entry of foreign workers needed by employers to temporarily meet labour market shortages that they are unable to fill from the domestic labour force.</p> <p>The legislation is designed to regulate the admission of temporary foreign workers to Canada. Every foreign worker must be issued an employment authorisation but may also have been issued other types of permits or authorisations.</p>
Legislative basis	<i>Immigration Act 1978</i>
Agencies involved	Human Resources Development Canada (HRDC), Human Resources Canada Centre (HRCC), Citizenship and Immigration Canada (CIC), <i>Ministere des Relations avec les citoyens et de l'Immigration</i> (for Quebec).
Number of people entering in 2000 through this route	In 2000, 91,311 foreign workers (including seasonal re-entries) entered Canada with an employment authorisation.
Recent major reviews	Human Resources Development Canada (HRDC) and Citizenship and Immigration Canada (CIC) are redesigning the Temporary Foreign Worker (TFW) Program to facilitate the entry of foreign workers who have obtained an offer of employment in Canada.
How are shortages identified?	An employer or industrial sector determines that it faces a labour shortage of workers with specific skills and consults with federal officials from Human Resources Development Canada (HRDC).
How does the scheme respond to changing needs?	Citizenship and Immigration Canada works closely with Human Resources Development Canada (HRDC) to facilitate the entry of temporary foreign workers to reflect current labour market demands.
Website	http://www.cic.gc.ca/english/visit/index.html#tempwork

(ii) The Permit

Duration of permit?	<ul style="list-style-type: none"> ▪ An employment authorization may be valid for up to three years and then an extension may be issued. ▪ The duration of work authorization for some groups varies, for example; for NAFTA/CCFTA Intra-Company Transfers total employment is limited to seven years for managers and executives, and to five years for persons with specialized knowledge. There is no set time limit for persons entering Canada in the professional category or for traders or investors. ▪ For a prescribed group of persons, employment authorizations are valid for one year only. These include: volunteers without remuneration destined to religious and charitable organizations; participants in the Live-in Caregiver program; refused applicants for permanent residence in Canada on a Minister’s Permit; Canadian Football League players, coaches and their spouses may be issued authorisations for the length of the players’ or coaches’ contract; dependents of various diplomatic, consular and military personnel; citizens of certain ‘special category’ countries.
Quota restricted?	No
Points System?	No
Eligibility Criteria	<p>Except for specific situations (e.g. spouses of foreign students; refugee claimants awaiting determination of their claims), the foreign worker must have a job offer to temporarily work in Canada before he or she can apply for an employment authorisation. Each job offer must be validated by a Human Resources Canada Centre (HRCC) to determine that the employment of a foreign worker will not have an adverse effect on employment opportunities for Canadian citizens and permanent residents.</p> <ul style="list-style-type: none"> ▪ The temporary foreign worker must meet the usual requirements of a visitor to Canada, which vary with the country the worker is entering from. ▪ A medical examination is required if an applicant is to work in an occupation in which protection of public health is essential.

	<ul style="list-style-type: none"> ▪ The onus is on the applicant to satisfy the immigration officer that his or her intent is not to stay permanently in Canada. ▪ The applicant must not have a criminal record or be a security risk. ▪ The applicant must have the skills and qualifications required to do the job they are being hired to do. This might involve providing documentation to substantiate educational credentials, or providing evidence of necessary professional accreditation. ▪ There is a non-refundable fee to process a request for an employment authorisation. ▪ Proof of identity or if applying within Canada, a copy of the applicant’s current immigration document.
Exemptions	<p>There are some forms of employment, however, as specified in the regulations which are exempt from the need for validation because there are clear beneficial labour market effects or other overriding considerations to allow the admission of a foreign worker. Unless identified as exempt under the regulations, validation of a job offer by a HRCC is necessary before an application for an employment authorization can be considered.</p> <p>Foreign students can work on campus without an employment authorization. Spouses of foreign students may apply for an employment authorization and accept employment in the general labour market without the need for validation. Also, a number of foreign students work in Canada on the basis of reciprocity.</p> <p>The spouse of a temporary foreign worker in engineering, management, technical and skilled trades may be issued an employment authorization under the Spousal Employment Authorisation Program without the need for validation.</p> <p>Business Visitors do not require an employment authorization as they enter Canada on a short-term basis with no intention of entering the labour force.</p> <p>Also, there are six major groupings of persons who may</p>

	<p>be issued an employment authorization that is exempt from validation:</p> <ul style="list-style-type: none"> ▪ applicants in Canada for humanitarian, social and compassionate objectives; ▪ persons entering under an international agreement; ▪ foreign students in financial need; ▪ employment related to research, educational or training programs; ▪ foreign workers whose admission will create or maintain significant benefits; ▪ persons on Minister's permit whose country of last permanent residence is in a state of war or natural disaster, and persons who were members of a designated class immediately prior to arrival. <p>Some persons who are exempt from obtaining validation of an employment authorization include: diplomats, clergy & related workers, performing artists, crew members, athletes, animal show judges, expert witnesses.</p>
Facilitated Access	<p>In some cases temporary entry requirements are eased for business persons who are citizens covered by International agreements. In each case the requirement for a labour market test (i.e. validation of employment) has been eliminated.</p> <ul style="list-style-type: none"> ▪ North American Free Trade Agreement (NAFTA) - Implemented in 1994 this covers the temporary entry of American and Mexican citizens. Business persons (as defined by NAFTA) are grouped under the following categories: Traders/Investors, Professionals, Intra-Company Transfers and Business Visitors. Applicants must meet the immigration requirements governing temporary entry into Canada. Most business persons, other than traders and investors, can apply for entry under the NAFTA at a Canadian port of entry (land border, airport or seaport). Applications for professional or intra-company transferee status may also be made in Canada by American or Mexican citizens who have visitor status. Business Visitors do not require an employment authorisation as they enter on a short-term basis with no intention of entering the labour force. ▪ Canada-Chile Free Trade Agreement (CCFTA) - Implemented in 1997, the agreement facilitates temporary entry on a reciprocal basis. An

	<p>employment authorization must be obtained prior to seeking entry to Canada. The rules are similar to those in the NAFTA agreement and cover four categories of business persons: Business Visitor, Professional, Intra-Company Transfer and Trader/Investor. Business Visitors do not require employment authorisations.</p> <ul style="list-style-type: none"> ▪ The General Agreement on Trade in Services (GATS) - Under GATS Canada has made commitments to allow temporary access for foreign service providers in specified sectors. There are three categories of business persons: Business Visitors, Professionals and Intra-Company Transfers. An employment authorization must be obtained prior to seeking entry to Canada. Business Visitors do not require employment authorisations. <p>Since May 1997 a pilot project was launched to streamline the entry of those workers whose skills are in high demand in the software industry and whose entry into the Canadian labour market would have no negative impact on Canadian job seekers and workers. (See entry route 3).</p>
Tied to specific employer/ location?	Employment authorisations have specific terms and conditions listed on them, including the dates of the employment term, the location of the work, and a description of the job.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	<p>Where a person can apply for an employment authorisation varies with their status:</p> <ul style="list-style-type: none"> ▪ Most foreign workers must get their employment authorisations before entering Canada, from a Mission Abroad ▪ Residents of the United States, Greenland, or St. Pierre and Miquelon can apply for an EA at a Port of Entry, but they must produce confirmation of their offer of employment (i.e. detailed job offer) and have other documentation needed by the immigration officer to make his or

	<p>her decision when they arrive at the Port of Entry.</p> <ul style="list-style-type: none"> ▪ Most business persons, other than traders and investors, can apply for entry under the NAFTA at a Canadian port of entry (land border, airport or seaport). Applications for professional or intra-company transferee status may also be made in Canada by American or Mexican citizens who have visitor status. ▪ Visitors to Canada cannot apply for employment authorisations while in Canada, with the exception of the spouse of a foreign worker in engineering, management, technical and skilled trades who may be issued an employment authorization under the Spousal Employment Authorisation Program (see separate grid). A spouse of a foreign student may also apply for an employment authorization while in Canada but only during the validity of the student authorization. ▪ Other persons who can, with various restrictions, apply at a port of entry include: athletes and their support group; those specialized in emergency repairs particularly on industrial equipment; a ship's crew operating in Canadian waters and performing artists.
Application procedures?	<ul style="list-style-type: none"> ▪ After the employer has made the job offer to the foreign worker, the employer will contact the Human Resources Canada Centre (HRCC) closest to the location where the work will take place. ▪ The HRCC foreign worker counsellor will communicate his or her opinion (called a "validation") to the CIC point of service where the worker has applied for an employment authorisation using Form IMM 1295. ▪ If the worker is destined to work in the Province of Quebec, the employer must also work with the Quebec government to obtain a <i>Certificat d'acceptation du Quebec (CAQ)</i>

	<p>before the employment authorisation can be issued by CIC. This is obtained from the <i>Ministere des Relations avec les citoyens et de l'Immigration</i>.</p> <ul style="list-style-type: none"> ▪ Outside Canada the application must be submitted to a visa office at a Canadian embassy, high commission or consulate. <p>In some cases where substantial numbers of foreign workers are required, a firm-specific agreement may be made following discussion between the employer and the HRDC about employment needs in the context of the employer's business plan and the skills profile of the domestic labour market. In this case, after a wealth of consideration about the net benefit of the application (such as over-reliance upon foreign workers, correct wage levels or net economic benefit to Canada) a block validation may be granted. Future utilization by the employer of the TFW program will take into account HRDC's experience with the firm and its compliance with prior agreements.</p> <p>The agreement specifies not only the jobs validated but also the employer's undertakings related to training for domestic workers and the creation of new positions for Canadian staff.</p>
Consideration/processing timescale?	Varies. Approx 2 to 6 weeks although labour market validation exemptions allow some persons to obtain entrance faster than others.
How are criteria confirmed/tested?	<p>For employment authorizations requiring validation, the foreign worker counsellor at the HRCC will work with the employer to examine the specifics of the job offer, ensure that the wages and working conditions offered are acceptable within the context of the Canadian labour market, and consider whether the job might easily be filled from within the domestic workforce.</p> <p>Applicants may have to provide documentation to substantiate educational credentials or provide evidence of necessary professional accreditation.</p> <p>Once satisfied, the HRCC foreign worker counsellor will communicate his or her opinion (called a "validation") to the CIC point of service where the worker is applying for the employment authorisation.</p>

Possibilities for renewal?	The permit may be renewed but is restricted on the maximum length of time allowed.
Possibilities for switching to other employers/ from other entry routes?	The employment authorisation is not a contract, and if the employer dismisses the foreign worker, he or she must return home. If some element of the worker's job is to change (e.g. extension of dates, change of duties, change of employer) the worker should apply for an amendment to the employment authorisation.
Can students in the country switch to a work authorisation/permit?	Students may accept education related employment for a maximum period of one year following successful completion of their studies, without the need for a validation. <ul style="list-style-type: none"> ▪ A valid employment authorisation is required, ▪ The employment must be consistent with the recently completed course of study.
<i>(b) Restrictions:</i>	
Labour market restrictions?	The employer must work with federal officials from Human Resources Development Canada (HRDC) who will determine whether the issuance of an employment authorization will likely have a net benefit for Canada and Canadians. Each job offer must be validated by a Human Resources Canada Centre (HRCC) to determine that the employment of a foreign worker will not have an adverse effect on employment opportunities for Canadian citizens and permanent residents. It is expected that the employer will have first given due consideration to the possibility of hiring a Canadian citizen/permanent resident for the job.
Grounds for refusal	Where there are Canadians, or permanent residents who can fill the vacancy. If the worker does not abide by the terms and conditions set out in the EA, he or she could be asked to leave the country.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	Generally the spouse of those with an employment authorisation will need to have their own employment authorisation to be able to work in Canada. This means that their job offer will have to be validated by the Canadian Human Resources Centre as described above.

	Under the Spousal Employment Authorisation Program, the spouse of a foreign worker in engineering, management, technical and skilled trades may be issued an open employment authorization without the need for validation that allows them to accept work anywhere in Canada. A spouse of a foreign student may also apply for an employment authorization and accept employment in the general labour market without the need for validation but only during the validity of the student authorization.
Possibilities for family reunion?	The applicant may be accompanied by his/her spouse and/or dependants.
Possibilities for permanent settlement?	No with the exception of persons with an employment authorization entering Canada under the Live-in Caregiver Program. The Live-in Caregiver Program is a special program whose objective is to bring workers to Canada to do live-in work as caregivers to children, the elderly or the disabled in a private household. After two years of employment, which must be completed within three years of the caregiver's arrival in Canada, program participants can apply in Canada to become permanent residents.
Social benefits/civil rights?	Foreign workers are visitors to Canada and do not have the benefits and rights of Canadian citizens or permanent residents except as provided in the Charter of Rights and Freedoms.

(iv) Marketing

How is the scheme marketed?	Application information and application kits are provided on the Internet and are available at Canadian embassies.
Are there any incentives offered to encourage applications?	Provisions have been made to better meet the needs of the Canadian labour market through a number of special programs. The Facilitated Processing for Information Technology Workers pilot program was developed in response to the need of employers to fill critical shortages in the software industry. Under the Spousal Employment Authorization Program , spouses accompanying temporary foreign workers coming to Canada for jobs in certain high-skill occupations in key high-growth sectors of the economy

	will be permitted to accept employment through a facilitated validation process.
Are specific countries of origin targeted?	No
What information is supplied to migrants in their country of origin and in the host country?	The 'Temporary Foreign Workers Manual' can be downloaded from the CIC website which contains detailed information about the application process. Individual embassies in various countries have information regarding temporary work permits.

