



ENHANCING INTERCULTURAL DIALOGUE

The European Intercultural Workplace



OVERVIEW OF LEGISLATION

A general overview of legislation affecting immigrants and access to work across ten European countries



Education and Culture

Leonardo da Vinci

TABLE OF CONTENTS

Table of Contents.....	2
Acknowledgments.....	3
1. EU Immigration Issues and Challenges	4
1.1 Immigration and the EU	4
1.2 Challenges to the EU	4
2. The EU Response.....	5
2.1 Towards a common European Union immigration policy.....	5
2.2 Establishing clear and transparent rules for non-EU nationals working or wishing to work in the European Union.....	5
2.3 A common framework for the integration of third-country nationals.....	6
2.4 Immigration and integration: roles and initiatives of the social partners and civil society organizations.....	6
2.5 Recognition and transparency of qualifications	8
3. Conclusion	9

APPENDIX

Bulgaria.....	11
Finland.....	12
Germany	12
Greece.....	13
Ireland.....	14
Italy	15
Norway	16
Poland	17
Sweden.....	19
UK	19

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This Overview of Legislation has been researched, compiled and written by Boian Savtchev of European Centre for Education and Training (ECET) and Barry Tomalin of the University of Westminster.

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1. EU Immigration Issues and Challenges

1.1 Immigration and the EU

Immigration is a permanent feature of European society. As the Council of the European Union stated in press release number 1461/5/04, if the flow of legally residing immigrants in the territory of the Member States is orderly and well-managed, Member States reap many benefits.

These benefits include stronger economies, greater social cohesion and an increased feeling of security, and cultural diversity. Taken together and across all Member States, these benefits advance the European process and strengthen the Union's position in the world. Therefore, the effective management of migration by each Member State is in the interest of all.

In 2007 the European Union celebrated fifty years of existence. Today the EU is comprised of 27 states and is the largest economic entity in the world, with 490 million citizens. Its borders stretch from the Atlantic Ocean to the Black Sea - thanks to the accession of Bulgaria and Romania on 01 January 2007. According to one of the world's top immigration and visa related websites, Workpermit.com, registered with the Office of the Immigration Services Commissioner, with a few exceptions due to expansion, living and working in Europe has never been easier - at least for a European - thanks to liberal work permit policies for member nations. For those who live outside the EU and the European Economic Area (EEA), it can be more difficult. But, that may change in the future.

1.2 Challenges to the EU

The major challenges to the EU can be divided into 4 main groups

- The enlargement of the EU
- Dealing with non-EU nationals working or wishing to work in the European Union
- The integration of third-country nationals
- Recognition and transparency of qualifications.

The new immigration challenges, and the high levels of immigrant and migrant workers, include:

- Free movement of labour as a basic right of the EU
- EU employment issues and rights
- Recognition of diplomas/qualifications (regulated and not regulated)
- Job seeking and unemployment benefits
- Employment rights
- Workers posted to another EU country
- Freedom to provide services
- Integration.

2. The EU Response

2.1 Towards a common European Union immigration policy

All Member States of the European Union (EU) are affected by the flow of international migration. They have agreed to develop a common immigration policy at EU level. The European Commission has made proposals for developing this policy, most of which have become part of EU legislation. The main objective is to better manage migration flows by a coordinated approach, which takes into account the economic and demographic situation of the EU.

In spite of the restrictive immigration policies which have been in place since the 1970s in most Member States, large numbers of legal and illegal migrants have continued to come to the EU together with asylum-seekers. Smuggling and trafficking networks have taken hold across the EU, taking advantage of people seeking a better life,. This situation means that considerable resources have had to be mobilised to fight illegal migration, especially to target traffickers and smugglers. Furthermore, it is recognised that the EU needs migrants in certain sectors and regions in order to deal with its economic and demographic needs.

Realising that a new approach to managing migration was necessary, the leaders of the EU set out at the October 1999 European Council in Tampere (Finland) the elements for a common EU immigration policy. The approach agreed in Tampere in 1999 was confirmed in 2004 with the adoption of The Hague programme, which sets the objectives for strengthening freedom, security and justice in the EU for the period 2005-2010.

2.2 Establishing clear and transparent rules for non-EU nationals working or wishing to work in the European Union

In order to re-launch the debate on the need for common rules for economic migration, the Commission issued in January 2005 a Green Paper on an EU approach to managing economic migration. Recognising the impact of demographic decline and ageing on the economy, the Commission highlighted the need to review immigration policies for the longer term, particularly in the light of the implications of an economic migration strategy for competitiveness and, therefore, for the fulfilment of immigration objectives. These social trends have encouraged the debate on migration to the EU, while not impinging on the responsibility of individual Member States to decide on the numbers of immigrants to be admitted. In fact, even if the Lisbon employment targets are met by 2010, overall employment levels will fall due to demographic change. Between 2010 and 2030, at current immigration flows, the decline in the EU-25's working age population will entail a fall in the number of employed people of some 20 million. Such developments will have a huge impact on overall economic growth, the functioning of the internal market and the competitiveness of EU enterprises.

