



MIGRATION PROGRAMME

**Legal labor migration:
a snapshot of practices**

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Summary

Europe is facing a sharp decline in its working-age population, in combination with the significant and persistent skill and labour shortages that range from low-skilled professions, such as construction, to mid-range, such as care, and finally to high skilled professions such as Information Technology. These shortages, combined with Europe's ever-growing economic needs, lead to an increased demand for labour migration.

The COVID-19 pandemic, combined with the increased automation adoption, also triggered a shift in the labour market within the EU, influencing the job vulnerability of low and middle-skilled workers. As such, EU nationals have also exhibited a stronger focus on high-skilled professions and the pursuit of higher education, widening the pre-existing divide even further. Due to the limited and fragmented legal acquis of the European Union on migration, the admission of low and medium-skilled professionals in EU member states has taken a secondary position, until recently.

The current brief offers a snapshot of recent reforms and practices in select countries in the EU with an emphasis on programs seeking to establish labour pathways. We look at Germany, Italy and Spain, for two reasons: one is that they have undertaken recent reforms to address significant labour shortages; secondly all three have embedded migration in their foreign policy to attract foreign labour.

The European Union's Approach- attracting and retaining labour

The European Union has taken steps in recent years in addressing the need for labour migration. Announced in the new Pact on Migration and Asylum the EU Framework for Talent Partnerships, serves as a policy tool for member states, with the intent to assist them in benefiting from international mobility and match their labour needs with the appropriate foreign workforce's skills. The European Commission currently [prioritises seven partner countries](#) for the Talent Partnership Framework: Bangladesh, Egypt, Morocco, Nigeria and Senegal, Tunisia and Pakistan.

Talent Partnerships are mobility schemes between MS and specific countries, seeking to match skills with labour demand in the EU, as well as offering mobility for study, work, and training. Talent Partnerships have been described by the Commission as "[an EU policy and funding framework](#)" that contributes to the existing toolbox of engagement with third countries. The approach was initially used to support existing projects taking place through the [Migration Partnerships Facility](#) (MPF) since 2016 however it was evolved since with different types of partnerships emerging focusing on different skills (e.g. ICT sector, health sector). Talent Partnerships do not promote local development and it has been increasingly difficult to find a match between the needs of the countries of origin and the MS interested in partnering. Some EU MS are increasingly taking an active role in seeking to address labour shortages through TCN recruitment.

On 15 November 2023, the Commission presented its [Communication on Skills and Talent Mobility](#), which includes a proposal for a [Regulation establishing an EU Talent Pool](#) – focusing mainly in healthcare, construction, transport and ICT sectors-as well as a [Recommendation on the recognition of third country nationals' qualifications](#). The Talent Pool is a voluntary matching tool for MS interested to low, medium and highly skilled workers and will be complementary to the Talent Partnerships currently taking place in Morocco, Tunisia, Bangladesh, Egypt and Pakistan.

The European Union has also expressed its willingness to support member states in the attraction and retention of immigrants, as to fill their labour market needs. There are two notable examples of the EU's commitment, the [Single Permit Directive](#) (2011/98/EU) and the [Long-term Resident Directive](#) (2003/109/EC), both of which were revisited in 2022, after the COVID-19 pandemic, as to be adjusted to the new needs of the European Union's labour market and boost its attractiveness. Both seek to simplify rules, and not attract but also retain labour migrants in EU territory.

The Single Permit Directive (SPD) grants third-country nationals in one application a work and residence permit in an EU MS. In 2022, 3.6 million non-EU citizens were issued a single permit to both reside and work in the EU, according to the European statistics agency Eurostat. Almost half of them (48.8 per cent) of the permits were issued for work reasons. France, Spain, Italy and Portugal together issued [63 per cent](#).

In the changes agreed by the European Parliament it will be possible for holders of the single permit to change employment, sector, and job simply by alerting competent authorities. MS may choose to require a six-month period to remain with the first employer. It will be possible to apply for the permit both from the third country as well as within the EU if the person has a valid residence permit. Issuance should take 3 rather than 4 months and if the individual loses their job, they can remain in the EU either while the permit is valid (2 months) or for six months if they have been in the EU territory already for 2 years. This

will facilitate the retention of workers who will have the opportunity to look for a job and renew while in the EU.