(v) Statistics

Who collects the data?	Citizenship and Immigration Canada
What statistics are collected?	Annual stocks and flows of foreign temporary workers are collected they are broken down by country of origin and place of residence.
How are the data made available?	Data are available in Citizenship and Immigration Canada published reports (available on website) and on request. http://www.cic.gc.ca/english/pub/index.html#reference

CANADA

4. SKILLED ENTRY ROUTE: SOFTWARE PILOT PROGRAM - TEMPORARY RESIDENTS

(i) Background

Aims and rationale	<p>A pilot project for software development professionals run since May 1997, to fill critical temporary shortages in the software industry in response to the need of employers. The scheme aims to:</p> <ul style="list-style-type: none"> ▪ streamline the entry of those workers whose skills are in high demand in the software industry ▪ place these foreign workers in much needed roles without damaging the Canadian labour market in terms of a negative impact on Canadian job seekers and workers. <p>Immigration officers can issue EAs to workers presenting a job offer fitting one of the seven job descriptions without the employer having to approach its local Human Resources Canada Centre (HRCC) for a validation specific to the job offer.</p>
Legislative basis	<p><i>Immigration Act 1978</i></p> <p>Certain Information Technology (IT) jobs, found to be in significant shortage across Canada have been able to have their EAs issued under the Software Development Workers Pilot Project (Operations Memorandum May 5, 1997).</p>
Agencies involved	<p>Citizenship and Immigration Canada (CIC) collaborated with Human Resources Development Canada (HRDC), Industry Canada and the Software Human Resource Council (SHRC)</p>
Number of people entering in 2000 through this route	<p>Not yet released</p>
Recent major reviews	<p>Following a successful first year, in December 1998 it was announced that the federal government would continue to expedite the processing for software developers admission to Canada until Canada's comprehensive redesign of the Temporary Foreign Worker Program has been completed.</p>

How are shortages identified?	Under this pilot, seven generic job descriptions prepared by the ‘Software Human Resources Council’ (SHRC) were validated on a national basis by labour market economists working for ‘Human Resources Development Canada’ (HRDC). Thus, foreign workers with specific computer and software skills can enter Canada to work temporarily when nation-wide shortages have been identified by CIC, HRDC and the SHRC.
How does the scheme respond to changing needs?	The pilot project is seen as a short-term strategy that meets the demands of temporary skills shortages. Long-term strategies include a re-examination of education programmes so that Canadian workers might more effectively meet market demands.
Website	http://www.cic.gc.ca/english/visit/itw-e.html

(ii) The Permit

Duration of permit?	An employment authorization may be valid for up to three years and then an extension may be issued.
Quota restricted?	No
Points System?	No
Eligibility Criteria	<p>Requirements for this include:</p> <ul style="list-style-type: none"> ▪ Education: Bachelors degree (B.A.) or a 2-year Post-secondary diploma/certification (relevant to job) ▪ Language: Working proficiency in English and/or French (written and oral). ▪ Experience: Two (2) years relevant work experience. <p>These criteria pertain to the following 7 generic job descriptions and each have job-specific criteria. For example, some of the work experience for a <i>MIS Software designer</i> includes application development: programming, designing, and analysing real-time OLTP (on-line transaction processing). While education requirements include a Bachelors degree (B.A.) or a 2-year Post-secondary diploma/certification with a computing element.</p> <ol style="list-style-type: none"> 1. Senior Animation Effects Editor (NOC 9990.1) 2. Embedded Systems Software Designer (NOC 9990.2) 3. MIS Software Designer (NOC 9990.3)

	<p>4. Multimedia Software Developer (NOC 9990.4) 5. Software Developer – Services (NOC 9990.5) 6. Software Products Developer (NOC 9990.6) 7. Telecommunications Software Designer (NOC 9990.7)</p> <p>Other criteria include:</p> <ul style="list-style-type: none"> ▪ The temporary foreign worker must meet the usual requirements of a visitor to Canada, which vary with the country the worker is entering from. ▪ A medical examination is required if an applicant is to work in an occupation in which protection of public health is essential. ▪ The onus is on the applicant to satisfy the immigration officer that his or her intent is not to stay permanently in Canada. ▪ The applicant must not have a criminal record or be a security risk. ▪ There is a non-refundable fee to process a request for an employment authorization. ▪ Proof of identity or if applying within Canada, a copy of the applicant’s current immigration document.
Exemptions	Under the pilot project, the job-specific validation was replaced by a national validation letter, which states, among other things, that certain software positions cannot be filled by Canadian citizens or permanent residents. The national validation letter removed the delay associated with the job-specific validation process.
Facilitated Access	Yes.
Tied to specific employer/ location?	Employment authorisations have specific terms and conditions listed on them, including the dates of the employment term, the location of the work, and a description of the job.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	<p>Where a person can apply for an employment authorization varies with their status:</p> <p>Most foreign workers must get their employment</p>

	<p>authorisations before entering Canada, from a Mission Abroad.</p>
<p>Application procedures?</p>	<p>In this scheme which facilitates the access of IT workers, the job-specific validation is replaced by a national validation letter which states, among other things, that certain software positions cannot be filled by Canadian citizens or permanent residents. The national validation letter removes the delay associated with the job-specific validation process.</p> <p>Information Technology workers destined to work in Quebec who can be considered validated, still require a certificat d'acceptation du Québec (CAQ) before an employment authorization can be issued. The Ministère des Relations avec les citoyens et de l'immigration (MRCI) has provided certain procedures so as not to delay the processing time:</p> <ul style="list-style-type: none"> ▪ A document prepared by the Ministère Des Relations avec les citoyens et de l'immigration (MRCI) of the province of Quebec, that advises immigration officers of the continuing requirement for a CAQ and can be provided to pilot candidates for their information (and to forward to their employer where necessary). ▪ A form prepared by MRCI that will permit the necessary CAQ information to be transmitted to the immigration officer as quickly as possible.
<p>Consideration/processing timescale?</p>	<p>Varies. Approx 2 to 6 weeks although labour market tests exemptions allow some persons to obtain entrance faster than others.</p>
<p>How are criteria confirmed/tested?</p>	<p>The foreign worker counsellor at the HRCC will work with the employer to examine the specifics of the job offer, ensure that the wages and working conditions offered are acceptable within the context of the Canadian labour market, and consider whether the job might easily be filled from within the domestic workforce.</p>
<p>Possibilities for renewal?</p>	<p>Persons already holding an Employment Authorization</p>

	<p>issued under the software pilot seeking an extension or amendment to their EA after December 31, 1999 may be extended as amended for up to 12 more months if their job offer continues to conform to one of the seven generic job offers currently in effect.</p> <p>At the end of this 12 month period, all job offers, whether pertaining to an initial application or an application for amendment/extension, will have to conform to one of the job offers.</p>
Possibilities for switching to other employers/ from other entry routes?	-
<i>(b) Restrictions:</i>	
Labour market restrictions?	The facilitative process remains strictly targeted at workers entering the software sector on a temporary basis. It does not apply to individuals seeking permanent resident status in Canada.
Grounds for refusal	Where there are Canadians, or permanent residents who can fill the vacancy and where the eligibility criteria (as above) are not met.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	Generally the spouse of those with work authorisation will need to have their own work authorisation to be able to work in Canada. This means that their job offer will have to be validated by the Canadian Human Resources Centre as described above. Under the Spousal Employment Authorisation Program, the spouse of a foreign worker in engineering, management, technical and skilled trades may be issued an open employment authorization without the need for validation that allows them to accept work anywhere in Canada. A spouse of a foreign student may also apply for an employment authorization and accept employment in the general labour market without the need for validation but only during the validity of the student authorization.
Possibilities for family reunion?	The applicant may be accompanied by his/her spouse and/or dependants
Possibilities for permanent settlement?	No
Social benefits/civil rights?	Foreign workers are visitors to Canada and do not have

	the benefits and rights of Canadian citizens or permanent residents except as provided in the Charter of Rights and Freedoms.
--	---

(iv) Marketing

How is the scheme marketed?	Application information and application kits are provided on the Internet and are available at Canadian embassies.
Are there any incentives offered to encourage applications?	Provisions have been made to better meet the needs of the Canadian labour market through a number of special programs. The Facilitated Processing for Information Technology Workers pilot program was developed in response to the need of employers to fill critical shortages in the software industry.
Are specific countries of origin targeted?	No
What information is supplied to migrants in their country of origin and in the host country?	The 'Temporary Foreign Workers Manual' can be downloaded from the CIC website which contains detailed information about the application process. Individual embassies in various countries have information regarding temporary work permits.

(v) Statistics

Who collects the data?	Citizenship and Immigration Canada Data are available in Citizenship and Immigration Canada published reports (available on website) and on request.
What statistics are collected?	Under development
How are the data made available?	Data will be available from Citizenship and Immigration Canada on request.

CANADA

5. SKILLED ENTRY ROUTE: SPOUSAL EMPLOYMENT AUTHORISATIONS FOR HIGHLY SKILLED TEMPORARY WORKERS - TEMPORARY RESIDENTS

(i) Background

Aims and rationale	<p>November 30, 2001 the Spousal Employment Authorization program was made a permanent fixture of Canadian Immigration Policy. Prior to 1998 no automatic right to work was extended to the spouse of a highly skilled temporary worker. On October 15, 1998, Citizenship and Immigration Canada announced the launch of a pilot project.</p> <p>The Canadian government, realising the realities of the modern two-career family, wanted the labour market and immigration policy to reflect this. The scheme aims to make Canada more attractive to highly skilled workers and senior executives from other countries. Furthermore, this scheme is part of a wider strategy to make Canada more attractive to foreign investment.</p> <p>Spouses accompanying temporary foreign workers coming to Canada for jobs in certain high-skill occupations (including management and professional employees as well as technical and skilled tradespersons) in key high-growth sectors of the economy will be permitted to work through a facilitated validation process.</p>
Legislative basis	Immigration Act 1978
Agencies involved	Human Resources Development Canada (HRDC), Human Resources Canada Centre (HRCC), Citizenship and Immigration Canada (CIC), <i>Ministère des Relations avec les citoyens et de l'Immigration</i> (for Quebec).
Number of people entering in 2000 through this route	Not yet released
Recent major reviews	<p>In November 2001 it was decided to make the pilot project a permanent fixture of Canadian immigration policy. In the light of positive results to the pilot project, some design improvements have been made:</p> <ul style="list-style-type: none"> ▪ Extension to Additional Occupations -

	<p>employment authorisations will be provided to spouses of temporary foreign workers whose occupations are not only in management and professional occupations but also in technical fields or in skilled trades.</p> <ul style="list-style-type: none"> ▪ Open Employment Authorisations - Spouses can now apply for an 'open' authorisation which allows them to work anywhere in Canada. ▪ Validation Exemption - Authorisations will now be issued without the employer having to establish with Human Resources Development Canada (HRDC) that qualified Canadian citizens could not be found to fill the position.
How are shortages identified?	<p>CIC have worked closely with other government departments and leading employers. The value to employers of enabling spouses of temporary workers to seek employment was noted by the Groupe de travail sur la relance de Montréal in 1996.</p> <p>Canadian employers argued forcefully that allowing the spouses of highly skilled foreign workers to work in Canada would be a recruiting advantage in an increasingly competitive global market.</p>
How does the scheme respond to changing needs?	<p>This initiative is part of the Canadian government's commitment to a responsive and flexible system to provide Canadian employers with a competitive advantage in attracting skilled workers to meet the temporary needs of the Canadian labour market.</p>
Website	<p>http://www.cic.gc.ca/english/visit/index.html</p>

(ii) The Permit

Duration of permit?	<p>The program is open to spouses of temporary foreign workers in high skill occupations who are admitted to Canada for at least 6 months. The duration of the spouse's employment authorization cannot exceed that of the temporary foreign worker applicant which may be up to three years (and may then be extended).</p>
Quota restricted?	<p>There are no quotas.</p>
Points System?	<p>There is no points test.</p>
Eligibility Criteria	<p>In order to apply for an EA under this program, the applicant must be the spouse of a management, professional, technical or highly skilled temporary foreign worker. The temporary workers must be filling highly skilled jobs that normally require a university degree as</p>

	<p>defined in the National Occupational Classification System and that have been identified as being of strategic importance to economic activity. Spouses who have declared their intention to work will now be able to apply for an "open" employment authorization at the same time that they apply for entry to Canada but may also apply from within Canada. Validation of the job offer will not be required. The applicant spouse must provide the following:</p> <ul style="list-style-type: none"> ▪ A copy of job offer, if applicable. ▪ A completed Employment Authorization application form. ▪ Payment of a non-refundable fee to process a request for an employment authorization. ▪ A photocopy of his or her spouse's EA. ▪ Proof of the spousal relationship should also be provided. This is in most cases a photocopy of a marriage certificate. ▪ Proof that he/she meets the usual requirements of a visitor to Canada, which vary with the country the worker is entering from. ▪ A medical examination - required if an applicant is to work in an occupation in which protection of public health is essential. ▪ The onus is on the applicant to satisfy the immigration officer that his or her intent is not to stay permanently in Canada. ▪ The applicant must not have a criminal record or be a security risk. ▪ Proof of identity or if applying within Canada, a copy of the applicant's current immigration document. ▪ If the spouse intends to work in the Province of Quebec, a <i>certificat d'acceptation du Québec</i> (CAQ) must first be obtained from the Quebec provincial government and included in the application.
Exemptions	The applicant is exempt from a labour market test. HRDC

	will issue a national validation letter.
Facilitated Access	Yes.
Tied to specific employer/ location?	No, an open employment authorization is issued which allows the spouse to accept any work anywhere in Canada. The expiry date, however, cannot exceed that of their temporary foreign worker spouse (with a job offer in a highly skilled occupation).

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	<p>Spouses who have declared their intention to work will now be able to apply for an "open" employment authorization at the same time that they apply for entry to Canada at a visa office at a Canadian embassy, high commission or consulate.</p> <p>If the spouse has a job offer before he/she enters Canada, the application for the Employment Authorization can be made at the Mission abroad. U.S. citizens are entitled to apply for their Employment Authorizations at a Port of Entry.</p> <p>Spouses who accompany principal applicants to Canada first as visitors but who later decide, once in Canada, to seek employment, may apply to the CIC Case Processing Centre in Vegreville, Alberta, for a job-specific employment authorization if they have a job offer, or for an open employment authorization if they so choose, unless provisions of the current legislation that apply to common-law partners prevent them from doing so.</p>
Application procedures?	<ul style="list-style-type: none"> ▪ Spouses who have declared their intention to work will now be able to apply for an "open" employment authorization at the same time that they apply for entry to Canada at a visa office at a Canadian embassy, high commission or consulate. ▪ In order to apply, the spouse must provide a copy of the job offer (if applicable), a completed EA application form, the applicable fee, and a photocopy of his or her spouse's EA. ▪ Spouses who accompany principal applicants to Canada first as visitors but who later decide,

	once in Canada, to seek employment, may apply for a job-specific employment authorization if they have a job offer, or for an open employment authorization if they so choose.
Consideration/processing timescale?	This varies, but the processing times for applications made to CPC-Vegreville can be significantly improved if the applicant chooses to arrange for the pre-paid return delivery of the application and authorisation by courier.
How are criteria confirmed/tested?	The criteria as set out as above will have to be met and will be apparent through the necessary documentation that accompanies each application. Validation of the job offer is no required.
Possibilities for renewal?	The permit may be renewed but is restricted on the maximum length of time allowed and the duration of the principal applicant's employment authorization.
Possibilities for switching to other employers/ from other entry routes?	If some elements of the job of the highly skilled temporary worker spouse are subject to change (e.g. extension of dates, change of duties, change of employer) the spouse may need to apply for an amendment to his/her own employment authorisation.
Can students in the country switch to a work authorisation/permit?	If student is the spouse of a highly skilled temporary worker with a valid employment authorization, the regulations governing this program would apply.
<i>(b) Restrictions:</i>	
Labour market restrictions?	An Open Employment Authorisation indicates that there are no restrictions on the workers employer. It allows the person named to seek and accept employment and work for any employer for a specified period of time.
Grounds for refusal	Non-compliance with the criteria or eligibility rules as laid down in the terms of the Spousal Employment Authorization Program.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	Permit is for spouses of highly skilled temporary foreign workers.
Possibilities for family reunion?	The applicant is accompanying his/her temporary worker spouse.
Possibilities for permanent settlement?	No
Social benefits/civil rights?	Foreign workers are visitors to Canada and do not have the benefits and rights of Canadian citizens or permanent residents except as provided in the Charter of

	Rights and Freedoms.
--	----------------------

(iv) Marketing

How is the scheme marketed?	A press release has been posted on the CIC Homepage 'Helping Employers Attract Highly Skilled Foreign Workers'.
Are there any incentives offered to encourage applications?	Provisions have been made to better meet the needs of the Canadian labour market through a number of special programs. Under the Spousal Employment Authorization Program, spouses accompanying temporary foreign workers coming to Canada for jobs in certain high-skill occupations in key high-growth sectors of the economy will be permitted to accept employment through a facilitated validation process.
Are specific countries of origin targeted?	No
What information is supplied to migrants in their country of origin and in the host country?	Information is available on the CIC website with detailed information about procedures.