In this context, and while immigration in itself is not the solution to demographic ageing, more sustained immigration flows may be required to meet the needs of the EU labour market and ensure Europe's prosperity. Furthermore, immigration has an increasing impact on entrepreneurship. The EU must also take account of the fact that the main world regions are already competing to attract migrants to meet the needs of their economies. This highlights the importance of ensuring that an EU economic migration policy delivers a secure legal status and a guaranteed set of rights to assist the integration of those who are admitted.

Moreover, the need for a European strategic initiative is strengthened by the fact that, in its absence, migration flows are more likely to bypass national rules and legislation. As a consequence, in the absence of common criteria for the admission of economic migrants,

the number of third-country citizens entering the EU illegally and without any guarantee of having a declared job – and thus of integrating in our societies – will grow.

The Commission fully recognises that decisions on the numbers of economic migrants to be admitted in order to seek work are a matter for the Member States. However, the decision to admit third-country nationals into one Member State affects others (right to travel within the Schengen area, to deliver services in other Member States, to move to other Member States once long-term residents status has been acquired; impact of the admission of third-country workers on the EU labour market). In addition, the EU has international obligations in relation to some categories of economic migrant. The Commission therefore believes that there is a clear case for agreeing transparent and more harmonised common rules and criteria at EU level for admitting economic migrants.

These are the basic foundations upon which any action in this field must be built. In addition, any adopted measure should minimise the administrative burden for Member States and third-country nationals.

2.3 A common framework for the integration of third-country nationals

Legal migration and integration of third-country nationals are part of an important debate across the European Union. Most Member States are now experiencing immigration and are confronted with integration challenges. Some countries, including the new Member States, have only recently been faced with immigration. Others have dealt with immigration and integration challenges for decades but not always with satisfactory results, and they are consequently revising their policies. Reflecting the different histories, traditions and institutional arrangements, there are a wide variety of approaches being taken to find solutions to the problems which need to be tackled. The EU is developing common approaches for integration and is promoting the exchange of best practice. Financial assistance is essential in this context.

2.4 Immigration and integration: roles and initiatives of the social partners and civil society organizations

The European Economic and Social Committee (EESC) held a hearing in Dublin, Ireland, on 22 and 23 June 2006, in cooperation with the International Labour Organisation (ILO) and the European Foundation for the Improvement of Living and Working Conditions. The main aim of the hearing was to gather information about the experiences and good practice of the social partners in preventing discrimination and facilitating integration, with particular focus on employment.

The underlying premise of the hearing was that employment is a crucial component in the process of immigrant integration. Inclusion in the labour market is the key to protecting and ensuring human dignity and independence.

The social partners play a pivotal role in the integration of ethnically and culturally different communities in this sector of the economy. There is a direct link between the labour market and its impact on the social sector and the commitments made by trade unions and employers. Public policies and legislative frameworks at international, European and national level must therefore be accompanied by strong teamwork and cooperation from the social partners. This is the only way to ensure that migrants will be successfully integrated into the social and economic fabric of the host society.

Conclusions of the hearing

Through their work, immigrants make a positive contribution to Europe's economic development and social well-being. Immigration in Europe can provide new opportunities for business competitiveness, for working conditions and for social welfare.

Employment is a key part of the integration process, because decent jobs are vital to immigrants' self-sufficiency, and they enhance social relations and mutual understanding with the host society. Integration into the labour market should take place on a level playing field, without discrimination between workers from the host country and immigrants.

Europe's migrant workers must be treated fairly, because they are protected by international human rights conventions and the principles and laws enshrined in the ILO conventions. The EU Member States subscribe to the UN's 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

The EU directives on equal treatment in employment and equal treatment irrespective of racial or ethnic origin are essential legal instruments in shaping legislation and practice in the Member States in combating discrimination and fostering employment integration.

In the field of employment, legislation and public policies must complement one another through cooperation with the social partners, because integration into the labour market is dependent on society's attitudes and of commitment on the part of unions and employers.

Public employment services must boost programmes to help immigrants find work and these programmes might include: helping with the recognition of professional qualifications, improving language learning and occupational training, and providing adequate information on employment systems in the host country.

At grass-roots level, unions, employers' organisations, immigrant associations and other civil society organisations play a key role in conveying information and in helping immigrants to find employment. Social organisations are actively involved across Europe in helping immigrants and their children to find employment by means of vocational training courses, employment advice, support for small business start-ups, etc.