The EU Long-Term Residence Directive (LTRD) was adopted twenty years ago as one of the instruments establishing a common approach towards the integration of third-country nationals (TCNs). The LTRD grants TCNs residing for at least five years rights and obligations comparable to those of EU citizens. Its purpose has been to promote economic and social cohesion in the EU.

The European Commission, in 2020 and within the framework of announcing the new Pact on Migration and Asylum, noted its intention to address shortcomings in the application of the LTRD and further align the rules with the goal of attracting necessary skills and talent to the EU. Following an [impact assessment](#), the European Commission noted that the aim should be to further enhance the rights of long-term residents (LTRs) and allow mobility, including for work purposes, across the MS. The European Commission tabled its proposal in April 2022. The Parliament adopted its proposal in April 2023 noting that the period non-EU nationals are required to be legally resident in a member state in order to acquire EU long-term status should be cut from five to three years. Parliament also recommended to be possible to combine periods of legal residence in different EU member states, instead of starting from zero in each move (as is the case now). The Council of the EU agreed to maintain the five-year residency requirement. The representatives of EU governments also propose that TCNs “can cumulate residence periods of up to two years in other member states in order to meet the requirements of the five-year residence period,” but that applies only to [“certain types of legal residence permits, such as holders of EU Blue Cards or residence permits issued for the purpose of highly qualified employment.”](#)

The European Union is seeing an increase in labour and skills shortages, suggesting either the instruments are underperforming, or the MS remain hesitant to facilitate the attraction and maintenance of low, medium, and high-skilled migrants for labour purposes. Nearly two-thirds (63%) of small and medium-sized businesses [according to the European Commission](#), cannot find the talent they need.

Current estimates, indicate that Germany has [700,000 vacancies](#) currently unfilled. Italy is estimated to need [280,000 foreign workers a year until 2050](#) to compensate for its shrinking national labor force while Spain is facing shortages in the service industry, and hospitality sector.

Germany: a broader outlook

Germany is the EU's largest economy and a traditionally difficult labour market to access for third country nationals, since a key requirement-beyond the administrative and bureaucratic hurdles- has been knowledge of the German language.

Germany is also one of the EU MS facing significant [demographic change](#). The country recently underwent reforms in its immigration laws, with the main objective being the [attraction of skilled third-country nationals](#), in order to address the post-COVID-19 labour shortages.

In 2023, the federal government passed the Skilled Workers Immigration Act. The legislation makes it easier for German companies to hire non-EU employees, and it also eases restrictions on foreign workers living in the country for extended periods of time. Those outside the EU wishing to pursue labour opportunities in Germany can come directly to the country and start working while their qualifications are being approved. Workers will be able to stay up to three years, including with dependents, as long as they can prove they are able to support themselves. The inclusion of the family unit is likely to increase the 'attractiveness' factor for many. Inspired by the Canadian and Australian merit based systems, the recent reform continues the attraction of high-skilled migration (through the revised Blue Card Directive transposition) but focuses mainly on skilled labour, which is much more difficult to regulate than highly skilled. Here the question of how to match skills and more importantly how to recognise professional training offered in third countries emerges.

Germany has a system in place for vocational education whose standards third countries rarely meet. The equivalence test had been abandoned some time ago, and until recently TCNs were admitted through an 'educational' route, for purposes of vocational training which would then allow them to access the labour market for skilled jobs. This approach can be productive in the long run but fails to address short-term needs. An additional reform, however, [allows for entry of third-country nationals with a university degree or two-year vocational training, irrespective of whether they are equivalent to German standards or not](#). Additional criteria are having a job offer, two years of professional experience during the past five years, and an annual salary of roughly 40,000 EUR to meet living requirements in Germany. Language skills are not a requirement although there is always the option to exclude an application on discretion. This will likely open Germany to a large market that was until now hindered by language requirements and the matching to the German vocational training scheme [requirements](#). Perhaps more importantly, the reform does not render Germany attractive necessarily to the same countries for which most EU MS will be competing for labour (i.e. Tunisia, Morocco etc) but has a far broader outlook- Latin and South America, and Asia.