(v) Statistics

Who collects the data?	Citizenship and Immigration Canada Data are available in Citizenship and Immigration Canada published reports (available on website) and on request.
What statistics are collected?	Under development
How are the data made available?	Data will be available from Citizenship and Immigration Canada on request.

DENMARK

SKILLED ENTRY ROUTES:

1. Work Permit System

DENMARK

SKILLED ENTRY ROUTE 1: WORK PERMIT

(i) Background

Aims and rationale	Since 1973 Denmark has introduced a ban on immigration, which is still in force. Migrant workers need specific permits in order to take up employment in Denmark.
Legislative basis	The 1983 Danish Aliens Act codified this policy.
Agencies involved	Ministry of the Interior lays down detailed rules on work permits, including the substance and term of permits and the conditions that may be stipulated in permits.
Number of people entering in 2000 through this route	3600 permits were issued.
Recent major reviews	In 1998 the law was changed in order to attract more specialists to Denmark. Spouses will be automatically covered by the permit of the initial applicant
How are shortages identified?	Through regional boards and employers.
How does the scheme respond to changing needs?	By removing the need to through regional labour market boards.
Website	www.udlst.dk (Danish Immigration Service)

(ii) The Permit

Duration of permit?	In general a work permit is granted for one year.
Quota restricted?	No.
Points System?	No
Eligibility Criteria	<ul style="list-style-type: none"> ▪ <i>Criminality</i> - must be of good character ▪ <i>Age</i> - no age limit ▪ <i>Language ability</i> - no language test ▪ <i>Educational level</i> - no restrictions ▪ <i>Skills</i> - must be relevant to specific job ▪ <i>Wealth</i> - no restrictions ▪ <i>Health</i> - no restrictions ▪ <i>Family</i> - no restrictions ▪ <i>International Treaties</i> - only EU
Exemptions	For a limited period (up to 3 months) the following groups do not have to apply for a work permit before working in

	<p>Denmark:</p> <ul style="list-style-type: none"> ▪ Scientist and lectures if they have been invited for teaching purposes ▪ Artists - apart from performers, restaurant musicians etc. - and professional sports performers ▪ Executive personnel, such as managers and representatives on a business trip in Denmark for foreign companies ▪ Fitters, consultants and instructors who have entered to fit, check or repair machinery or equipment or to inform as to their usage ▪ Self-employed persons ▪ Specialist such as doctors, nurses, sports coaches, sports performers and architects ▪ Persons employed by a private household for a third country national staying and working in Denmark
Facilitated Access	For IT workers.
Tied to specific employer/ location?	The work permit is employer specific.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	A migrant worker who intends to work in Denmark has to apply to the Danish embassy in their country of origin for a residence and a work permit before he/she enters the country.
Application procedures?	<ul style="list-style-type: none"> ▪ Provide documentation; either a contract with the future employer or a guarantee that the person will be hired. ▪ A job description, working hours and the salary.
Consideration/processing timescale?	Approximately 1 month.
How are criteria confirmed/tested?	In Denmark there are 14 regional labour market board consisting of employers, employees and representatives from local and regional public authorities. They are responsible for regional labour market policy and they will scrutinise the applicants qualifications.
Possibilities for renewal?	<ul style="list-style-type: none"> ▪ An extension of the permit may be granted after the regional labour market boards have reconsidered the labour market situation. ▪ After a renewal of three years under the same conditions the Immigration Service may automatically extend the permission without

	repeating the procedures outlined above.
Possibilities for switching to other employers/ from other entry routes?	A change of employer requires a new application.
Possibilities for student switching?	Existing rules do not allow foreign students to work after the completion of their studies. Students have to return home and then apply for a work permit.
<i>(b) Restrictions:</i>	
Labour market restrictions?	The regional Labour Market Council is to be consulted when the Immigration Service decides about granting a work permit. A work permit may only be granted, if it is proved that suitably qualified/experienced Danish or EU workers are not available for the position.
Grounds for refusal	If the regional board thinks there is no labour need.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	In 1998 the law was changed in order to attract more specialists to Denmark. Now spouses will be automatically covered by the permit of the initial applicant, provided that he/she has sufficient means to support his/her spouse. The spouse has access to the labour market in the same way as the person he/she is dependent on.
Possibilities for family reunion?	The possibility of family reunion (except in certain circumstances) for individuals holding temporary residence/work permits is low – therefore family reunion is normally postponed until after a permanent residency has been obtained.
Possibilities for permanent settlement?	<ul style="list-style-type: none"> ▪ Third country nationals legally living in Denmark will be covered by the Danish social security system. ▪ The right to vote is granted after 3 years of legal residence, this right only applies to local elections.
Social benefits/civil rights?	Can vote in local elections after one year.

(iv) Marketing

How is the scheme marketed?	Website, newspapers, TV (special programme informing population about new rules and laws), libraries and post offices.
Are there any incentives offered to encourage applications?	No.

Are specific countries of origin targeted?	No.
What information is supplied to migrants in their country of origin and in the host country?	Information available on the website.

(v) Statistics

Who collects the data?	The Danish Ministry of the Interior publishes a number of overall figures concerning aliens in Denmark.
What statistics are collected?	No detailed breakdown by occupation.
How are the data made available?	Available on request. Danish Immigration Service publishes an annual statistical overview of immigration data.

FRANCE

SKILLED ENTRY ROUTES:

1. Work Permit System
2. Fast-Track System for IT Specialists and Highly Skilled Professionals

FRANCE

1. SKILLED ENTRY ROUTE: WORK PERMIT SYSTEM

(i) Background

Aims and rationale	<p>The French Government is traditionally very protective of the domestic labour market. Until recently the work permit system was very bureaucratic, new procedures have been introduced to make the process faster and easier.</p> <p>There are two kinds of work permit in France:</p> <ul style="list-style-type: none"> ▪ 'Permanent' work permits valid for one year and renewable indefinitely. ▪ 'Temporary' Autorisation Provisoire de Travail (APT) work permits valid for nine months and renewable.
Legislative basis	The Ordinance of 1945 and the Chevènement law of May 12 th 1998.
Agencies involved	<p>In order to enter France with a professional aim, the foreigners have to present a visa (delivered by the Ministry of Foreign Affairs), a work contact and a work permit (Ministry of Social Affairs).</p> <p>The employer also has to pay a fee to the Office des Migrations Internationales. They are responsible for the implementation of the Ordinance of 1945 modified by the law of 1998, which has the exclusive task of introducing foreign workers to France (law of January 27th, 1993) and processing to medical examination.</p>
Number of people entering in 2000 through this route	<ul style="list-style-type: none"> ▪ 6,000 'permanent' work permits ▪ 5,500 'temporary' APT work permits
Recent major reviews	<p>In 1998 the new law on immigration created a special status for scientists and scholars.</p> <p>Further measures were introduced that year aimed at easing the conditions of entry for certain highly skilled professional categories (see entry route 2).</p>
How are shortages identified?	Through enquiries and meetings between Government and employers at regional and national level.
How does the scheme	The system responds slowly to changing needs.

respond to changing needs?	
Website	www.omi.social.fr

(ii) The Permit

Duration of permit?	One year and after at least three years leads to ten-year residence/work cards.
Quota restricted?	No
Points System?	No
Eligibility Criteria	<ul style="list-style-type: none"> ▪ <i>Criminality</i> - ground for refusal ▪ <i>Age</i> - no restrictions ▪ <i>Language ability</i> - no restrictions ▪ <i>Educational level</i> - Evidence of high qualification from the candidate. ▪ <i>Health</i> - a medical examination is carried out after arrival in France. ▪ <i>Employer</i> - Evidence of good practice in the field of recruitment from the employer.
Exemptions	None.
Facilitated Access	None.
Tied to specific employer/ location?	The foreigner with a provisional work permit is limited to a region and a specific job.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	Direction Départementale du Travail (DDT), there are 95 Départements in France.
Application procedures?	DDT consults the Agence Nationale Pour l'Emploi (ANPE), it responds to the DDT and the permit is issued by the Office de Migrations Internationales (OMI). Issues are made via OMI offices in foreign countries or via French consulates.
Consideration/processing timescale?	Two - three months.
How are criteria confirmed/tested?	Diplomas and evidence of qualification is translated into French.
Possibilities for renewal?	Can be extended for once for a further 9 months for APT.
Possibilities for switching to other employers/ from other entry routes?	Possible for permanent work permits - normally after the first year.

Possibilities for student switching?	Once foreign students have completed their course of study they must return home. The Ministry of the Interior is currently looking into a change of status for students who wish to stay and work in France.
<i>(b) Restrictions:</i>	
Labour market restrictions?	Local administration of ANPE may refuse a work permit if they consider that the level of unemployment is too high. The refusal has to be supported by statistical data on the sector appropriate to the job applied for.
Grounds for refusal	Too much employment for people in the sector concerned.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	Access to the labour market for family members is given once their residence is consolidated.
Possibilities for family reunion?	The applicant must be able to provide sufficient financial resources and adequate accommodation. Holders of provisional work permit have no right to family reunion.
Possibilities for permanent settlement?	Yes, even for holders of provisional work permits.
Social benefits/civil rights?	Yes as pay social contributions.

(iv) Marketing

How is the scheme marketed?	There is no marketing.
Are there any incentives offered to encourage applications?	None.
Are specific countries of origin targeted?	Not for skilled people, but French speaking countries are more interested.
What information is supplied to migrants in their country of origin and in the host country?	No specific Governmental information. Information is available on the Office des Migrations Internationales (OMI) website: www.omi.social.fr

(v) Statistics

Who collects the data?	OMI
What statistics are collected?	Number of permits issued and refused by country of origin.

How are the data made available?	Available on request.
----------------------------------	-----------------------

FRANCE

2. SKILLED ENTRY ROUTE: FAST-TRACK SYSTEM FOR IT SPECIALISTS AND HIGHLY SKILLED PROFESSIONALS.

(i) Background

Aims and rationale	<p>Due to a shortage of IT professionals, new procedures have been introduced since 1998 to make the work permit process faster and easier.</p> <p>In order to quicken the processing time for highly skilled migrants, subject to certain criteria they will be exempt from the 'economic need test'.</p> <p>IT qualified can come to France under permanent or provisional work permits (APT).</p>
Legislative basis	The Chevènement law of May 12 th 1998
Agencies involved	<p>In order to enter France with a professional aim, the foreigners have to present a visa (delivered by the Ministry of Foreign Affairs), a work contact and a work permit (Ministry of Social Affairs and Home Ministry).</p> <p>Since the decree of January 8th, 1988, the employer also has to pay a fee to the Office des Migrations Internationales. They are responsible for the implementation of the Ordinance of 1945 modified by the law of 1998 which has the exclusive task of introducing foreign workers to France (law of January 27th, 1993).</p>
Number of people entering in 2000 through this route	2,605 work permits were given to IT specialists in 2000, 986 of which were temporary and 1,619 were permanent.
Recent major reviews	None since 1998.
How are shortages identified?	Through enquiries and meetings between Government and employers at regional and national level.
How does the scheme respond to changing needs?	The scheme is a response to changing needs, further professional categories may be included if skills shortages emerge.
Website	www.omi.social.fr

(ii) The Permit

Duration of permit?	The permit is valid for 1 year.
Quota restricted?	No
Points System?	No

Eligibility Criteria	<ul style="list-style-type: none"> ▪ <i>Criminality</i> - ground for refusal ▪ <i>Age</i> - no restrictions ▪ <i>Language ability</i> - no restrictions ▪ <i>Educational level</i> - Evidence of high qualification from the candidate. ▪ <i>Wealth</i> - An annual salary of at least 180 000 FFfr (including social contributions) or 23 000 FFfr per month. ▪ <i>Health</i> - a medical examination is carried out after arrival in France. ▪ <i>Employer</i> - Evidence of good practice in the field of recruitment from the employer.
Exemptions	Not applicable.
Facilitated Access	Not applicable.
Tied to specific employer/ location?	The 1 year temporary card is limited to a region and a specific job.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	The work contract is sent to the applicant in their country of origin where they must apply for the long-term visa from the consulate.
Application procedures?	Applications for special skills including IT specialists are made to the DDT and approval is granted directly to French consulates abroad. The ANPE is not consulted.
Consideration/processing timescale?	Approximately one month. All French work permit applications are dealt with by the local Direction Departementale du Travail, de L'Emploi et de la Formation Professionale (DDTEFP) on a town-by-town basis. It is therefore impossible to give absolute processing times as it varies depending on the workload of the local office.
How are criteria confirmed/tested?	Diplomas and evidence of qualification is translated into French.
Possibilities for renewal?	Yes.
Possibilities for switching to other employers/ from other entry routes?	To change employer applicants may have to apply for a new permit.
Possibilities for student switching?	Under certain conditions foreign students graduating with IT related degrees can switch status allowing them to work and gain permanent residence in France.

<i>(b) Restrictions:</i>	
Labour market restrictions?	There is no labour market test.
Grounds for refusal	Local administration may refuse a work permit if they consider that the level of unemployment is too high. The refusal has to be supported by statistical data on the sector appropriate to the job applied for.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	Access to the labour market for family members is given once their residence is consolidated.
Possibilities for family reunion?	The applicant must be able to provide sufficient financial resources and adequate accommodation.
Possibilities for permanent settlement?	Yes, even for holders of provisional work permits.
Social benefits/civil rights?	Yes as the agreed salary includes social contributions.

(iv) Marketing

How is the scheme marketed?	There is no marketing strategy.
Are there any incentives offered to encourage applications?	None.
Are specific countries of origin targeted?	Not for skilled people, but French speaking countries are more interested.
What information is supplied to migrants in their country of origin and in the host country?	No specific Governmental information. Information is available on the Office des Migrations Internationales (OMI) website: www.omi.social.fr

(v) Statistics

Who collects the data?	Office des Migrations Internationales (OMI).
What statistics are collected?	Number of permits issued and refused by country of origin.
How are the data made available?	Available on request.