Numerous opportunities are lost in Europe because some businesses close their doors to immigrants. Companies must open up to diversity in society and must integrate immigrants and provide employment contracts that are not xenophobic and do not encourage exclusion.

Poor quality employment is also a issue in discrimination, when immigrants are used as the "most vulnerable" workforce available.

Unions sometimes demonstrate corporatist tendencies, only defending a few vested interests and excluding immigrants. Unions must welcome immigrant workers into their ranks and help them to attain representative and management positions.

Employers' associations face a major challenge in terms of ensuring transparency in the labour markets. Together with the unions, they must cooperate with regional and local public authorities to avoid discrimination and to foster attitudes that favour integration.

The social partners, who are key players in the operation of the labour markets, and who are cornerstones of Europe's economic and social life, have an important role to play in integration. In the context of collective bargaining, they must accept their share of the responsibility for integrating immigrants, eliminating any direct or indirect discrimination from collective agreements and from employment laws and practices.

There are many examples of good practice amongst the social partners and civil society organisations in Europe, which the EESC would like to see more widely adopted. At the Dublin hearing, positive experiences in business, trade unions, employers' associations and social organisations were looked at, including: the commitments given by the social partners in Ireland to manage diversity within companies and to combat discrimination, and the agreement reached by the social partners in Spain to legalise irregular employment and immigration and to manage labour migration through cooperation and social dialogue.

What is needed are active policies and new commitments on the part of the social partners to foster social attitudes that encourage integration, equal treatment and efforts to combat discrimination in the workplace. European social dialogue can provide an appropriate framework enabling the social partners to give new commitments. European social dialogue is the exclusive responsibility of the social partners; the ETUC and UNICE have drafted the agenda for European social dialogue.

2.5 Recognition and transparency of qualifications¹

One of the major obstacles for people wanting to work or learn in another EU country, or indeed to move between different parts of the labour market, is that their qualifications and competences may not be accepted. This is further complicated by the proliferation of qualifications world-wide, the diversity of national qualification systems and education and training structures, and constant changes in these systems. To tackle these obstacles, the EU has introduced several instruments, aiming at facilitating the transfer of qualifications and competences for academic or professional purposes.

The broader long-term aim outlined by the Commission in its Communication on 'Making a European Area of Lifelong Learning a Reality' is to enable people to meet the challenges of the knowledge-based society by promoting the development of their knowledge and competences at all stages of their lives. Citizens should be empowered to use their qualifications and competences as a kind of common currency, which can be earned in one setting, and spent in another. The validation of 'non-formal learning', which may be acquired for example in the workplace or through voluntary activity, is a crucial element of lifelong learning, enabling citizens to build on knowledge and skills wherever they are acquired. The European programmes Leonardo da Vinci and Socrates/Grundtvig have been key in supporting lifelong learning and the development of transnational vocational education and training.

A key priority for the Commission now is the European Qualifications Framework (EQF), which the Commission formally published as a Staff Working Document on 8 July 2005.

The objective of the planned EQF is to facilitate the transfer and recognition of qualifications held by individual citizens, by linking qualifications systems at the national and sectoral levels and enabling them to relate to each other. The EQF will therefore act as a translation device and will be one of the principal European mechanisms intended to facilitate citizen mobility for work and study, alongside for example, Erasmus, the European Credit Transfer System and Europass.

Education ministers in more than 30 countries have resolved, under the Bologna Process, to create a 'European higher education area' by 2010 in which degrees would be more readily comparable.

¹ www.december18.net/web/docpapers/doc4323.doc

The Commission and the Member States have developed a number of tools supporting transfer and transparency of qualifications and competences. A network of National Reference Points for vocational qualifications is currently being set up in the Member States and will be the first point of contact for questions relating to vocational qualifications.

3. Conclusion

As the European Council concluded, developing a common set of EU basic principles on integration is essential, not only given the diversity of experiences and circumstances, but also given the shared interest that Member States have in agreeing shared goals on integration.

The common basic principles for immigrant integration policy in the European Union as outlined in the European Council conclusions of 4/5 November 2004 are as follows:

- Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.
- Integration implies respect for the basic values of the European Union.
- Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible.
- Basic knowledge of the host society's language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration.
- Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society.
- Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration.
- Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, inter-cultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens.
- The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law.
- The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.
- Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public-policy formation and implementation.
- Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective.

'European societies have changed under the influences of immigration and migrant settlement. Various factors influence the impact of immigration on European societies.

These are laws, regulations and political rights, access to the labour markets, welfare state regimes and provisions, health services, housing conditions, education and language politics, integration strategies and forms of exclusion and discrimination.²

The economic transitions underway are influenced by migration. This is the case in the labour markets, concerning job opportunities, unemployment, incomes, formal and informal activities, sectoral divisions, trade orientation and competition, as well as import and export.

Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible.

The **Sector Specific Booklets** review the intercultural workplace situation and common issues across countries and sectors across the partnership in three sectors most affected by migration, namely Healthcare, Education and SMEs. They focus on specific problems, training needs, and best practice, using examples from the case studies.

Research by the European Migration Network for the Justice, Freedom and Security Directorate states that highly-qualified immigrants contribute to economic growth. They contribute to the qualified service sectors, such as the education and health care sectors.

The report also states that immigrant small business is an important part of the economy, especially in niche markets. The origin of immigrant business is traditionally related, to some extent, to the exclusion of immigrants from regular employment structures. In most European countries, opportunities exist for immigrants to establish and develop small businesses both to serve their own markets and to cater for changing attitudes towards cultural diversity and consumption. All in all, the so-called "ethnic entrepreneurship" has greatly influenced European economies and has played a major role in the renewal of urban neighbourhoods in European cities.

We hope these sector booklets will help readers appreciate the opportunities opening up in partner countries and in Europe as a whole.

² European Migration Networks, Impacts of Immigration on Europe's Societies. March 2006. Available at http://ec.europa.eu/justice_home/doc_centre/immigration/studies/docs/emn_immigration_2006_en.pdf

APPENDIX

Overview of the national legislation re work permits in the project partners' countries

Bulgaria

Under the Foreign Nationals Act, foreign nationals who have been allowed to reside permanently in Bulgaria are allowed to work under the same conditions as Bulgarian nationals.

Foreign nationals with short-term or long term residence permits of the territory of the Republic of Bulgaria may enter into labour contracts only with a work permit issued by the Ministry of Labour and Social Policy. Foreign nationals with a short-term residence permit, who have obtained work permits, may apply for long-term residence visas in Bulgaria. This procedure is also valid for the nationals of those countries, with which Bulgaria has signed Agreements for visa-free short-term residence.

Foreign nationals, who have obtained work permits, may work only for the employer determined in the work permit and only for the duration of time specified in the permit. No work permits are required for the following foreign nationals:

- Foreign nationals with permanent residence permits in the Republic of Bulgaria or with equal rights through right of asylum, refugee status or humanitarian status
- Foreign nationals who have been hired or sent to work by force of an international agreement, to which the Republic of Bulgaria is a party, if the withdrawal of the obligation to possess a work permit is provided in the agreement
- Foreign nationals who have been sent to the country by force of inter-governmental agreements and programmes for providing legal, financial, expert, humanitarian and other assistance to Bulgarian institutions, with which they do not have labour contracts
- Foreign nationals who are managers of trade companies or branches of foreign legal entities
- Foreign nationals who are members of boards of managers or boards of directors of trade associations, inasmuch as they do not work under labour contracts
- Foreign nationals who are representatives of foreign trade associations, registered at the Bulgarian Chamber of Trade and Industry
- Foreign nationals who are accredited as members of foreign diplomatic, consular and commercial missions, as well as representative offices of international organizations in the Republic of Bulgaria;
- Foreign nationals who are accredited officially by the Ministry of Foreign Affairs of the Republic of Bulgaria as correspondents of foreign news media;
- Foreign nationals who, while normally residing abroad, participate in scientific, cultural or sport events of public importance, if their activity in the Republic of Bulgaria does not exceed 3 months

- Foreign nationals, who are applying for a refugee status, asylum or humanitarian status, have the right of labour at the specialized centres established by the State Refugees Agency.

(Source: © Ministry of the Interior of Bulgaria, 2007)

Finland

Employment of a foreign national in Finland requires a residence permit which is applied for before arriving in Finland from a Finnish mission abroad. Private entrepreneurship or the exercise of a profession in Finland requires a separate residence permit intended for entrepreneurs.

Residence permits for employees or entrepreneurs are not required for citizens of EU-member states or citizens of Iceland, Liechtenstein, Norway and Switzerland.

EU citizens and citizens of Iceland, Liechtenstein, Norway and Switzerland can freely work in Finland if the work lasts for a maximum of three months. After that, they must register their right to reside in Finland, but they do not need a special residence permit. The following FAQ's and answers may be helpful.

- How is the right to reside in Finland registered?

The employee must go to the local police department to register his or her right to reside in Finland. The police register the right of residence of an employed person in the Register of Aliens and issue a registration certificate verifying the registration. When necessary, the employee must also present a doctor's statement testifying to his or her state of health.

- For how long is the right to reside in Finland valid?

Unless it is withdrawn, registration by a person with the right to reside in Finland is valid until further notice. After four years of residence in Finland, the employee can be granted a permanent right of residence.