In addition, Germany is involved in partnerships with third countries [seeking to boost labour mobility](#) and here the Western Balkans Regulation serves as an example. It allows workers from the Western Balkans countries to receive a temporary labour market visa if they have a job offer, irrespective of skill levels. The annual quota for the Western Balkans will be increased in June 2024 to 50,000 workers, thus strengthening the scheme. The German government is considering expanding this scheme to third countries that will be willing to partner on migration management (including returns).

Italy: a quota-based system

Italy's migration policy is characterised by a polarity- on the one hand it has undertaken one of the most restrictive migration policies across the EU, and on the other hand it is gradually opening up the labour market to meet increasing needs.

Southern European countries, such as Italy, have historically implemented different labour immigration policies compared to their Northern European counterparts, with a [focus on low and medium-skilled workers](#). A recent report by [IDOS](#) highlights that despite the negative discourse towards migration, Italy has 2.4 million foreign nationals employed, representing 10,3% of the total employed population. The report further notes that from the launch of the Consolidated Act (1998) onwards, despite the different parliamentary and governmental majorities that have alternated, Italian migration policies have been characterised by a surprising consistency in systematically producing measures that have almost always introduced cuts, restrictions and crackdowns. These have rendered the [mechanisms for legal entry and stay in Italy largely prohibitive](#), encouraging precariousness and favouring social and economic segregation of immigrants. It is also worth noting that the Italian system has faced challenges with bureaucratic inefficiencies, delays in permit issuance and a high subterfuge in the implementation of immigration policies¹. It also exhibited a large disparity between policy goals and outcomes, leading to significant numbers of irregular migration and the need for intermittent large scale [regularisations](#).

The Italian immigration system heavily relies on quotas. In 2023, the quota for working visas was set at 82,705 - a significant increase from previous years yet still well below the 277,000 who applied for them. Out of this number, 44,000 were reserved for seasonal workers, while 24,105 were designated for non-seasonal, low-skilled work, including construction and road transport. Within the quotas, Italy also reserves specific places for different categories of entry based also on cooperation agreements with third countries. For example in 2023 [25,000 places were reserved for non-seasonal employees](#) who are citizens of countries with migration cooperation agreements or arrangements. This includes the 4,000 entries for non-seasonal labour reserved for Tunisians, based on the [Memorandum of Understanding between Italy and Tunisia](#).

In 2023, the '[Cutro Decree](#)', after 18 years, reintroduces the three-year programming of entries for work from abroad (452,000 total in the three-year period 2023-2025, against a labour market need estimated at 833.000 for the same period), simplifying, among other things, the procedures for the issuance of work authorisation, providing for some over-quota entries and conversions, with a privileged channel for those who have followed pre-departure training courses and extending to three years the duration renewal of residence permits for permanent work, self-employment and family reunification. Under the new law, foreigners who have entered Italy after being granted work authorization ("nulla osta") can start working even if they are still waiting to sign the residence contract for work.

Low and medium-skilled migrants interested in working in Italy may apply for a Salaried Employment Visa or a long-term seasonal work visa, both of which are sponsored by the employer, with the work permit's duration linked to the length of the work contract. The application process involves securing a job,

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obtaining a work permit and visa, and submitting the required documentation, including evidence of accommodation, finances, and health and travel insurance. The processing time ranges from two to 30 days. However, the employer has to undertake recruitment 'in the dark' since small and medium businesses cannot afford to hire staff without first meeting them. In order to bypass the system, they hire foreign workers informally selecting them from those already in the country rather than recruiting from abroad and waiting for the release of the Flows Decree (concerning the programming of entries in Italy) to proceed with a fixed call from abroad and regularise the employment relationship. Additionally, even those who are skilled- either through vocational training or higher education graduates-are not absorbed in the relevant market but rather in low or medium-skilled jobs.

As part of the permit renewal process, unskilled workers in Italy must ensure that they meet all the requirements and comply with the government's regulations. They should submit their renewal application before their current permit expires, along with their relevant documentation and a valid work contract. Their application will then be reviewed and depending on the availability of extensions designated by the annual quota, they will be granted an extension that reflects the duration of their renewed work contract.

Italy is also active in the Talent Partnerships. It has identified Bangladesh, Egypt, Morocco, Pakistan and Tunisia, as countries of interest due to existing bilateral relations as well as migratory flows and existing diasporic communities in Italy. It is currently supporting [two initiatives, one in Egypt and one in Morocco and Tunisia](#), both providing training of workers in the tourist, mechatronics and construction sectors respectively. Both projects run for 36 months in partnership with the International Organisation for Migration and the private sector.