GERMANY

SKILLED ENTRY ROUTES:

1. Work Permit
2. Work Permission
3. IT Specialists Temporary Relief Programme - The Green Card

GERMANY

1. SKILLED ENTRY ROUTE: WORK PERMIT (ARBEITSERLAUBNIS)

(i) Background

Aims and rationale	Work authorisations (Arbeitsgenehmigung) are granted in the form of either a permanent Work Permission (Arbeitsberechtigung) or a Work Permit (Arbeitsurlaubnis).
Legislative basis	<ul style="list-style-type: none"> ▪ Since 1998 the Social Code, Book III, regulates the granting of work authorisations. ▪ Section 285 Social Code, Book III, section 1 Work Permit Ordinance.
Agencies involved	<p>The Federal Ministry of the Interior and the Federal Ministry for Labour have legislative powers.</p> <p>The Federal Employment Agency (Arbeitsamt) is responsible for granting work permits.</p> <p>The International Placement Service is a recruitment placement agent of the Federal Employment Agency.</p>
Number of people entering in 2000 through this route	333,381 Arbeitserlaubnisse were granted in 2000.
Recent major reviews	In August 2001 the Federal Minister for the Interior presented a draft of a new Immigration Act aimed at controlling and restricting immigration. It is hoped that the new act will create a flexible instrument for the demand oriented control of immigration.
How are shortages identified?	On the basis of labour market data collected by the Federal Employment Agency.
How does the scheme respond to changing needs?	<ul style="list-style-type: none"> ▪ The <i>Anwerbestoppausnahmeverordnung</i> (Ordinance on Exemptions relating to the Issue of Work Permits to Foreign Workers Entering the Federal Territory for the First Time) is an instrument to ensure flexibility labour is not available on the domestic or European market. ▪ If public interest⁴ allows, access may be more easily granted to specialist groups and occupations.
Website	www.bma.bund.de/index.html (Ministry for Labour) and

⁴ Internal administrative directives generally define 'Public Interest' relating to the granting of work permits. However, this is actually implemented on a restricted basis in individual cases. 'Public Interest' is agreed whenever the admittance of foreigners creates additional jobs for the indigenous population.

	www.arbeitsamt.de/hst/index.html (Federal Employment Agency)
--	--

(ii) The Permit

Duration of permit?	The permit is limited to a maximum of 3 years.
Quota restricted?	No
Points System?	No
Eligibility Criteria	<ul style="list-style-type: none"> ▪ The granting of a work permit according to the Social Code is always an act of discretion ▪ Must have been granted a residence permit. ▪ <i>Criminality</i> - ground for refusal ▪ <i>Age</i> - no restrictions ▪ <i>Language ability</i> - no restrictions ▪ <i>Educational level</i> - must be to a level suitable for the job ▪ <i>Skills</i> - must be to a level suitable for the job ▪ <i>Wealth</i> - no restrictions ▪ <i>Health</i> - no restrictions ▪ <i>Family</i> - no restrictions ▪ <i>International Treaties</i> - no restrictions
Exemptions	Seventeen different professions are now exempt from the work permit requirement. These are, for example, the management staff of enterprises; lorry drivers working for enterprises bound for cross-bored traffic; ship and airline crews; specialised workers for foreign suppliers of equipment and machinery; artists; scientific researchers; students who work temporarily during the holidays; teachers; professors; embassy and consulate personnel; the personnel of international organisations operating in Germany; journalists; professional sportspersons; and students on six-month internships. In most cases the job must last no longer than three months.
Facilitated Access	None
Tied to specific employer/ location?	The work permit is only valid for a specified job in the district in which it was issued, although a regional extension is possible.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	The applications must be made before the employee enters the country.
Application procedures?	The employer applies to the Labour Office (Arbeitsamt).

Consideration/processing timescale?	Between 1 and 3 months
How are criteria confirmed/tested?	The employer must give details of the job (salary and other conditions of work).
Possibilities for renewal?	Extension is possible so long as no limit has been set on the duration of the job.
Possibilities for switching to other employers/ from other entry routes?	Depending on the time period it is possible to switch to other employers and entry routes.
Possibilities for student switching?	Currently foreign students have to leave the country once they have completed their studies. The drafted new legislation proposes that graduates will be able to take up employment once the employment service gives consent and they will be given a work permit for a year to enable them to look for a job.
<i>(b) Restrictions:</i>	
Labour market restrictions?	A work permit is issued if the employment does not have negative effects on the labour market and if there are not German workers or EU workers of equal status available to fill the vacancy.
Grounds for refusal	If the conditions of work are not found to be similar to that of a German worker.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	After one year. The drafted new Immigration Act proposes allowing spouses to have immediate access to the labour market.
Possibilities for family reunion?	Possible if there is adequate income and housing to support them.
Possibilities for permanent settlement?	After a five-year stay, a residence permit is issued for an indefinite period.
Social benefits/civil rights?	Variable - claims depends on whether the job is subject to national insurance contributions.

(iv) Marketing

How is the scheme marketed?	Through Ministry of Labour leaflets.
Are there any incentives offered to encourage applications?	In some cases the Federal Employment Agency helps employers with recruitment drives.
Are specific countries of origin targeted?	No.

What information is supplied to migrants in their country of origin and in the host country?	Information can be found on the Ministry for Labour's website: www.bma.bund.de/index.html .
--	---

(v) Statistics

Who collects the data?	Federal Employment Agency.
What statistics are collected?	Issues of temporary work permits.
How are the data made available?	To some extent, statistics are published in the Official Reports to the Ministry of Labour. Data are also available on request.

GERMANY

2. SKILLED ENTRY ROUTE: WORK PERMISSION (ARBEITSBERECHTIGUNG)

(i) Background

Aims and rationale	The policy objective is to strengthen the position of foreigners who have been settled for a long time or who are in employment.
Legislative basis	Work Permission (Arbeitsberechtigung), section 286 Social Code, Book III, section 2 Work Permit Ordinance.
Agencies involved	The Federal Ministry of the Interior and the Federal Ministry for Labour have legislative powers. The Federal Employment Agency (Ministry of Labour).
Number of people entering in 2000 through this route	1555,086 in 2000.
Recent major reviews	In August 2001 the Federal Minister for the Interior presented a draft of a new Immigration Act .
How are shortages identified?	Not applicable.
How does the scheme respond to changing needs?	Not applicable.
Website	www.bma.bund.de/index.html , www.arbeitsamt.de

(ii) The Permit

Duration of permit?	Unlimited.
Quota restricted?	No
Points System?	No
Eligibility Criteria	A third country national has the legal right to obtain a work permission if he/she: <ul style="list-style-type: none"> ▪ Holds a residence authorisation ▪ Has worked in Germany legally for 5 years ▪ Has been in Germany for 6 uninterrupted years. ▪ Lives with a German national in family unity. ▪ Holds a refugee passport
Exemptions	Those with a permanent residence permit.
Facilitated Access	Not applicable.
Tied to specific employer/ location?	Work permissions are not restricted to a specific occupation or location.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	The foreigner at the employment office/exchange makes application relevant to where he/she is domiciled in Germany.
Application procedures?	Applications must be made in writing.
Consideration/processing timescale?	Two to four weeks.
How are criteria confirmed/tested?	Proof of duration of employment/legitimate stay up to that point, certificate of marriage to a German or refugee papers.
Possibilities for renewal?	Not necessary as is valid for an indefinite period.
Possibilities for switching to other employers/ from other entry routes?	Absolute right to switch employer.
Possibilities for student switching?	Not applicable.
<i>(b) Restrictions:</i>	
Labour market restrictions?	Work permissions are issued regardless of the current labour market situation.
Grounds for refusal	Cancellation/expiry of the residence permit.
<i>(c) Attached Rights:</i>	
Spouses access to labour market?	After one year. The drafted new Immigration Act proposes that highly skilled migrants will be offered permanent residency.
Possibilities for family reunion?	Possible if there is adequate income and housing to support them.
Possibilities for permanent settlement?	After a five-year stay, a residence permit is issued for an indefinite period.
Social benefits/civil rights?	Same social rights as indigenous Germans.

(iv) Marketing

How is the scheme marketed?	Through Federal Employment Agency leaflets.
Are there any incentives offered to encourage applications?	In some cases the Federal Employment Agency helps employers with recruitment drives.
Are specific countries of origin targeted?	No.
What information is	Information can be found on the Federal Employment

supplied to migrants in their country of origin and in the host country?	Agency website.
--	-----------------

(v) Statistics

Who collects the data?	The Federal Employment Agency
What statistics are collected?	Issues permanent work permissions.
How are the data made available?	To some extent, statistics are published in the Official Reports to the Ministry of Labour.

GERMANY

3. SKILLED ENTRY ROUTE: 'IT-SPECIALISTS TEMPORARY RELIEF PROGRAM' - THE GREEN CARD

(i) Background

<p>Aims and rationale</p>	<p>In August 2000 the German Government introduced a 'Green Card' scheme to make it possible for IT specialists from non-EU-countries to work in Germany for up to 5 years. The procedures are as unbureaucratic, rapid and transparent as possible.</p> <p>The German Government and the Information and Communications-Industry agreed on an '<i>IT Specialists Temporary Relief Program</i>'. The core elements of this program are to grant top foreign IT specialists access to the job market while at the same time launching a major vocational and continuing education initiative for German employees and young people.</p> <p>The Government expects that the program will provide an interim solution to the country's technical worker shortage, and anticipates that the domestic labour market will eventually meet labour demands.</p>
<p>Legislative basis</p>	<p><i>'Decree on Work Permits for Highly Qualified Foreign Information and Communications Technology Specialists'</i> entered into force on 1 August 2000 and shall expire on 31 July 2008.</p>
<p>Agencies involved</p>	<p>The Federal Ministry of the Interior and the Federal Ministry for Labour have legislative powers.</p> <p>Federal Employment Agency has sole responsibility for the placement of IT personnel from abroad.</p>
<p>Number of people entering in 2000 through this route</p>	<p>Since August 2000 until the end of June 2001 almost 8,000 foreign IT specialists had taken up work. By January 2002 the number had increased to 11,000.</p>
<p>Recent major reviews</p>	<p>In August 2001 the Federal Minister for the Interior presented a draft of a new Immigration Act aimed at controlling and restricting immigration. It is hoped that the new act will create a flexible instrument for the demand oriented control of immigration.</p>
<p>How are shortages identified?</p>	<p>The trends being created in the training and job situation will be regularly monitored in a cooperative effort by the</p>

	federal Government, the industry, the unions, the Federal Employment Agency, and the state Governments.
How does the scheme respond to changing needs?	For the time being the quota is limited to 10,000 qualified employees, rising to 20,000 according to further prevailing requirements
Website	www.bma.bund.de/index.html (Ministry for Labour) and www.arbeitsamt.de/hst/index.html (Federal Employment Agency).

(ii) The Permit

Duration of permit?	The work permit is issued in accordance with the length of your work contract but must not exceed five years. Applicants will receive a work visa for 3 years, which can be extended for a maximum of another 2 years.
Quota restricted?	A quota of 10,000 green cards was agreed to begin with this was increased to 20,000.
Points System?	No
Eligibility Criteria	<ul style="list-style-type: none"> ▪ <i>Criminality</i> - ground for refusal ▪ <i>Age</i> - no restrictions ▪ <i>Language ability</i> - if applicants do not have a good grasp of German, they must be able to speak English well. ▪ <i>Educational level</i> - The applicant should have a degree in the field of information and communication technology (ICT). ▪ <i>Skills</i> - if the applicant does not hold a degree in ICT, their ability in this field should be confirmed by an annual salary of at least DM 100,000 (51.000 €) being agreed by the employer. ▪ Working conditions and pay must be equivalent to the standard for German employees. ▪ <i>Wealth</i> - no restrictions ▪ <i>Health</i> - no restrictions
Exemptions	Not applicable
Facilitated Access	Foreign students graduating with an ICT degree from a German university or technical college can be issued with a work permit and a residence permit straight away, so that no time is lost.
Tied to specific employer/ location?	The Green Card is tied to a specific employer or location.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	The employer applies to the local employment office in Germany.
Application procedures?	<ul style="list-style-type: none"> ▪ The IT firms apply to the employment agency for a work permit. ▪ The employment agency checks the applicant's qualifications, working and pays conditions. ▪ On receiving a decision from the employment office, the employee can apply to the German consulate/embassy in their country of origin for a visa to enter the Federal Republic of Germany. ▪ Once the foreign worker has entered the country they must register at the aliens office and apply for a residence permit within three months (this is granted if there are no grounds for refusal such as criminal record etc.) ▪ As soon as written notice has been given that a work permit will be issued, the applicant should contact the German consulate or embassy in their country to apply for an entrance visa. This is usually issued within several days.
Consideration/processing timescale?	<p>The employment office completes the checks within a week of receiving the application.</p> <p>If the Employment Office provides written notice of intention to issue a work permit before the applicant arrives, this statement serves as a valid permit for the first three months of employment in Germany.</p>
How are criteria confirmed/tested?	<ul style="list-style-type: none"> ▪ The employment office checks that a domestic or EU specialist cannot fill the position. ▪ University qualifications are checked or if this is not applicable, confirmation of an annual salary of at least DM 100,000 (51.000 €) is required. ▪ The pay and working conditions, as detailed in the job description, are checked so as to be comparable with those of German IT specialists.
Possibilities for renewal?	The card is valid for up to 3 years and can then be renewed for a further 2 years.
Possibilities for switching to other employers/ from other entry routes?	It is possible to change to another ICT job in another firm, it is no longer checked whether a German or EU specialist would be available to fill the job. The total duration of work permits must not exceed five years.
Possibilities for student	Foreign students graduating with an ICT degree from a

switching?	German university or technical college can be issued with a work permit and a residence permit straight away, so that no time is lost.
<i>(b) Restrictions:</i>	
Labour market restrictions?	The Employment Agency will check that a German or EU citizen cannot fill the post.
Grounds for refusal	Criminality.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	The spouse is eligible for a work permit after one year and after living in Germany for two years as a married couple the spouse has a right to work. The drafted new Immigration Act proposes allowing spouses to have immediate access to the labour market.
Possibilities for family reunion?	The green card entitles foreign workers to bring their families with them.
Possibilities for permanent settlement?	After the maximum period of five years the foreign worker and their family must leave the country. The drafted new Immigration Act proposes that highly skilled migrants will be offered permanent residency.
Social benefits/civil rights?	Work permit holders must be covered by German social insurance. The employer must register the permit holder for health and unemployment insurance and retirement benefits. The employer pays fifty per cent of the social insurance contributions and the employee pays the remaining share.

(iv) Marketing

How is the scheme marketed?	In June 2000 the Federal Employment Agency set up an Online Job Fair where applicants can place their details and employers can post job vacancies. www.arbeitsamt.de
Are there any incentives offered to encourage applications?	None
Are specific countries of origin targeted?	None

What information is supplied to migrants in their country of origin and in the host country?	The Federal Ministry of Labour and Social Affairs has published a document (available on the internet) for foreign applicants and for employers in Germany.
--	---

(v) Statistics

Who collects the data?	Ministry for Labour.
What statistics are collected?	Number of Green Card issued, refused by country of origin, sex, region (in Germany), size of company and entry criteria.
How are the data made available?	To some extent, statistics are published in the Official Reports to the Ministry of Labour. Data are also available on request.