(Source: © Ministry for Foreign Affairs of Finland 2007)

Germany

All persons who wish to seek gainful employment in Germany are required to obtain a residence permit in the form of a visa. The residence permit ("Aufenthaltserlaubnis") only allows you to take up gainful employment (employee or self-employment) if the residence permit expressly entitles you to do this. Alternatively they can apply for a residence permit prior to entry. Where needed, a work permit will be included in the visa issued for this purpose. Citizens of the United States of America, Australia, Canada, Israel, Japan, New Zealand, Switzerland, as well as EU citizens may apply for their residence permit for work purposes after entering Germany without a visa. Citizens of other countries are required to apply and obtain a visa for work purposes prior to entry.

Starting in 2005, Germany has made a greater attempt to encourage highly skilled workers to move to Germany. While low skilled workers will still find it difficult to gain permission to work in Germany, highly skilled workers should find it easier to gain permanent residency. The professions most in need are natural scientists (biologists, chemists, physicists) engineers, professors and scientific personnel in high technology areas. Because of the great difficulty of obtaining work permission for unskilled workers, we only cover the procedure for skilled workers.

The new German Immigration Act, which came into force on 1 January 2005, provides for highly qualified persons to be granted permanent residence and permission to work from the outset, rather than five-year work permits as was previously the case. They must have a concrete job offer and get permission from the German Employment Agency. The new law also makes an attempt to reduce bureaucracy. Would-be immigrants will now report to one central place, most likely the German embassy in their home country, to receive work and residency permission.

Family members who enter Germany with highly skilled workers who have obtained a visa, or family members who join them later in Germany, can obtain the right to work in Germany as well, which should also make it easier for families to decide to move to Germany.

Another entirely new development in Germany will be regarded positively by foreign students. Foreign graduates of German universities will have a year to look for a job if they wish to stay in the country. Previously it was quite difficult for foreign students to remain in Germany upon completion of their studies.

Self-employed immigrants will also feel more welcome under the new law, provided they invest one million euro and create ten new German jobs.

It should also be noted that Germany is a member of the Schengen Agreement. With a Schengen Visa, you can enter one Schengen country and travel to other Schengen visa countries freely.

The new Immigration Act has replaced the former German Green Card Initiative, which made it easier for foreign IT specialists to work in Germany. It is generally agreed that the Green Card was unsuccessful, in that it did not succeed in bringing about the additional IT workers expected. This new provision of the Immigration Act is not limited to IT specialists.

(Source: Federal Office of Administration - © BVA 2007; www.workpermit.com)

Greece

With the exception of nationals of EU Member States, aliens are not permitted to work in Greece unless they obtain a special written permit from the Ministry of Labour. This work permit relates to a specific occupation and is granted for employment with a particular employer. The alien concerned must first have been issued with a residence permit.

Citizens of European (EEA) Member Countries are able to live and work in Greece without a visa or work permit.

If you are from a country that is not a European (EU) Member State you must obtain a work visa or permit to work in Greece.

Greece welcomes all citizens from the new EU Member States (Slovenia, Slovakia, Hungary, Czech Republic, Estonia Lithuania, Latvia and Poland) by giving them the same rights of residence and employment as other EU citizens, in accordance with the principle of the free movement of workers.

Nationals of certain countries can visit Greece for up to three months without a visa but will need to be granted a work permit or visa to take up employment.

(Source: European Foundation for the Improvement of Living and Working Conditions - <http://www.eurofound.europa.eu/emire/GREECE/WORKPERMITFORALIENS-GR.html>)

Ireland

In recent years, Ireland has changed from being a country of emigration to a country of immigration. Unemployment is very low and thirteen percent of the labour force in Ireland is foreign born.

While, in most cases, individuals from the European Economic Area (EEA³) countries do not need a work permit to take up employment within Ireland, non-EEA nationals will require authorization from the government.

In the past, the Work Visa/Work Authorization scheme, instituted in 2000, handled work permits for employment of non-EEA nationals in Ireland. However, the scheme was recently replaced by new arrangements. The aim of these arrangements is to find high level skills which are strategic to the development of Ireland's economy and cannot be sourced from within the EEA.

Ireland prefers to work with a system based on job offers in skills shortage areas rather than quotas or points based systems, such as the UK. Ireland has set up a system divided into the following categories:

- Green Card Permit Scheme
- Work Permit Scheme
- Intra-company Transfer Permit Scheme
- Spouse/Dependent Permit Scheme
- Graduate Student Scheme

In addition, Ireland has a policy regarding nationals of Bulgaria and Romania, who recently joined the European Union in January 2007.