Italy's participation in the Talent Partnerships is part of the broader migration policy aimed at strengthening the channels of legal entry into Italy for work, including through international agreements, such as the one signed in October of 2023 with Tunisia and in November 2023 with India.

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Table 1: Categorisation of Country Policies

TOPIC AREA	GERMANY	SPAIN	ITALY
Temporary Residence Duration	1 year	1-2 years (according to work)	1 year
Requirements	Work Language Integration &	Work	Work & Varies
Processing Time	5-6 weeks	2-30 days	~10 days
Extension	Rare	Up to 5 years	2 x 2 Years
Permanent Residence	No	Yes After 5 years	Yes After 5 years
Work Visa Duration	1 year	1- 2 years	1 year
Extension/ Renewal	Rare	2 x 2 years Up to 5	2 x 2 Years Up to 5
Visa application processing time	5 - 6 weeks	2- 30 days	10 days
Regular Application Period	-	-	3 to 6 months
Government Limit (Number)	None	Changes	None
Government Requirement (Other)	Health Insurance	Health Insurance	List of Jobs & Health Insurance
Seasonal Work Duration	90- 180 days	6- 9 months	90- 180 days
Permanent Processing Period	None	<6 Months	< 3 months

Spain- Cyclical labour programs

Spain has a relatively high proportion of foreign-born residents compared to other European nations, and its immigration management has undergone considerable evolution in recent decades, becoming more inclusive. Most immigrants are now provided with greater civic and social rights, as well as a pathway to citizenship. Additionally, Spanish reforms have sought to both retain and facilitate access to the labour market for the population already in the country as well as recruit migrant labour from abroad, with an emphasis on circular migration programs that address also needs of seasonal demand (e.g. agriculture, tourism). As regards attraction of foreign labour, Spain has prioritised circular migration to address the needs of the labour market. It has also prioritised securing visas for people coming from Spanish-speaking Latin America, since knowledge of the language facilitates a smoother integration process.

Spain offers the Spanish Work Permit and the [Highly Qualified Worker Visa](#). The former requires a job offer in a high-demand field, while the latter covers all professions but requires high-level expertise and experience. Both have the same renewal process, with the first residency permit valid for up to one year and renewals every two years.

The Highly Skilled Worker Visa offers several advantages over the previous option. Firstly, the role for which the visa is being applied doesn't have to be on the in-demand list or pre-advertised to Spanish nationals. Secondly, migrants can include their families in the application, allowing them to join them immediately and also be allowed to work. Lastly, the visa application processing time is ten days, which makes it a significantly faster process.

Where Spain differs partly from other southern member states, is in the establishment of programs that typically focus on migrant workers from specific countries and in parallel establish programs that seek to address the recruitment process itself in origin countries and ensure transparency and standards in the recruitment process. The latter, is addressed through [Collective Management of Recruitment in Origin \(GECCO\) programs](#).

As regards the recruitment of foreign workers, Spain deploys different tools, including Temporary Collective Labour Migration programs (TCLM), and Bilateral Labour Migration Agreements (see table 2) that can prove to be beneficial for both parties involved. On one hand, the receiving country often fills the job positions that are in high demand, most often in technical fields that require vocational training, while promoting cultural ties and exchanges. On the other, the countries of origin ensure that their citizens have access to overseas labour markets where their rights are protected, and they have access to welfare and other privileges that depend on the [type of agreement](#). Spain's bilateral labour agreements follow the International Labor Organization's good practices.