IRELAND

SKILLED ENTRY ROUTES:

1. Work Permit System
2. Working Visa and Work Authorisations
3. Intra-company Transfers

IRELAND

1. SKILLED ENTRY ROUTE: WORK PERMIT SYSTEM

(i) Background

Aims and rationale	<p>There is a clear commitment to put a proactive immigration policy in place, which is able to address skills and labour shortages in Ireland.</p> <p>New arrangements have been introduced to ensure that the Work Permit Scheme is flexible and responsive to the genuine needs of employers.</p>
Legislative basis	Aliens Act 1935, amended by the 1946 Aliens (Amendment) Order, followed by the 1975 Aliens (Amendment) Order and the 1988 and 1995 Aliens (Amendment) orders, Aliens (Amendment) (No 2) Order, 1999 and by the Immigration Act, 1999.
Agencies involved	<p>Employment Regulation Section of the Department of Enterprise, Trade and Employment issues work permits.</p> <p>The Immigration and Citizenship Division of the Department of Justice, Equality and Law Reform is involved when changes to work permits are discussed.</p>
Number of people entering in 2000 through this route	Issues have increased dramatically 6,000 in 1999 to 18,000 in 2000 and 18,000 ⁵ so far in 2001.
Recent major reviews	<p>In December 2001 it was announced that from January 2002 work permit applications must include a letter from FÁS (state training authority) confirming that reasonable efforts have been made by the employer to find an Irish or other EEA nationals.</p> <p>The 'Communication of the 6th of April 1999 from the Department of Justice, Equality and Law Reform' introduced changes regarding work permit requirements, these changes affect 3 broad categories:</p> <ul style="list-style-type: none">▪ Intra-company transfer secondments posted for a maximum of 4 years are exempt from work permit regulations.▪ Persons sent for training by an overseas company for a maximum of 3 years are exempt.▪ Persons who have been granted permission to remain in the state on one of the following

⁵ July 2001

	grounds; as the spouse of an Irish national, parent of an Irish citizen, those given temporary leave to remain on humanitarian grounds and those having been through the asylum process, are exempt from work permit requirements.
How are skills shortages identified?	Employers identify skills shortages. Information on skills shortages is available on the websites of FÁS and Forfas (a state body which promotes industrial and technical training).
How does the scheme respond to changing needs?	The policy is reactive to changes in the labour market and employer requirements.
Website	www.entemp.ie

(ii) The Permit

Duration of permit?	Valid for one year at a time.
Quota restricted?	No
Points System?	No
Eligibility Criteria	<ul style="list-style-type: none"> ▪ <i>Criminality</i> - checks for criminal record. ▪ <i>Age</i> - no restrictions. ▪ <i>Language ability</i> - no restrictions ▪ <i>Educational level</i> - qualifications may be requested. ▪ <i>Skills</i> - evidence of previous employment and qualifications may be requested as evidence of skills. ▪ <i>Wealth</i> - minimum transfer of IR£300,000 for self-employed and 'business permission'. ▪ <i>Health</i> - no checks carried out.
Exemptions	<ul style="list-style-type: none"> ▪ Postgraduate students are exempt if work is an integral part of the study undertaken. ▪ Since 1999 internal company transfers and trainees are exempt from work permit requirements.
Facilitated Access	<ul style="list-style-type: none"> ▪ Entertainers ▪ Professional sports person ▪ Participant in an exchange programme recognised by the Minister for Enterprise, Trade and Employment. ▪ Doctors who have full medical registration from the Irish Medical Council and have been offered a specific position in a recognised hospital.
Tied to specific	Applications relate to a specific job and a named

employer/ location?	individual.
Possibilities for student switching?	Students who wish to work in Ireland following the completion of their studies must apply for a work permit. If the employment is not directly related to their course of studies applicants are required to return home during processing.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	Applications must be made prior to taking up employment in Ireland.
Application procedures?	<ul style="list-style-type: none"> ▪ Applications are made by the employer on behalf of the prospective employee. ▪ Applications are made 4 weeks before the applicant is required to start work. ▪ Must be made on a specified form with 2 photographs and inclusion of documentary evidence of the employer's effort to recruit and Irish or EEA national. ▪ A fee is payable by the employer - varies depending on the duration of the permit i.e. IR£25 (one month) to IR£125 (five months to one year). These fees may be waived if there are reciprocal agreements i.e. international treaties.
Consideration/processing timescale?	From receipt of the application it takes approximately 4 weeks to process.
How are criteria confirmed/tested?	<ul style="list-style-type: none"> ▪ Consultation with other Departments and organisations (e.g. professional associations, representative bodies). ▪ Further documentation may be requested.
Possibilities for renewal?	<ul style="list-style-type: none"> ▪ Applications for renewal must be made 4 weeks before current permit expires. ▪ Possible to extend for 5 years.
Possibilities for switching to other employers/ from other entry routes?	New application is needed for every change of employer.
<i>(b) Restrictions:</i>	
Labour market restrictions?	Employers who apply for a work permit are required to “establish that it has not been possible, in spite of reasonable efforts made, to fill the vacancy with an Irish or other person for whom a work permit is not required”.
Grounds for refusal	The Communication (April 1999) specifies cases in which “work permits will be generally refused”. This

	<p>occurs when the prospective employee:</p> <ul style="list-style-type: none"> ▪ “Has entered the state on the basis that he or she will not be taking up employment, i.e. visitors, students, tourists; ▪ Is in the State illegally or no longer complies with the conditions under which he/she was admitted; ▪ Has been asked by the Department of Justice, Equality and Law Reform to leave the State or is in the process of being deported or was in the State illegally and has been deported or has left the State having been asked to do so by the Department for Justice, Equality and Law Reform. ▪ Is seeking employment with a non EEA employer who is operating in the State without a business permission from the Ministry for Justice, Equality and Law Reform.”
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	After 1 year spouses can apply for a work permit.
Possibilities for family reunion?	<ul style="list-style-type: none"> ▪ The permit holder must show that they can support their families without relying on social welfare benefits. ▪ Previously permit holders had to complete 1 year of employment and show proof of a guarantee of a further year of work.
Possibilities for permanent settlement?	After 5 years permit holders are given extended permission to remain.
Social benefits/civil rights?	No co-relationship exists between the possession of a work permit and his/her social contribution/benefits.

(iv) Marketing

How is the scheme marketed?	The scheme is not marketed.
Are there any incentives offered to encourage applications?	No
Are specific countries of origin targeted?	No
What information is supplied to migrants in their country of origin	Information can be found on the Department for Enterprise Trade and Employment website: www.entemp.ie .

and in the host country?	
--------------------------	--

(v) Statistics

Who collects the data?	The Department for Enterprise Trade and Employment.
What statistics are collected?	Permits issued by age, industrial classification and by nationality.
How are the data made available?	Available on request.

IRELAND

2. SKILLED ENTRY ROUTE: WORKING VISA AND WORK AUTHORISATION SCHEME

(i) Background

Aims and rationale	<p>In June 2000, the Irish Government introduced a fast track working visa/work authorisation⁶ scheme to service designated sectors of the employment market where skill shortages are particularly acute.</p> <p>Industries covered by the scheme include Information and computing technologies, Architects, Surveying, Town Planning, Construction, Engineering and Nursing.</p> <p>The system does not replace the requirement of a work permit, but is a faster alternative.</p>
Legislative basis	There is no legislative basis.
Agencies involved	<p>The Department of Foreign Affairs (DFA) introduced the initiative.</p> <p>The Employment Regulation Section of the Department of Enterprise, Trade and Employment issue visas and Authorisations.</p>
Number of people entering in 2000 through this route	3,249 clearances have been issued to the end of May 2001 since the scheme commenced in June 2000.
Recent major reviews	The scheme has not been running for long enough.
How are shortages identified?	Following on recommendations from an interagency expert committee (including employers, Trade Unions and Government departments) sectors with acute shortages were identified.
How does the scheme respond to changing needs?	An Advisory Group representative of Social Partners, Government Departments, and the development agencies has been established to review the scheme, the categories of workers to whom it applies and to recommend on its extension in the future.
Website	www.entemp.ie

⁶ Work Authorisations are issued to applicants from non-visa required countries and Work Visas are issued to applicants from visa-required countries. A list of visa required countries is available on the Department of Enterprise, Trade and Employment website.

(ii) The Permit

Duration of permit?	Usually given for an initial period of 2 years.
Quota restricted?	No.
Points System?	No.
Eligibility Criteria	<ul style="list-style-type: none"> ▪ A letter detailing the job offer from an employer in Ireland, corresponding to the designated skills category in which the applicant claims to be qualified. ▪ A passport valid until at least the expiration date of the work authorisation. ▪ Applications for nursing jobs must present a certificate of temporary or full registration issued by the Nursing Board. ▪ Persons with job offers in the Information and computing technologies sector are required to have third-level qualifications. ▪ <i>Criminality</i> - checks for criminal record. ▪ <i>Age</i> - no restrictions. ▪ <i>Language ability</i> - no restrictions ▪ <i>Educational level</i> - qualifications may be requested. ▪ <i>Skills</i> - evidence of previous employment and qualifications may be requested as evidence of skills. ▪ <i>Wealth</i> - minimum transfer of IR£300,000 for self-employed and 'business permission'. ▪ <i>Health</i> - no checks carried out.
Exemptions	Not applicable.
Facilitated Access	Not applicable.
Tied to specific employer/ location?	The visa is issued to the individual and does not restrict the holder to any particular employer.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	Applications can be made to the Irish Embassy/ Consulate in the assignees home country without reference to Dublin.
Application procedures?	<p>Applicants must:</p> <ul style="list-style-type: none"> ▪ Present a completed application form and job offer from an Irish based firm for a position in one of the skills categories to the Irish Embassy/Consulate.

	<ul style="list-style-type: none"> ▪ Quote the starting date and pay and the employers Registered number for tax purposes and the applicant's passport number and a photograph. ▪ An application fee of IR£40.
Consideration/processing timescale?	They can be obtained within a few days.
How are criteria confirmed/tested?	Any checks are left to the employer's discretion.
Possibilities for renewal?	The visa is extendable in Ireland.
Possibilities for switching to other employers/ from other entry routes?	Holders of the permit are allowed to change employers within the same skills category after arrival in Ireland.
Possibilities for student switching?	Students who wish to work in Ireland following the completion of their studies must apply for a work authorisation/permit.
<i>(b) Restrictions:</i>	
Labour market restrictions?	The scheme only applies in specific skills sectors.
Grounds for refusal	Follows the usual immigration regulations.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	Spouses can enter the country after 3 months and have to apply for a work permit in order to switch status.
Possibilities for family reunion?	<ul style="list-style-type: none"> ▪ July 2000, the Government decided to offer skilled migrant workers the right to family reunion after working in Ireland for only 3 months. ▪ The permit holder must be able to support the family members.
Possibilities for permanent settlement?	After 5 years permit holders are given extended permission to remain.
Social benefits/civil rights?	No co-relationship exists between the possession of a work permit and his/her social contribution/benefits.

(iv) Marketing

How is the scheme marketed?	<ul style="list-style-type: none"> ▪ A full note is on the ET&E website. ▪ Information on skills shortages and job vacancies in Ireland is available from the websites of FAS, the State Training and Employment Authority (www.fasjobs-ireland.com). ▪ Information is also available from Forfas, a State body which promotes industrial and technological
-----------------------------	---

	<p>development (www.askireland.com).</p> <ul style="list-style-type: none"> Employers and the Department of Enterprise, Trade and Employment carried out road shows to encourage highly skilled foreign workers to apply for work authorisations/visas.
Are there any incentives offered to encourage applications?	The Government intends to spend IR£4 million to publicise job opportunities abroad and to encourage overseas job seekers, many of whom are likely to be Irish people looking for and incentive to return to their home country.
Are specific countries of origin targeted?	No countries are specifically targeted by the state; it is left to the employers.
What information is supplied to migrants in their country of origin and in the host country?	Information can be found on the Department for Enterprise Trade and Employment website: www.entemp.ie .

(v) Statistics

Who collects the data?	Department of Foreign Affairs (DFA).
What statistics are collected?	Numbers of issues by skill group and country of origin.
How are the data made available?	Available on request.

IRELAND

3. SKILLED ENTRY ROUTE: INTRA-COMPANY TRANSFERS

(i) Background

Aims and rationale	<p>A simplified scheme for companies wishing to send existing employees to and Irish branch, subsidiary, sister or parent company for a maximum period of 4 years.</p> <p>Intra-company transfers no longer have to wait for a full work permit to be issued. This shift towards facilitating Intra-company moves responds to business needs.</p>
Legislative basis	There is no legislative basis.
Agencies involved	Employment Regulation Section of the Department of Enterprise, Trade and Employment.
Number of people entering in 2000 through this route	No data are collected.
Recent major reviews	None
How are shortages identified?	Employers identify shortages.
How does the scheme respond to changing needs?	Responds directly to the needs of employers and businesses.
Website	www.entemp.ie

(ii) The Permit

Duration of permit?	This simplified process is only available to assignees for a period of up to 4 years, then a regular work permit application will have to be made.
Quota restricted?	No
Points System?	No
Eligibility Criteria	<ul style="list-style-type: none">▪ A 'letter of confirmation' from the home and host employer will enable the Intra-company transferee to work in the new location.▪ There are no other specific criteria unless specified by the employer.
Exemptions	Not applicable.
Facilitated Access	Not applicable.
Tied to specific employer/ location?	Tied to the specific employer.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	Applications are made to the Irish Embassy/Consulate in the assignees home country.
Application procedures?	<ul style="list-style-type: none"> ▪ Supporting letters from the overseas and Irish companies should be sent to the Embassy/Consulate. ▪ Letters should detail the assignment, employee's background and links between the overseas and Irish companies. ▪ On arrival the assignee is required to register with the local Immigration Registration office.
Consideration/processing timescale?	No consideration process.
How are criteria confirmed/tested?	Criteria are not officially checked.
Possibilities for renewal?	After 4 years a regular work permit application will have to be made.
Possibilities for switching to other employers/ from other entry routes?	New application is needed for every change of employer.
Possibilities for student switching?	Not applicable.
<i>(b) Restrictions:</i>	
Labour market restrictions?	Not applicable.
Grounds for refusal	Not applicable.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	After 1 year spouses can apply for a work permit.
Possibilities for family reunion?	<ul style="list-style-type: none"> ▪ The permit holder must show that they can support their families without relying on social welfare benefits. ▪ Previously permit holders had to complete 1 year of employment and show proof of a guarantee of a further year of work.
Possibilities for permanent settlement?	After 5 years permit holders are given extended permission to remain.
Social benefits/civil rights?	No co-relationship exists between the possession of a work permit and his/her social contribution/benefits.

(iv) Marketing

How is the scheme marketed?	There are no specific marketing initiatives.
Are there any incentives offered to encourage applications?	Not applicable.
Are specific countries of origin targeted?	Not applicable.
What information is supplied to migrants in their country of origin and in the host country?	The employers would provide any relevant information to the migrants.

(v) Statistics

Who collects the data?	No data are collected.
What statistics are collected?	Not applicable.
How are the data made available?	Not applicable.