In general, non-EEA nationals must have a permit to work in Ireland. EEA and Swiss nationals do not need an employment permit, except for Bulgarian and Romanian nationals – see below. Since 1 February 2007 there are a number of changes in relation to the application and granting of employment permits. Under the Employment Permits Act 2003 and the Employment Permits Act 2006 there are four types of employment permits: work permits, Green Card permits, spousal/dependant work permits and intra-company transfer permits.

Work permits from 1 February 2007

- Work permits are available for occupations with an annual salary of €30,000 or more.
- They are also available for a very restricted number of occupations with salaries below €30,000.
- Work permits will not be considered for occupations listed as ineligible for work permits - see below.
- The work permit is granted for 2 years initially, and then for a further 3 years.
- A labour market needs test (see below) is required with all work permit applications.

³ ³ the EEA (European Economic Area) consists of the EU member states together with Norway, Iceland and Liechtenstein

Other employment permit changes

- Either the employer or employee can apply for the employment permit, based on an offer of employment.
- It will be granted to the employee and will include a statement of the employee's rights and entitlements.
- The employer is prohibited from deducting recruitment expenses from the employee's pay or retaining the employee's personal documents.

Bulgarian and Romanian nationals

Since 1 January 2007 nationals of Romania and Bulgaria are EU nationals but are still required to have a permit to work in Ireland. Applications for employment permits for them will be given preference over those for non-EEA nationals. Romanian and Bulgarian nationals who have been resident in the State on a valid employment permit for a continuous period of 12 months or longer prior to 31 December 2006 will not need employment permits.

Once issued with an employment permit one has all the employment rights of Irish or EU citizens for the duration of the employment permit.

A work permit is not necessary.

A foreign national does not need a work permit if belonging to one of the following categories:

- EEA/Swiss citizen and spouse (whether he/she is a EEA/Swiss citizen or not) and dependent children - except Bulgarian and Romanian nationals, see above.
- Person who has been granted refugee status - whether through the normal process or as a programme refugee.
- Postgraduate student where the work is an integral part of the course of study being undertaken.
- Person who has been given permission to stay in the country because he/she is
- the spouse of an Irish citizen or the parent of an Irish citizen.
- Person who has been refused refugee status but has been granted leave to remain on humanitarian grounds.

(Source: www.CitizensInformation.ie, www.workpermit.com) [both accessed 14.08.2007]

Italy

The Italian work permit scheme is administered regionally, so implementation differs significantly depending on the exact destination within Italy.

Italian work permits must be sponsored by an Italian company. They can not be applied for directly by a potential employee or by an agency.

Processing times vary between regions, but the average is about two months.

It is to be noted that Italy does not recognise the Van der Elst ruling of the EU court.

Work Permit for seasonal work

Permit of stay will be issued if the request is presented by one of the following:

- Italian or foreign employers legally residing in Italy
- Trade associations on behalf of their associates

Italian or foreign employers residing legally in Italy, or Trade Associations which, on behalf of their associates, intend to establish a seasonal working relationship in Italy, must present a registered request to the areas' department office of the Ministry of Labor and Social Security.

The same office will issue an authorization within 15 days: the permit is valid for a minimum 20 days and a maximum of 6 or 9 months, depending on duration of the seasonal work required.

With this authorization which will be sent to your country of origin, you will be issued an entrance visa by the Italian Embassy or Consulate which will permit you, once in Italy, to obtain a work permit for the time agreed upon.

NOTE: you can convert your seasonal work permit into a work permit for dependent labour for a limited or unlimited time if the conditions to do so exist.

Work Permit for independent work

If you intend to carry out occasional independent work in Italy which is not reserved for Italian or European citizens, you must demonstrate four things:

- that you dispose of sufficient means for the type of activity you intend to practice (commercial, industrial, handicrafts, professional etc)
- that you hold the requisites to practice such a profession under Italian law (i.e. requirements for guilds or professional registers)
- that you hold a certificate issued by a competent authority, not older than three months, attesting that there are no impediments to issuing an authorization or a licence to practice that profession
- that you have at your disposal a place to live and an annual income.

(Source: www.workpermit.com; www.lifeinitaly.com)

Norway

In order to work in Norway, most people require a work permit. The permit must be granted before entry into the country. In general, you cannot travel here and wait for a decision.

This section contains detailed information regarding the applicable rules and guidelines for the various types of work permit, and how you go about applying. NB: Separate rules apply for applicants from EU/EEA/EFTA countries.

In most cases, if you will be staying in the country for longer than three months, you must apply for a residence permit. In certain cases, it may also be necessary to apply for a visa in order to enter Norway.

The Directorate of Immigration emphasises that it is the sole responsibility and obligation of the employee to make sure that he/she has the necessary work permit before he/she starts to work.

The employer is also obliged to make sure that the employee has a valid work permit, before employing a foreign worker.