Legal labor migration: a snapshot of practices*Table 2: Spain's Active temporary work contract agreements*

Third Country	Agreement Name	Date Signed	Type
Columbia	Agreement between Spain and Colombia on management and regulation of migratory worker flows.	21/05/2001	Temporary Contract Work
Morocco	Agreement on Labor between the Kingdom of Spain and the Kingdom of Morocco	02/07/2001	Temporary Contract Work
Dominican Republic	Agreement between the King of Spain and the Dominican Republic on the management and regulation of migratory labor flows	17/12/2001	Temporary Contract Work
Mauritania	Agreement between the King of Spain and the Islamic Republic of Mauritania on the management and regulation of migratory labor flows	25/07/2007	Temporary Contract Work
Ukraine	Agreement between Spain and Ukraine on the regulation and management of migratory labour flows	12/05/2009	Temporary Contract Work
Honduras	Agreement between the King of Spain and the Republic of Honduras on the regulation and management of migratory labour flows	28/05/2021	Temporary Contract Work
Ecuador	Agreement between the Kingdom of Spain and Ecuador on Regulation and Management of Labour Migration Flows	29/05/2021	Temporary Contract Work

The projects are ongoing, once formulated, with quotas updated annually. TCLM's exist with Morocco, Senegal, Guatemala, Honduras, Ecuador and Colombia. Morocco is one of the core countries where circular migration projects are implemented, with around 15,000 migrant workers arriving on an annual basis for agricultural production.

Beyond agriculture, Spain has recently extended the existing bilateral agreement with Morocco as regards lorry drivers. Moroccan citizens will now be able to be hired as truck drivers by Spanish companies with their drivers licences recognised (without additional tests). The expectation is that around [6,000 Moroccan professional drivers](#) will be able to work in Spain.

The quotas depend on the country and needs and are usually 'tested' in pilot projects before full application. In 2022, Spain conducted a pilot project with Honduras, bringing in 250 migrant workers. High-skilled labour has also been facilitated, through the agreement with Colombia (2022). In 2023 that number was updated to 415 Honduran workers and 102 from Ecuador have traveled to Spain to pick berries, staying for an average of five months. Similar program is taking place with Senegal. In the same year, Spain signed a circular migration agreement with Guatemala, scheduled to bring in around 2,000 seasonal workers to Spain throughout 2023.

Participants to the circular programs are selected by the Spanish authorities and the third countries with criteria applied- the main is that they will return home once the work concludes.

The application process for work and residence visa begins with the prospective employer who needs to obtain a work permit from the Provincial Aliens Affairs Office. Renewals must take place 60 days prior to expiration and first-time applications must be lodged at the consulate or embassy of Spain in the country of residence. The accommodation must be provided by the employer who is usually also responsible for covering the travel costs for arriving and returning. Anyone arriving to do seasonal work will need to show that their employer can provide them with continuous employment throughout the period of their visa duration. The employer needs to prove that they have sufficient money in their business to meet all the obligations to their workers once the contract concludes the employee commits to returning home. Though agriculture remains the focus for the circular migration programs, Spain has further indicated it would consider relaxing work permit rules beyond the agricultural industry, with a focus on the tourist sector and service industry, in an effort to address significant labour shortages.

In keeping with the linkages between foreign policy and labour recruitment, the country announced it will partner with the US and Canada in promoting regular migration to Central and South America. The centers that are planned will function as one-stop-shops set up by UNHCR and IOM that will help direct people considering migration towards legal pathways, where for international protection or [work and residence permits](#). Beyond this, Spain has also opened up a complementary pathway, in partnership with corporate sponsors, for [persons in need of international protection](#) with skills matching domestic labour demand shortages.

Conclusion

The current brief offered a snapshot of some of the main practices undertaken by three key member states in the recruitment of foreign labour. By no means exhaustive, it does offer food for thought as regards existing practices.

Despite significant steps from the European Union, labour shortages remain and at times, coexist with high unemployment rates (e.g. Spain) and/or restrictive practices as regards migration (e.g. Italy). Lowering requirements (e.g. language for Germany), increasing quotas (e.g. Italy) and facilitating recognition of qualifications (e.g. Spain) are different ways of increasing the attractiveness factor of the country.

Nonetheless, what becomes clear is that countries are tapping increasingly into the same pool of resources, from specific countries in South America (e.g. Colombia, Venezuela), North Africa (e.g. Morocco), Eastern Mediterranean (e.g. Egypt) and Asia (e.g. India, Bangladesh).

This will likely produce a competition for attracting and retaining skilled labor, with attractiveness increasingly reflecting skills recognition as well as development (through training), ability to bring one's family to the EU, duration of visas, and simplified processes of recruitment. It also opens up potential opportunities and lessons for smaller countries, like Greece, that are slowly integrating migration into their foreign policy and seek to develop flexible programs that attract skilled foreign labor.