NETHERLANDS

SKILLED ENTRY ROUTES:

1. Work Permits
2. Fast Track Scheme for IT Specialists
3. Tax Incentive for Foreign Workers

THE NETHERLANDS

SKILLED ENTRY ROUTE 1: WORK PERMIT

(i) Background

Aims and rationale	<p>Entry into the Netherlands for employment purposes is, in principal, only possible if Dutch interests are thereby served, thus the policy aims to be restrictive.</p> <p>The system does not differentiate between high and low skilled migrations. In practice most permits go to highly skilled workers, as this is where the largest labour market shortages exist. Only the procedures for highly skilled IT specialists and R&D staff are speeded up, the conditions for admission are the same.</p>
Legislative basis	The <i>Aliens Employment Act 1995</i> defines the rights to a work permit and the obligations for an employer
Agencies involved	<p>Ministry of Social Affairs and Employment is politically responsible for the implementation of the <i>Aliens Employment Act</i>.</p> <p>The judicial powers are delegated to the Public Employment Service, which issues the work permits. This is an independent administrative body.</p>
Number of people entering in 2000 through this route	There has been a rapid growth in the number of work permits issued. In 1997 12,000 work permits were issued, in 2000 this had increased to 27,000. This figure included 6,000 asylum seekers, since 1998 they have been allowed to work for a maximum of 12 weeks within a 12 month period.
Recent major reviews	<p>Aliens Law 2000 has come into force on April 1 2001. In this new system holders of a protection status (asylum) will have the right to work, but will need a work permit which will be provided to the employer without priority rule testing.</p> <p>The <i>Aliens Employment Act</i> replaced the <i>Foreign Workers Act</i> in 1995. In comparison to the previous law, the <i>Aliens Employment Act</i> has made it more difficult to obtain a work permit. It has become imperative to refuse a permit application if the conditions are not met.</p>
How are shortages	There are no lists or procedures to identify shortages.

identified?	
How does the scheme respond to changing needs?	This is a passive policy and the government responds to pressure from employers and employers organisations. This may result in sectoral agreements in areas where shortages exist.
Website	http://www.immigratiedienst.nl (Ministry of Justice - Immigration and Naturalisation Service (IND))

(ii) The Permit

Duration of permit?	The period for which the work permit is issued depends on the type of paid employment: <ul style="list-style-type: none"> ▪ Permanent position - maximum 3 years ▪ Temporary (seasonal) employment - maximum 24 weeks.
Quota restricted?	No
Points System?	No
Eligibility Criteria	<ul style="list-style-type: none"> ▪ The vacancy has to be filed at the Regional Manpower Board and at the EURES-network, at least five weeks before the application for a work permit is filed. ▪ <i>Criminality</i>- applicant must not have a criminal record. ▪ <i>Age</i> - applicant must be aged between 18-45 (65 for short-term contracts). ▪ <i>Language ability</i> - no language restrictions ▪ <i>Educational level</i> - qualifications have to be translated and assessed by a competent Netherlands authority. ▪ <i>Wealth</i> - salary must meet the minimum standards. ▪ <i>Health</i> - must undergo a tuberculosis test and have health insurance that covers all risks in the Netherlands.
Exemptions	<ul style="list-style-type: none"> ▪ Self-employed third country nationals do not need a work permit. ▪ Employees working in some specific work (for example installation and reparation of engines, sports competitors, foreign media reporters) for less than four weeks in the Netherlands are exempt
Facilitated Access	For certain categories of paid employment, although the conditions to obtain a work permit might be eased, a work permit is still necessary: <ul style="list-style-type: none"> ▪ Employees of multinational concern ▪ Scientists

	<ul style="list-style-type: none"> ▪ Teachers (no longer than 1 year) ▪ Musicians and other artists ▪ Trainees (maximum 1 year) ▪ Work experience placements (maximum 24 weeks) ▪ Athletes and Chefs ▪ Students (restricted to paid employment during the months June - August for a maximum of 10 hrs a week).
Tied to specific employer/ location?	Work permits are employer specific.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	<ul style="list-style-type: none"> ▪ The employer makes the application for a work permit in the Netherlands. ▪ The applicant can apply for the temporary residence permit (necessary part of applying for a work permit) in his/her country of origin at the Dutch embassy/consulate.
Application procedures?	<ul style="list-style-type: none"> ▪ The job vacancy has to be filed at the Regional Manpower Board and at the EURES-network at least 5 weeks before the application for a work permit is filed. ▪ The first stage of the process involves the candidate to making an application for a temporary residence permit (MVV) through his/her local Netherlands embassy. ▪ The employer has to apply for a work permit at the Regional Manpower Board where an initial local labour market test is carried out. (Since January 1st 2002 the Regional labour market test has been cancelled). ▪ The employer must provide details of the job description and conditions of service, evidence of efforts made to recruit from the resident labour force, copies of the candidates passport, proof of application for temporary residence permit or visa and accommodation proposals. ▪ The Regional Manpower Board will make a recommendation to the Public Employment Service as to whether or not the permit should be granted.

	<ul style="list-style-type: none"> ▪ The Public Employment Service will carry out a national/EEA labour market test and then make the ultimate decision on the application.
Consideration/processing timescale?	10 weeks in total, once the position has been advertised for 5 weeks and that application has been lodged it should usually take about 5 weeks to be processed. (This estimate does not include the processing time for the residence permit, which can take up to 6 months).
How are criteria confirmed/tested?	<ul style="list-style-type: none"> ▪ The inspectorate of the Ministry for Social Affairs and Employment monitors compliance with the requirements to obtain a work permit for non-EU subjects. ▪ The Public Employment Service can conduct an international personnel search through EURES. ▪ Official documents have to be legalised - authorities in the country of origin have to sign a statement saying that an official body issued them. ▪ The Dutch diplomatic representation in the country of origin will approve the documents.
Possibilities for renewal?	<p>After one year of having a work permit under unchanged conditions, the permit will be automatically extended without a labour market test.</p> <p>* Work permits issued after November 1st 2000 cannot be renewed without a new labour market test.</p>
Possibilities for switching to other employers/ from other entry routes?	A new permit must be applied for if the permit holder wishes to find alternative employment.
Possibilities for student switching?	Foreign students must return home once they have completed their course of study.
<i>(b) Restrictions:</i>	
Labour market restrictions?	The Public Employment Service carries out labour market tests at the regional and national level.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	<p>If the spouse is entering the Netherlands to join a work permit holder - he/she must apply for a work permit.</p> <p>If the spouse is entering with an intra-company transferee of an MNC a work permit will be issued</p>

	without a labour market test.
Possibilities for family reunion?	If you have a residence permit you can bring your family to the Netherlands. The members of the family will have to apply for a 'dependent residence permit'.
Possibilities for permanent settlement?	After 3 years, a residence permit without employment restrictions can be applied for. After 5 years permanent residence can be applied for.
Social benefits/civil rights?	Permit holders are entitled to full social benefits. After 5 years they can vote in municipal elections.

(iv) Marketing

How is the scheme marketed?	The system is not specifically marketed.
Are there any incentives offered to encourage applications?	In a large number of cases, depending on the nature of the employment, only a limited labour market test will be carried out if a work permit is applied for. This applies for example to trainee placements, students doing lab work, key officials of international concern (intra-company transfers) and to artists and musicians who will be working in the Netherlands for less than 4 weeks. For key personnel of MNCs their spouses are exempted from work permit regulations.
Are specific countries of origin targeted?	No
What information is supplied to migrants in their country of origin and in the host country?	On the IND website you can download a copy of the 'Working in Netherlands as an Alien' information booklet and the 'Paid Employment in the Netherlands' brochure.

(v) Statistics

Who collects the data?	The Public Employment Service collects labour market statistics.
What statistics are collected?	Data are available on number of permits issued broken down by profession and country of origin.
How are the data made available?	Data are published in the quarterly statistical reports of the <i>Arbeidsvoorzieningsorganisatie</i> (Employment Service).

THE NETHERLANDS

2. SKILLED ENTRY ROUTE: FAST-TRACK SCHEME FOR IT SPECIALISTS

(i) Background

Aims and rationale	<p>A fast-track scheme for IT specialists was introduced in July 2001 under pressure from employers and employers organizations who wanted to access foreign expertise quickly with the minimal bureaucracy.</p> <p>Employers applying for a work permit for IT specialists are now exempt from the registration of their vacancy with the Public Employment Service, shortening the procedure by 5 weeks.</p> <p>Applications for IT and R&D staff can be filed directly to the Central Public Employment Office rather than first having to apply to the regional office. This reduces the procedure by 2 weeks.</p> <p>Importantly IT and R&D specialists are entitled to a short procedure for obtaining a provisional residence permit, reducing the procedure from 3 months to 3 weeks.</p> <p>Family members are also entitled to this shortened procedure.</p>
Legislative basis	<p>The <i>Aliens Employment Act 1995</i> defines the rights to a work permit and the obligations for an employer.</p> <p>The Aliens Act 2000 defines the right to a provisional residence permit.</p>
Agencies involved	<p>The scheme was introduced on the request of the Ministry for Economic Affairs.</p> <p>The Ministry of Social Affairs and Employment is politically responsible for the implementation of the <i>Aliens Employment Act</i>.</p> <p>The judicial powers are delegated to the Public Employment Service, which issues the work permits. This is an independent administrative body headed a board of representatives from employers organisations, trade unions and social partners.</p>

	* Since January 1st 2002 representatives of trade unions and employers organisations are no longer on the Board.
Number of people entering in 2000 through this route	Not available.
Recent major reviews	A working group is currently examining whether easing/liberalising the existing restrictive labour migration policy is desirable/possible for highly skilled migrants. The review will be presented to the cabinet in March 2002.
How are shortages identified?	There are no lists or procedures to identify shortages.
How does the scheme respond to changing needs?	This is a passive labour migration policy and the Government responds to pressure from employers.
Website	Ministry of Justice - Immigration and Naturalisation Service (IND): http://www.immigratiedienst.nl

(ii) The Permit

Duration of permit?	The period for which the work permit is issued depends on the type of paid employment. For a permanent position the permit is valid for a maximum 3 years. After 3 years the migrant can work freely in the Dutch labour market.
Quota restricted?	No
Points System?	No
Eligibility Criteria	<ul style="list-style-type: none"> ▪ <i>Criminality</i>- no criminal record. ▪ <i>Age</i> - applicant must be aged between 18-45 (65 for short-term contracts). ▪ <i>Language ability</i> - no language restrictions ▪ <i>Educational level</i> - qualifications have to be translated and assessed by a competent Netherlands authority. ▪ <i>Wealth</i> - salary must meet the minimum standards. ▪ <i>Health</i> - must undergo a tuberculosis test and have health insurance that covers all risks in the Netherlands.
Exemptions	Employers applying for a work permit for IT specialists are now exempt from the registration of their vacancy

	with the Public Employment Service, shortening the procedure by 5 weeks.
Facilitated Access	Importantly IT and R&D specialists are entitled to a short procedure for obtaining a provisional residence permit, reducing the procedure from 3 months to 3 weeks.
Tied to specific employer/ location?	Work permits are employer specific.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	<ul style="list-style-type: none"> ▪ The employer makes the application for a work permit in the Netherlands. ▪ The applicant can apply for the temporary residence permit (necessary part of applying for a work permit) in his/her country of origin at the Dutch embassy/consulate.
Application procedures?	<ul style="list-style-type: none"> ▪ The first stage of the process involves the candidate to making an application for a temporary residence permit (MVV) through his/her local Netherlands embassy. ▪ The employer has to apply for a work permit at the Central Public Employment Service. The employer must provide details of the job description and conditions of service, copies of the candidates' passport, proof of application for temporary residence permit or visa and accommodation proposals. ▪ The Public Employment Service will make the ultimate decision on the application.
Consideration/processing timescale?	<p>As applications are made to the Central Employment Service the processing time is reduced to 3-4 weeks.</p> <p>The total work and residence permit procedure is about 8 weeks.</p>
How are criteria confirmed/tested?	<ul style="list-style-type: none"> ▪ The inspectorate of the Ministry for Social Affairs and Employment monitors compliance with the requirements to obtain a work permit for non-EU subjects. ▪ The Public Employment Service can conduct an international personnel search through EURES. ▪ Official documents have to be legalised - authorities in the country of origin have to sign a statement saying that an official body issued them.

	<ul style="list-style-type: none"> ▪ The Dutch diplomatic representation in the country of origin will approve the documents.
Possibilities for renewal?	<p>After one year of having a work permit under unchanged conditions, the permit will be automatically extended without a labour market test.</p> <p>*Work permits issued after November 1st 2000 can no longer be renewed without a labour market test.</p>
Possibilities for switching to other employers/ from other entry routes?	A new permit must be applied for if the permit holder wishes to find alternative employment.
Possibilities for student switching?	There are no specific provisions to enable IT graduates to switch status on completion of their studies.
<i>(b) Restrictions:</i>	
Labour market restrictions?	The Public Employment Service carries out labour market tests at the national level.
Grounds for refusal	<ul style="list-style-type: none"> ▪ Insufficient labour market conditions. ▪ A work permit will be denied if the applicant has not applied for a residence permit (MVV) in parallel. ▪ Proof of insufficient efforts to find personnel on the internal market. ▪ Failure to meet the age requirements (18-45) ▪ Lack of suitable accommodations.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	<p>If the spouse is entering the Netherlands to join a work permit holder - he/she must apply for a work permit.</p> <p>If the spouse is entering with an intra-company transferee of an MNC he/she is exempt from work permit regulations.</p>
Possibilities for family reunion?	If you have a residence permit you can bring your family to the Netherlands. The members of the family will have to apply for a 'dependent residence permit'.
Possibilities for permanent settlement?	After 3 years, a residence permit without employment restrictions can be applied for. After 5 years permanent residence can be applied for.
Social benefits/civil rights?	Permit holders are entitled to full social benefits. After 5 years they can vote in municipal elections.

(iv) Marketing

How is the scheme marketed?	The system is not specifically marketed. The Ministry for Economic Affairs works with employers to attract foreign expertise and investment.
Are there any incentives offered to encourage applications?	No
Are specific countries of origin targeted?	No
What information is supplied to migrants in their country of origin and in the host country?	On the IND website you can download a copy of the 'Working in Netherlands as an Alien' information booklet and the 'Paid Employment in the Netherlands' brochure.

(v) Statistics

Who collects the data?	The Public Employment Service collects labour market statistics.
What statistics are collected?	None available.
How are the data made available?	In the Annual Report on the Implementation of the Aliens Employment Act.

THE NETHERLANDS

3. SKILLED ENTRY ROUTE: TAX INCENTIVE FOR FOREIGN WORKERS

(i) Background

Aims and rationale	<p>A special allowance is granted to certain foreign employees who are assigned to a post with a domestic employer in the Netherlands.</p> <p>If certain requirements are met, then Dutch employers may grant a special tax-exempt allowance of 30 %, which is paid in addition to employees' salaries. This is a reimbursement for the costs of living overseas.</p> <p>Previously the level of taxation was considerably higher than in other countries (at points was up to 60% for high wage earners), making the Netherlands less attractive for foreign investment. The effect of this new incentive is to make the overall tax burden similar to that faced in the UK.</p>
Legislative basis	Initiative by the Ministry of Finance, which came into force on July 1st 1995.
Agencies involved	Ministry of Finance
Number of people entering in 2000 through this route	Not available.
Recent major reviews	As of January 1st 2001 there was a major tax reform that reduced the tax-exempt allowance from 355 to 305. This is justified by reference to the lower tax rates under the new law.
How are shortages identified?	Not applicable.
How does the scheme respond to changing needs?	Not applicable.
Website	http://www.minfin.nl/

(ii) The Permit

Duration of permit?	The 30% rule is applicable for a maximum period of 120 months.
Quota restricted?	No
Points System?	No
Eligibility Criteria	<ul style="list-style-type: none">▪ The key condition for the tax ruling is that the employee should have professional expertise

	<p>and/or specific know how which is not, or not readily available in the Dutch labour market.</p> <ul style="list-style-type: none"> ▪ Foreign employees have to be recruited by or seconded to a domestic employer in the Netherlands.
Exemptions	Not applicable.
Facilitated Access	Not applicable.
Tied to specific employer/ location?	The allowance is given to a specific employer and employee specific.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	
Application procedures?	<ul style="list-style-type: none"> ▪ Requests for the application of the 30% allowance must be submitted within four months of the employee's arrival in the Netherlands. ▪ The employer and the employee must first agree, in writing, that the 30% rule will be applied. ▪ The joint request for the application of this rule should then be submitted to the Private Individuals Tax Unit in Heerlen. ▪ Once the application has been approved, the 30% rule is applied from the outset. ▪ The allowance is calculated based on the level of pay in accordance with the Payroll Tax Act. ▪ To obtain the basis for calculating the 30% allowance, the salary is multiplied by a factor of 100/70.
Consideration/processing timescale?	Normally take 6-10 weeks to be processed.
How are criteria confirmed/tested?	-
Possibilities for renewal?	Not applicable.
Possibilities for switching to other employers/ from other entry routes?	If you change employer during the 30% validity period the new employer must re-apply for the tax deduction.
<i>(b) Restrictions:</i>	
Labour market restrictions?	The 30% ruling will only apply to employees with special skills or knowledge not readily available on the Dutch labour market.
Grounds for refusal	-
<i>(C) Attached Rights:</i>	

Spouses access to labour market?	Not applicable.
Possibilities for family reunion?	Not applicable.
Possibilities for permanent settlement?	Not applicable.
Social benefits/civil rights?	Not applicable.