The validity of the work and resident permit will be stated in the decision. Other conditions of the permit will also be stated in the decision.

Persons who have lived and worked in Norway without a residence and work permit have violated the Immigration Act, and can be deported/expelled from Norway. A foreign national who has received a decision on expulsion can appeal against the Directorate of Immigration's decision. If you appeal, your application will be re-examined by the UDI. The UDI may overturn the decision and grant the requested permit. If the UDI upholds the decision, the case is sent on to the Immigration Appeals Board (UNE) for further consideration.

Working illegally can result in criminal liability both for the employee and the employer. It is however up to the police to prosecute.

Expulsion from the Schengen area

A decision on expulsion means that you must leave Norway and are not permitted to re-enter the country. It also implies prohibition on entry to all the Schengen countries. The validity of the expulsion period will be stated in the decision. The authorities in the individual Schengen countries can give separate permits for entry during the expulsion period.

(Source: UDI – Norwegian Directorate of Immigration; www.udi.no)

Poland

A foreigner intending to work in Poland has first to find an employer in Poland who will agree to apply for a work permit to a 'voivodship' in the district where the company or institution is located. A foreigner can obtain such an agreement if there are no suitable candidates among Polish citizens for the position he or she is applying for. Note! Since 1st May 2004, a requirement to obtain a work permit does not concern:

- citizens of EU member states
- members of families of EU members who have business or work in Poland

Other foreigners will be obliged to follow the general regulations of working in Poland. The procedure for employing a foreigner in most cases consists of three stages. A person applying for a working visa or a Polish residence card has to present an employer's promise to give him or her work, which is issued by a 'voivodship' near the employer's company.

The application for such a document is filed by the prospective employer with a 'voivodship'. Employers employing foreigners are not required to supply a promise of a work permit if on the day of submitting an application to the 'voivodship' the foreigner has a valid working visa or a Polish temporary residence visa.

When the promise is issued to an employer, the 'voivodship' will define the conditions for a foreigner to obtain a work permit. Only after these conditions have been established can a foreigner obtain the appropriate work permit.

Polish regulations also foresee the possibility of issuing a promise and permit regardless of the situation in the local labour market. This dramatically increases the chances of foreigners taking up work. As a result of getting a work permit:

- foreigners are entitled to represent foreign companies with branches or representative offices in Poland;
- family members of employees of diplomatic posts or of employees working in Poland as a result of international agreements
- private domestic workers of employees of diplomatic representatives in Poland or international organisations;
- doctors and dentists on professional internship required by law if they are graduates of Polish medical schools.
- There is a large group of foreigners who can legally work in Poland without the necessity of having an official permit. Such ways are offered to foreigners who are accredited press, radio and TV correspondents, as well as photographers and filmmakers working on assignments for the foreign mass media, artists, actors, orchestra conductors, instrumentalists, singers, dancers and mime artists who will not exceed 30 days of work during a calendar year, resident students studying in Polish universities and working during holidays not longer than three months a year, people giving occasional speeches, presentations of a particular scientific or artistic value, board members of legal entities who live permanently abroad, and perform their duties not longer than 30 days in a calendar year,
- Clergy, foreign employees sent to Poland for a time not longer than three months in a calendar year to conduct training, assembly of fair expositions, maintenance or reception of machines and equipment ordered by their companies and soldiers and civil personnel of NATO structures in Poland.

Foreigners working legally in Poland can perform their duties within the conditions defined in permits or on any condition if they do not need permits.

As employees working in Poland they come under the Polish labour code. Like Polish citizens, they can also obtain incomes on the basis of civil-legal agreements defined by the civil code, e.g. assignments, one-off job agreements, or one-off agreements with the transfer of copyrights. In such a situation they do not have employees' rights, such as the right to leave or go on holiday and an eight-hour working day. In the case of assignments, they have the same rights to pensions and health security, as any employee on a permanent work contract.

Foreigners who work illegally in Poland, without having a necessary work permit, will face severe consequences and will be expelled from Poland. The execution of such a decision is immediate. If a foreigner does not leave a country voluntarily in the time specified by the authorities, he or she will be immediately expelled from Poland at his or her own cost (or the cost of the person who has invited the foreigner to Poland). A decision on immediate expulsion will automatically render previously issued visas or temporary residence permits null and void. A person who receives an expulsion decision will have his or her finger-prints and photograph taken, which will be placed in the national registers. A foreigner expelled from Poland will find it much harder to obtain a visa or residence card in Poland.

(Source: © Ministry of Foreign Affairs 2002- 2007)

Sweden

You must have a work permit in order to work in Sweden. Once you have been granted a permit, it must be entered into your passport before arrival.

Obtaining a Swedish work permit is no easy matter. Swedes, foreign citizens already living in Sweden and EU/EEA citizens have preference over others in obtaining work here.

If there is a temporary shortage of labour, or if you have obtained employment as part of an international exchange programme, the Migration Board may grant you a work permit.

If the offer of work is for more than three months you will also require a Swedish residence permit.

A specialist employed by an international concern and travelling to and from Sweden in that capacity in order to work for temporary periods does not require a work permit. This applies if total duration of stay in Sweden is less than 12 months.

As of 30 April 2006 EU/EEA citizens and their family members no longer need residence permits to stay in Sweden for more than three months. EU/EEA citizens should register their right of residence and family members who are not EU/EEA citizens should apply for residence cards.

An EU/EEA citizen who is an employee, self-employed person, student or who has sufficient funds to support himself/herself has a right to reside in Sweden. The term right to reside means that an EU/EEA citizen and his or her family members are permitted to be in Sweden for more than three months without a residence permit. A person who has a right of residence must register with the Migration Board no later than three months after entering the country.

If you are a Swiss citizen you must apply for a residence permit. Nordic citizens can spend time in and live in Sweden without having to register or have a work permit.

Work permits are normally granted for one year at a time, or, if it is less than one year, for the period for which employment is offered. Permits are granted for a maximum of 18 months if the employment is due to a temporary labour shortage.

If the work is part of an international exchange programme or the like, the permit may be extended up to a total stay of four years.

The permit is restricted to the trade or profession envisaged in the offer and to the employer who made you the offer.

(Source: Swedish Migration Board, <http://www.migrationsverket.se/english.html>)

UK

The most important thing to understand about UK work permits is that in the UK the employer applies for the work permit and the work permit is granted for a particular employee. If you are an individual hoping to work in the UK, you cannot apply for a work permit. If you have a work permit for the UK, you cannot change jobs without getting a new work permit.

The UK has introduced a number of new UK immigration, naturalization, UK visa, work permit and UK working visa categories in the last few years. The points based skilled immigration category the Highly Skilled Migrant Programme (HSMP) introduced in January 2002 has proved to be very successful.

A Summary of UK HSMP Changes, as of 17 November, 2006:

The latest version of the Highly Skilled Migrant Programme was announced on 7 November 2006. The UK Home Office is revising the overall immigration system for the country. Many changes are under way. Generally, all migration and immigration routes into the UK will be on a merit-based points system. The HSMP visa is to be incorporated into the five-tiered system which is expected to be in place by April of 2009.

Here is a summary of the main changes to the HSMP.

- The points requirement has gone up to 75 points; However, with the other changes some people may find it easier to enter under the new HSMP system.
- The work experience, achievements in a chosen field, HSMP Priority Applications for General Practitioners and the Partners Achievements sections have been removed. However, even though the previous work experience section has been removed you can now gain 5 points for UK work experience, which was not available previously.
- You gain over 20 points for being 27 years of age or under 5 points for being 30 or 31 years of age or older.
- You gain more points for academic qualifications; from 30 points for a bachelor's degree to 50 points for a PhD. It is now not possible to gain enough points to come under HSMP unless you have at least a bachelor's degree or a professional qualification. Note that there is an MBA Provision, under which you gain access to an HSMP visa as long as you meet certain basic requirements.
- The maximum number of points you can gain under the Previous Earning section has gone down to 45 points from 50 points; However with the other changes it is easier for people who are over 28. Note specifically that earnings are scaled to the specific region of origin for the applicant.
- If you have UK work experience or a UK bachelor's degree you gain 5 points.
- To show English language ability you need to have a bachelor's degree that was taught in English (not a master's degree or PhD), or possess an International English Language Testing System qualification at Band 6. The certificate is valid for two years.
- Even if you are already on HSMP you will still need to comply with the new criteria for an extension as announced on 7 November 2006. There has already been talk of a legal challenge to the Governments new requirements for an HSMP extension. The government has also announced that it will make some "transitional arrangements," full details of which have not yet been published.
- The Government has now made it clear that you must submit all supporting documentation with your application. If you miss out any documentation that is required to prove your case, the application will be considered on the basis of the information and documentation provided. You will not have an opportunity to submit any more documentation. It therefore follows that if you miss out any relevant documentation your application is likely to be refused.
- If the HSMP application is refused you can request a maximum of one review of the decision, not two, as previously. There is no Government fee for the review of the

decision. Reviews can only be considered on the basis of the information already provided. If you wish to produce any new information or documentation you will have to submit a fresh application and pay the relevant Government fee for a new HSMP application.

There is also a new low-skilled UK work permit category for the sectors-based visa. There are likely to be further UK immigration changes that will allow even more people to gain entry to the UK.

(Source: www.workpermit.com)