(iv) Marketing

How is the scheme marketed?	The Ministry for Economic affairs markets the scheme to employers to attract foreign enterprises to locate in the Netherlands.
Are there any incentives offered to encourage applications?	In addition, employer reimbursements of school fees for the attendance of children at international primary or secondary schools and expenses incurred in connection with employment are also exempt from tax.
Are specific countries of origin targeted?	No
What information is supplied to migrants in their country of origin and in the host country?	Information is available on the Ministry of Finance Website.

(v) Statistics

Who collects the data?	-
What statistics are collected?	-
How are the data made available?	-

NORWAY

SKILLED ENTRY ROUTES:

1. Work Permit System

NORWAY

SKILLED ENTRY ROUTE 1: WORK PERMIT SYSTEM

(i) Background

Aims and rationale	The work permit system is designed to facilitate the recruitment of persons who are skilled or have special qualifications.
Legislative basis	Regulations concerning the entry of foreign nationals into the Kingdom of Norway and their presence in the realm (Immigration Regulations), section 3 subsection 2a)
Agencies involved	The Directorate of Immigration, The Ministry of Foreign Affairs (embassies and consulates), the police and county employment offices.
Number of people entering in 2000 through this route	305
Recent major reviews	<p>In order to facilitate the recruitment of skilled labour from non-EEA countries, the Immigration Law was amended in June so that 'specialists' (persons who are skilled workers or have special qualifications') may apply for a work permit <u>after</u> entry. The amendment has not yet entered into force.</p> <p>In addition, the Ministry of Local Government and Regional Affairs has proposed the following amendments as regards the Immigration regulations:</p> <ul style="list-style-type: none"> ▪ Introduction of a job-seeking visa for specialists. ▪ Less strict criteria for obtaining provisional work permits. ▪ The police should be granted authority to grant provisional work permits. ▪ Simplified labour market assessment. (Today it is a condition for a specialist that the actual post cannot be filled with resident labour or labour from EEA. It is proposed that this requirement should be partly replaced by a yearly quota bases on an evaluation of Norway's need for labour/specialists in general.) ▪ Some embassies/consulates should be granted authority to issues work permits to specialists.
How are shortages	Employment offices and employers identify shortages.

identified?	The proposed quota arrangement will be based on yearly evaluations of Norway's need for foreign specialists. Such evaluations will be based on information from the Public employment service, which, among other things carries out surveys amongst industrial concerns.
How does the scheme respond to changing needs?	Please see above.
Website	www.udi.no/

(ii) The Permit

Duration of permit?	The permit is valid for one year at a time, it may be renewed and may constitute a basis for a settlement permit and is in this connection without restrictions.
Quota restricted?	A quota arrangement has been proposed for specialists.
Points System?	No
Eligibility Criteria	<ul style="list-style-type: none"> ▪ Criminality - according to the general provisions of the immigration legislation, a foreign national may be rejected if he/she has been sentenced, in Norway or abroad, for offences of certain gravity. ▪ Age - no restrictions ▪ Language ability - no restrictions ▪ Educational level - as a specialist the applicant must have special qualifications or be a skilled worker. In some circumstances higher-level training is required. ▪ Skills - as above ▪ Connections with host country - no restrictions ▪ Wealth - no restrictions ▪ Health - no restrictions ▪ Family - no restrictions ▪ International Treaties - no restrictions
Exemptions	None
Facilitated Access	None
Tied to specific employer/ location?	The work permit is linked to a specific job and a specific location.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	Applications for the first issue of a work permit must take place before entry. The application is to be delivered to a Norwegian Foreign service in the applicant's home country.

	The Immigration Law was amended in June so that 'specialists' (persons who are skilled workers or have special qualifications' may apply for a work permit <u>after</u> entry.
Application procedures?	<ul style="list-style-type: none"> ▪ The application is to be submitted on a prescribed form. ▪ An application submitted abroad should be delivered to a Norwegian foreign service mission. ▪ An application submitted from the realm is to be delivered to the police in the district in which the applicant has his/her fixed place of abode.
Consideration/processing timescale?	Normally 2-4 months from the date of submission.
How are criteria confirmed/tested?	The authority that receives the application shall obtain all the information about the applicant that is deemed necessary for the case to be as clearly documented as possible before and decision is made. The applicant shall be required to document information supplied when it is deemed necessary.
Possibilities for renewal?	The permit can be renewed.
Possibilities for switching to other employers/ from other entry routes?	Switching to other employers and other entry routes will normally require a new application process.
<i>(b) Restrictions:</i>	
Labour market restrictions?	It is a condition for a work permit to be issued to a specialist that the post cannot be filled with resident labour or labour from the EEA. A statement is obtained from the relevant country employment office to verify this
Grounds for refusal	An application maybe rejected if the applicant does not fulfil the eligibility criteria.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	Spouses have on application the right to a work permit and full access to the labour market.
Possibilities for family reunion?	The closet family members have on application the right to a resident permit or a work permit in Norway. These include; spouses, cohabitant and a child under the age of 18 years.
Possibilities for permanent settlement?	Any foreign national who for the last three years has resided continuously in Norway with a work permit as a

	specialist has on application the right to a settlement permit. A settlement permit confers the right to reside and general entitlement to take work and run a business without a time limit.
Social benefits/civil rights?	Varies.

(iv) Marketing

How is the scheme marketed?	General information is offered, upon request, by relevant authorities in Norway and Norwegian foreign service missions.
Are there any incentives offered to encourage applications?	None.
Are specific countries of origin targeted?	There is a particular focus on Poland and the Philippines, as regard the recruitment of nurses. An agreement has been concluded with Poland for this purpose. As regards the Philippines, a recruitment pilot has recently started.
What information is supplied to migrants in their country of origin and in the host country?	Information is available on the website.

(v) Statistics

Who collects the data?	The Directorate of Immigration
What statistics are collected?	Statistics are collected as regard the nationalities of the applicants and the number of positive and negative decisions.
How are the data made available?	The data are made available on the directorate's website and in a yearly report.

UNITED KINGDOM

SKILLED ENTRY ROUTES:

1. Work Permit System
2. Highly Skilled Migrant Programme
3. Innovators

UNITED KINGDOM

1. SKILLED ENTRY ROUTE: WORK PERMIT SYSTEM

(i) Background

Aims and rationale	The Work Permit arrangements enable employers to recruit or train people who are not nationals of a European Economic Area (EEA) country. They are designed to strike the right balance between enabling employers to recruit or transfer skilled people from abroad and safeguarding the interests of the resident work force. This assists employers in their business development and helps them overcome short-term skill shortages that it would not be feasible to meet by training resident workers.
Legislative basis	Crown Prerogative [within the context of the Immigration Act 1971]
Agencies involved	Work Permits (UK), Home Office; Department for Employment and Learning, Belfast
Number of people entering in 2000 through this route	82,437* [*This figure only includes out-of-country work permit approvals; first permissions, changes of employment and extensions are excluded. People entering the UK under the Training and Work Experience Scheme (TWES) arrangements of the work permit scheme are also excluded from the figure.]
Recent major reviews	October 2000
How are shortages identified?	<p>Work Permits (UK) consults with representatives from within the appropriate sectors, including relevant industry bodies, trade unions and other Government Departments to identify where there is an acute national shortage of suitably qualified people to fill posts within the relevant industries. Sector Panels meet on a regular basis to review changes in the labour market and make adjustments, as necessary, to the occupations on the shortage list. There are sector panels for the following industry sectors: Information Technology Communications and Electronics (ITCE), Finance, Engineering, Healthcare, Hotel and Catering and Teaching.</p> <p>Evidence is also gathered from employers across Great Britain to show there are shortages and this evidence has to be corroborated by relevant industry bodies and government departments.</p>
How does the scheme	As detailed above and through periodical reviews.

respond to changing needs?	
Website	www.workpermits.gov.uk

(ii) The Permit

Duration of permit?	Work Permits are issued for the duration requested by the employer, up to a maximum of five years
Quota restricted?	No
Points System?	No
Eligibility Criteria	Employers need to demonstrate they are UK based There must be a genuine vacancy in the UK The overseas national must be qualified and/or have experience to NVQ Level 3 or above There must be no suitable resident workers available The pay should be at least equal to that normally given for similar work There are different requirements in the case of sportspeople and entertainers – these were last reviewed in July 2001
Exemptions	No
Facilitated Access	N/A
Tied to specific employer/location?	An employer must apply for a permit on behalf of the overseas national. However, the individual may change employers provided a new work permit application is approved

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	An application is only acceptable if made by a UK based employer who needs to employ a person. Applications must be made to Work Permits (UK) if the employer is based in Great Britain, or to the Department for Employment and Learning in Belfast, if the employer is based in Northern Ireland.
Application procedures?	Applications, with the relevant supporting documents must be made by an employer either by post or by e-mail
Consideration/processing timescale?	Target of deciding 90% of complete applications within 1 day of receipt
How are criteria confirmed/tested?	Applications are considered on the evidence provided through the application
Possibilities for renewal?	Work Permits can generally be extended by the completion of an extension application form and approved for up to a

	further five years
Possibilities for switching to other employers/ from other entry routes?	Yes. When an individual is offered a post by a different employer, that employer must apply for a fresh work permit. Switching into work permit employment is allowed for graduating students, student nurses and postgraduate doctors and dentists if they meet certain criteria.
<i>(b) Restrictions:</i>	
Labour market restrictions?	Yes. An employer submitting a work permit application needs to show why they cannot fill the post with a resident worker, although this is waived for certain categories i.e. shortage occupations.
Grounds for refusal	Failure to meet the published criteria.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	Spouses of work permit holders are permitted to take up employment as long as the permit holder remains in approved employment. In such cases, the spouse must first obtain the appropriate entry clearance.
Possibilities for family reunion?	Spouses and children under the age of 18 may join work permit holders in the UK and take up employment here. In such cases, all dependants must first obtain the appropriate entry clearance.
Possibilities for permanent settlement?	Yes. After 4 years in continuous employment, an application may be made for indefinite leave to remain in the UK.
Social benefits/civil rights?	Work Permit holders have the same employment rights as resident workers. One of the key requirements for entry as a work permit holder is that the individual is able to maintain and accommodate him/herself and any dependants without recourse to public funds.

(iv) Marketing

How is the scheme marketed?	The scheme is marketed to UK based employers and other organisations likely to make applications in a variety of ways such as via conferences, articles, the Work Permits (UK) website.
Are there any incentives	No

offered to encourage applications?	
Are specific countries of origin targeted?	No
What information is supplied to migrants in their country of origin and in the host country?	<p>A leaflet is currently being developed for migrants about their rights in the UK as work permit holders.</p> <p>In their country of origin, individuals can access the Work Permits (UK) website or, if they write directly to Work Permits (UK)'s Customer Relations Team, they will receive a personal reply to their queries.</p>

(v) Statistics

Who collects the data?	Work Permits (UK)'s Management Support Unit
What statistics are collected?	<p>Statistics on numbers of applications being received, cleared and approved are collected on a weekly and monthly basis, for internal use.</p> <p>A wide range of other individual requests for data are received, both from internal and external customers, and are accommodated wherever possible.</p>
How are the data made available?	<p>Data collected may be made available internally, to those responsible for managing the operation, and externally, where appropriate, as requested by individual parties.</p> <p>Specific data is also published in reports produced by the Migration Research Unit, University College, London and on the Work Permits (UK) website.</p>

UNITED KINGDOM

2. SKILLED ENTRY ROUTE: HIGHLY SKILLED MIGRANT PROGRAMME

(i) Background

Aims and rationale	The scheme is designed to allow people of high human capital to migrate to the UK in order to seek and take up work. This is a pilot scheme, initially to be run for a twelve month period. There is power to suspend the pilot scheme if necessary.
Legislative basis	Initially, the scheme will run as a concession outside the Immigration Rules.
Agencies involved	Work Permits (UK) – Sheffield, and Immigration and Nationality Policy Directorate – Croydon.
Number of people entering in 2000 through this route	N/A – scheme starts 28 January 2002. It is difficult to assess the potential interest in the scheme.
Recent major reviews	The origins of the scheme lie in the Work Permit review.
How are shortages identified?	Not applicable.
How does the scheme respond to changing needs?	A suspension mechanism is in place. This would be required only if the number or quality of applications meant that it was not possible to meet service targets without obtaining additional resources or adapting the scheme.
Website	www.ind.homeoffice.gov.uk ; www.fco.gov.uk/ukvisas .

(ii) The Permit

Duration of permit?	Approved applicants will be granted leave to enter the UK for one year. Further leave to remain after this period will be granted where evidence of employment at a level warranted by the applicant's skills base is supplied.
Quota restricted?	No.
Points System?	Applicants need to score 75 points. Points can be scored in 5 areas: educational qualifications, work experience, past earnings, achievement in chosen field and "priority applications" (see below)
Eligibility Criteria (to include)	See above. Applicants will have to produce evidence that they are able to continue in their chosen profession and that they will be able to maintain and accommodate themselves and any dependants whilst in the UK.
Exemptions	Priority applications – see Facilitated Access.
Facilitated Access	There will be a priority application concept to recruit qualified overseas doctors who wish to work as general practitioners in the UK.
Tied to specific employer/	No. This scheme is different in that the applicant does not

location?	require a job or work permit prior to being given leave to enter.
-----------	---

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	In order to minimise abuse overseas applicants will only be able to apply from overseas. Those in the UK, in categories leading to settlement, can apply in-country. Applications are also accepted from students graduating from UK higher education establishments and doctors completing post-graduate training (except those sponsored by their home Government).
Application procedures?	Applicants will have to complete a form and supply evidence that they meet the qualifying criteria. Applications will be accepted from posts abroad from 28 January 2002 and referred to Work Permits (UK) staff in Sheffield. Application forms will be available from the Home Office and Foreign and Commonwealth Office websites.
Consideration/processing timescale?	WP(UK) have set themselves a target of deciding 90% of applications (submitted with all the relevant information) within one week of receipt.
How are criteria confirmed/tested?	By the evidence presented alongside the completed application form. Applicants will be required to give an indication of their spending plans to assess their likely ability to maintain and accommodate themselves and their dependents.
Possibilities for renewal?	Further leave to remain will be granted where evidence of employment at a level warranted by the applicant's skills base is supplied.
Possibilities for switching to other employers/ from other entry routes?	See above.
<i>(b) Restrictions:</i>	
Labour market restrictions?	None. Applicants will be able to take employment, self-employment or to engage in business. However, to be granted further leave to remain, evidence of employment at the appropriate skill level needs to be provided.
Grounds for refusal	Not meeting the points criteria.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	Yes
Possibilities for family reunion?	Principle applicants may seek entry for their spouse and dependent children.
Possibilities for permanent settlement?	As with existing non-temporary routes, migrants admitted under this scheme will be able to apply for settlement after they have been in the UK for four years.
Social benefits/civil rights?	Same social rights as indigenous Britains.

(iv) Marketing

How is the scheme marketed?	Principally through the Immigration and Nationality Directorate and Joint Entry Clearance Unit (soon to be renamed UK Visas) websites, by keeping appropriate immigration organisations informed and by supplying briefing to relevant ministers, officials and governmental organisations.
Are there any incentives offered to encourage applications?	
Are specific countries of origin targeted?	No.
What information is supplied to migrants in their country of origin and in the host country?	Application information via diplomatic posts/website.

(v) Statistics

Who collects the data?	Appropriate monitoring mechanisms will be put in place.
What statistics are collected?	N/A
How are the data made available?	N/A

UNITED KINGDOM

3. SKILLED ENTRY ROUTE: INNOVATORS

(i) Background

Aims and rationale	Aim is to attract to the UK outstanding entrepreneurs from overseas whose business proposals will result in exceptional economic benefits for the United Kingdom.
Legislative basis	This scheme is a pilot, to be operated as a concession outside the Immigration Rules from 4 September 2000 to 4 September 2002, after which date its continuation will be assessed.
Agencies involved	The Business Case Unit at the Immigration and Nationality Directorate.
Number of people entering in 2000 through this route	N/A – scheme only began in September 2000.
Recent major reviews	N/A
How are shortages identified?	This is not a scheme targeting shortage areas, but sectors of the economy that drive economic growth.
How does the scheme respond to changing needs?	This is a pilot scheme aimed at dynamic businesses, so the criteria should evolve over time. Any changes will be publicised.
Website	www.homeoffice.gov.uk/ind/hpg.htm

(ii) The Permit

Duration of permit?	Initially – 18 months. After the 18 months, a further 48 months can be obtained on an Innovator visa, totalling 4 years after initial entry. Settlement can then be applied for.
Quota restricted?	No.
Points System?	Yes, but flexible to accommodate a wide variety of applications. There are certain minimum requirements that must be met by all applicants.
Eligibility Criteria	The business proposal needs to lead directly to the creation of two full-time jobs (or equivalent) within the business, within 12 months of establishment, for persons already settled in the UK. The applicant must maintain a minimum direct personal shareholding of 5% of the equity capital. Initial funding must be in place for the first six months, and the applicant must maintain and accommodate themselves and dependants without recourse to public funds.

Exemptions	None – applications which do not meet these criteria will be refused, irrespective of any other factor.
Facilitated Access	None.
Tied to specific employer/ location?	No.

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	The majority are made to Entry Clearance Officers overseas, who forward the applications on to the Business Case Unit in IND. You can apply in-country, provided you are not in the UK as a visitor.
Application procedures?	Submit an application form, along with evidence, to an Entry Clearance Officer at a post overseas.
Consideration/processing timescale?	The Business Case Unit in IND aim to reach decisions within 2 weeks of receipt.
How are criteria confirmed/tested?	A CV must be provided, along with a business plan containing the proposal and financial, commercial and technical viability evidence.
Possibilities for renewal?	N/A
Possibilities for switching to other employers/ from other entry routes?	Although entry clearance issued at a post abroad is normally required, we exceptionally consider Innovator applications in-country, unless an individual is in the UK on a visitor visa.
<i>(b) Restrictions:</i>	
Labour market restrictions?	Self employment in Business only
Grounds for refusal	Not meeting the entry requirements.
<i>(c) Attached Rights:</i>	
Spouses access to labour market?	Yes. If the spouse is granted leave to enter, permission will be given to take employment. That employment must not be necessary to help the Innovator visa holder, or any dependants, financially.
Possibilities for family reunion?	Spouse/dependant children under the age of 18 may apply to accompany/join the applicant. If applying from overseas, they will require entry clearances issued to them for this purpose.
Possibilities for permanent settlement?	After four years in the UK as an Innovator, an individual is eligible for settlement.
Social benefits/civil rights?	Same as UK residents.

(iv) Marketing

How is the scheme marketed?	Via Government websites and Diplomatic posts.
Are there any incentives offered to encourage applications?	No.
Are specific countries of origin targeted?	No.
What information is supplied to migrants in their country of origin and in the host country?	Guidance for applicants and a self-assessment form to prevent a large number of unsuccessful applications.

(v) Statistics

Who collects the data?	N/A
What statistics are collected?	N/A
How are the data made available?	N/A

UNITED STATES

SKILLED ENTRY ROUTES:

1. H-1B Speciality (Professional) Workers

UNITED STATES

SKILLED ENTRY ROUTE: H-1B SPECIALTY (PROFESSIONAL) WORKERS

(i) Background

Aims and rationale	To allow US employers to admit: <ul style="list-style-type: none">highly skilled foreigner workers that have at least a BA degree allowing them to fill US “speciality occupations”fashion models of distinguished merit and ability.
Legislative basis	H-1 was created under the Immigration and Nationality Act, subsequent amendment in the Immigration Act of 1990 (P.L. 101-649) created amongst other things the H-1B category.
Agencies involved	Department of Labor, Immigration and Naturalization Service (INS), State Department.
Number of people entering in 2000 through this route	In the financial year 2001 there were 281,000 H-1b approvals. Of these the INS approved 163,000 petitions against that years 195,000 cap.
Recent major reviews	<p>In an effort to help employers compete internationally, the ACWIA (American Competitiveness and Workforce Improvement Act) has raised the annual number of permits allowed.</p> <ul style="list-style-type: none">Half of the H -1B workers are employed in the IT industry thus the effort to have the annual quota raised to 115,00 in 1999 and 195,000 in 2001 came from that industry sector.An annual fee of \$1,000 per petition is to be used to provide scholarships to encourage Americans to study in computer-related fields (some universities and research institutes are exempt from the fee). This fee aims to reduce the ‘training lag’ in the US following the large growth of the high tech industries.A laid-off H-1B worker must return to their country of origin, although there is now discussion of a ten-day ‘grace period’ in which alternative employment may be sought before return is required.US employers whose workforce is composed of 15 per cent or more of H-1B workers must firstly

	document their efforts to recruit US workers and secondly certify that US workers were not laid off to make room for H-1B's in the previous 90 days. Similarly, these employers (that number approx. 100-200 employers) must certify that US workers will not be laid off for 90 days after the arrival of the H-1B workers. Other employers are free to hire and fire US and H-1B workers without these restrictions.
How are shortages identified?	Shortages are not officially defined.
How does the scheme respond to changing needs?	<p>The entry standard is not limited by occupation; it is therefore flexible enough to admit any profession for which there is demand.</p> <p>The quota mechanism responds to changing demand from employers. Recently this has been to fill the labour demand-supply gaps caused by cyclical (nursing, engineering) or fast-growing (IT) industries. Indeed at present, the majority of H-1B visas go to persons with computer related skills.</p>
Website	http://www.workforcsecurity.doleta.gov/foreign/dflc.asp

(ii) The Permit

Duration of permit?	Labour condition applications may be approved for periods of up to 3 years, renewable for a total of 6 years, the maximum allowable period of stay in the U.S. under H-1B status.
Quota restricted?	<p>The Immigration and Nationality Act (INA), as amended, establishes an annual ceiling (exclusive of spouses and children) on the number of foreign workers who may be issued H-1B visas:</p> <ul style="list-style-type: none"> - 195,000 in fiscal year 2001 - 195,000 in fiscal year 2002 - 195,000 in fiscal year 2003 - 65,000 in each succeeding fiscal year <p>The quota does not apply to certain groups of employers and foreign employees, including:</p> <ul style="list-style-type: none"> ▪ Colleges, universities and related non-profit entities ▪ Non-profit research organisations and government research organisations

	<ul style="list-style-type: none"> ▪ Recent graduates for whom a petition is filed up to 90 days before or 180 days after they are awarded their masters or higher degree.
Points System?	No
Eligibility Criteria	<p>Individuals cannot apply for an H-1B visa to allow them to work in the US. The employer must petition for entry of the employee. In order to qualify for an H1B visa, the alien must demonstrate that s/he is able to work in the ‘specialty occupation’ for which s/he is being hired by the sponsoring employer. This can be demonstrated by:-</p> <ol style="list-style-type: none"> 1. Possession of a relevant US college degree; 2. Possession of a non-US college degree (and, generally, 3 years’ relevant high-level work experience) independently evaluated as being equivalent to a relevant US college degree; 3. Possession of at least 12 years’ high-level work experience, independently evaluated as being equivalent to a US college degree; or 4. Possession of any relevant State or Federal license that may be required in order to practice in a particular profession. <p>NB: If there is a requirement for a State or Federal license in order to practice any ‘speciality occupation’, then the alien must generally possess such a license in order to qualify for an H1B visa. For example, doctors, lawyers, accountants and similar professionals must generally have passed the relevant state licensing examination and be in all other respects qualified to practice in the State of intended employment.</p> <p>Employer attestations include:</p> <ul style="list-style-type: none"> ▪ That the employer is offering the H-1B worker the prevailing wage. ▪ That the working condition offered to the H-1B worker do not adversely affect US employees’ working conditions. ▪ The employer asserts that there is no strike or lockout for the position being filled by the H-1B.

	<ul style="list-style-type: none"> ▪ To maintain records of the LCA and the H1B alien's employment for inspection by the US Department of Labor. ▪ That the employers is/ is not H-1B dependent (and therefore subject to additional requirements).
Exemptions	<p>In addition to the quota exemptions for certain employers and employees (see above), certain H-1B employees are also exempt from inclusion in the calculation of their employers H-1B dependency status. These include:</p> <ul style="list-style-type: none"> ▪ Those receiving wages of at least \$60,000 per year and ▪ Those with a masters or higher degree in a speciality related to the intended area of employment.
Facilitated Access	Not applicable
Tied to specific employer/ location?	<p>A separate Labour Condition Application must be made for each site at which the employee will be working (though there is a limited exception for short-term assignments at different sites within the same Metropolitan Statistical Area).</p> <p>Once a company has brought an employee to the US on an H1B visa, should the company dismiss that employee before the expiry of the visa, the company is liable for any reasonable costs that the employee incurs in moving him/herself, his/her effects, and (where appropriate) his/her dependants, back to his/her last foreign residence. This provision covers only dismissal, it is not relevant when an employee chooses to resign.</p>

(iii) Procedures

<i>(a) Application Process:</i>	
Where are applications made?	Applications may be made from those studying as students already in the United States and so applications are made both before and after entry.
Application procedures?	<p>Each employer seeking an H-1B non-immigrant in a specialty occupation or as a fashion model of distinguished merit and ability has several responsibilities:</p> <ul style="list-style-type: none"> ▪ The employer shall submit a completed labour condition application (LCA) on Form ETA 9035

	<ul style="list-style-type: none"> ▪ The employer shall make the LCA and necessary supporting documentation available for public examination at the employer's principal place of business in the U.S. or at the place of employment within one working day after the date on which the LCA is filed with ETA. ▪ The employer then may submit a copy of the certified LCA to INS with a completed petition (INS Form I-129) requesting H-1B classification. ▪ The Department of State, through U.S. Embassies and Consulates, is responsible for issuing H-1B visas. The Department of Justice, through the Immigration and Naturalization Service (INS), accepts the employer's petition (INS Form I-129) with the DOL-certified LCA attached. INS is responsible for approving the non-immigrant's H-1B visa classification. In doing so, the INS determines whether the petition is supported by an LCA which corresponds with the petition, whether the occupation named in the labour condition application is a specialty occupation or whether the individual is a fashion model of distinguished merit and ability, and whether the qualifications of the non-immigrant meet the statutory requirements for H-1B visa classification. If the petition is approved, INS will notify the U.S. Consulate where the non-immigrant intends to apply for the visa unless the non-immigrant is in the U.S. and eligible to adjust status without leaving.
Consideration/processing timescale?	On average 2-3 months in total, depending on the INS Regional Service Center processing the application.
How are criteria confirmed/tested?	The DOL is not the guarantor of the accuracy, truthfulness or adequacy of a certified labour condition application. The burden of proof is on the employer to establish the truthfulness of the information contained on the labour condition application.
Possibilities for renewal?	The initial visa may be granted for up to three years and

	<p>may be extended to a maximum of six years.</p> <p>Those wishing to remain in the US for more than six years may, while still in the US on an H1B visa, apply for permanent residence (the "green card"). If such employees do not gain permanent residence during the allocated six year period, they must leave the US for at least one year before an application is made for them to re-enter on an H or L visa. However, H-1B workers whose labour certification or permanent immigration applications have been pending for more than one year when their visa expires, may receive extensions in one year increments until a final decision on their green card is made.</p>
Possibilities for switching to other employers/ from other entry routes?	H-1B workers may change US employers, and may begin their new job as soon as their new employer submits an H-1B petition.
<i>(b) Restrictions:</i>	
Labour market restrictions?	<ul style="list-style-type: none"> ▪ H1B visas are subject to annual numerical limits. ▪ As mentioned above, the H1B legislation requires certain employers, called 'H1B dependent employers' to advertise positions in the USA before petitioning to employ H1B workers for those positions.
Grounds for refusal	An application may be rejected if the applicant does not meet the Eligibility criteria as mentioned above.
<i>(C) Attached Rights:</i>	
Spouses access to labour market?	The spouses of temporary foreign workers are generally not permitted to work in the US. Spouses and children of an H-1B visa holder are granted H-4 visas, which permit them to attend school in the United States but not to work.
Possibilities for family reunion?	Yes, spouse and children.
Possibilities for permanent settlement?	As mentioned above, those wishing to remain in the US for more than six years may, while still in the US on an H1B visa, apply for permanent residence (the "green card").
Social benefits/civil rights?	Although not entitled to social benefits, H-1B workers

	enjoy the same civil rights and labour market protections as US residents.
--	--

(iv) Marketing

How is the scheme marketed?	General Information is offered, upon request, by relevant authorities in the United States. Application forms are available on the DOL website.
Are there any incentives offered to encourage applications?	No.
Are specific countries of origin targeted?	Not directly. The scheme is often used to hire foreign students who graduate from United States Universities and other foreigners already in the United States not to fill jobs for which United States workers are unavailable.
What information is supplied to migrants in their country of origin and in the host country?	-

(v) Statistics

Who collects the data?	INS and DOL
What statistics are collected?	The INS records the number of applications and admissions for H-1B visas by fiscal year, occupation, industry, wages, education and age. The Department of Labour maintains a database of labour condition applications by employer and occupation.
How are the data made available?	The INS releases reports on the web.

Produced by the Research Development and Statistics Directorate, Home Office

This report is available only in Adobe Portable Document Format (**PDF**) through the RDS website

Home Office
Research, Development and Statistics Directorate
Communication Development Unit
Room 275
50 Queen Anne's Gate
London SW1H 9AT

Tel: 020 7273 2084 (answerphone outside of office hours)

Fax: 020 7222 0211

Email: publications.rds@homeoffice.gsi.gov.uk

ISBN 1 84082 854 4

© Crown copyright 2002