High-Skill Migration and Recession

Gendered Perspectives

Edited by

Anna Triandafyllidou

Irina Isaakyan

Migration, Diasporas and Citizenship

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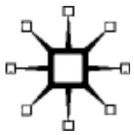

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Preface

The idea for this book emerged through long conversations and exchanges that took place during the course of Irina's Marie Curie Fellowship project '*FEMIDE:* Female Migrants from Developed Countries in Southern Europe: A Study of Integration'. *FEMIDE* was conducted under the auspices of the Marie Curie Actions Intra-European Fellowship (298752) in 2012–2014 and hosted by the Robert Schuman Centre for Advanced Studies (RSCAS) at the European University Institute (EUI) in Florence, Italy. It looked at the processes of US- and British-national women living in Italy and Greece. Early on, while Irina was conducting interviews with Anglophone women in different parts of Italy and Greece, it emerged that even these highly educated women who usually migrate for personal reasons (marriage, love) faced important problems of labour market insertion as well as overall integration with their host societies. Indeed, it came as a surprise that highly skilled migrant women, usually with a stable residence status, had trouble securing employment in their area of expertise and were often met with suspicion. It was even more surprising that often these women were themselves very closed towards cultural diversity and came with several preconceptions about what was 'good' and what was 'bad' in life. Throughout their lives many went through processes of both acculturation and reskilling, only for their careers to be hampered by the economic crisis that has plagued Southern Europe in the last five years. This made both of us dig deeper into the emerging literature on the current global recession and on the Eurozone crisis, only to find that not much was written about women migrants, particularly highly skilled ones.

The *FEMIDE* project also showed that the category of highly skilled migrants is very slippery as one may be highly skilled and move without a visa or with a tourism visa, or one may be a marriage-migrant but apply for a highly skilled migrant status. We thus started questioning *who* actually the high-skill migrant is, *what specific problems* highly educated women migrants may have when facing the crisis and *what coping strategies* these migrants may develop. Initially, thinking about Anglophone women in Southern Europe, we eventually decided to look at other national contexts and professional sectors of female high-skill migration and to engage more scholars working across a range of academic disciplines in the reconceptualization of state-of-the-art women's high-skill migration in Europe.

We wanted to compare the experiences of both traditional and non-traditional female migrants in Europe, as well as to make further comparisons with the intra-EU migrations and between and within specific professional sectors of women's migration in terms of both the women's experiences and policy responses. This is how the idea of this inter-disciplinary book came to life. We have found a stimulating academic environment in the Global Governance Programme of the Robert Schuman Centre for Advanced Studies of the EUI in Florence where we developed our arguments, recruited contributors and discussed draft versions. We would like to specially thank Sabrina Marchetti, Ruby Gropas, Laura Bartolini and Davide Calenda for the stimulating discussions and comments. *We greatly appreciate the financial support of the Marie Curie Intra-European Fellowship scheme (grant no. 298752).*

We dedicate this book to all the highly skilled women migrants in the EU, who are now struggling towards socio-economic integration and professional success within the extremely challenging environment of the global financial crisis.

Contributors

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2

European Policies to Attract Talent: The Crisis and Highly Skilled Migration Policy Changes

Lucie Cerna and Mathias Czaika

2.1 Introduction

Most European states consider the immigration of foreign workers as an important means to decelerate the decline of national workforces as a consequence of population ageing and have developed strategies and policies to respond to the increasing demand of employers for certain types of skills in short- or long-term shortages. This chapter aims to give an overview and to compare various national and supra-national high-skilled migration (HSM) policy initiatives that have been implemented across Europe over the last two decades, with a particular focus on recent years after the global financial and economic crisis. European immigration policies (discourses) are increasingly characterized by a stark contrast between high-skilled and low-skilled migration policies. While the immigration of lower skilled migrants from poorer countries is increasingly perceived as in need of control, over the past two decades most European countries have implemented policies to attract skilled and high-skilled migrants, such as academics, medical personnel, engineers and, more generally, high-income earners. Consequently, the global competition for the highly skilled has intensified and most European states and companies have become involved in a battle for the 'best and brightest'.

With expanded global migration opportunities for the highly skilled, the number and potential of recruitment countries may be shrinking, partly because an increasing number of nations in the global South are starting to attract (and recruit) high-skilled migrants themselves. This explains to some extent why European states, also as a consequence of the European Union (EU) Blue Card Directive, have implemented selective immigration policies specifically to attract the highly skilled and have not abandoned them in recent years of economic crisis. In addition, and as a rather explicit complement of policies to attract high-skilled labour migrants in general,

this chapter will also look at how these policies may have disadvantaged (high-skilled) female migrants, for instance, by implementing salary threshold levels or by providing preferential access to male-dominated occupations such as information technology (IT), science or engineering.

The chapter contributes to the growing literature on HSM policies (Boeri et al. 2012; Boucher and Cerna 2014; Cerna 2009; 2014a; 2014b; Chaloff and Lemaitre 2009; Chiswick 2011; Kahanec and Zimmermann 2010; Wiesbrock and Hercog 2010), HSM policy effectiveness (Czaika and Parsons 2015), HSM and gender (Boucher 2007; 2009; 2013; Iredale 2005; Kofman 2014), and the impact of the economic crisis on HSM (Cerna 2010; Ghosh 2013; Isaakyan and Triandafydillou 2013; Kuptsch 2012; Nieuwenhuysen et al. 2012; Papademetriou and Terrazas 2009; Papademetriou et al. 2010). It links these different literatures together and offers a new perspective on HSM policies during the crisis and their impact on the gender composition of high-skilled migration.

2.2 Trends in European HSM policies

Many European states and companies have become involved in a battle for the 'best and brightest' (Boeri et al. 2012; Boucher 2015; Cerna 2014a; EMN 2011; 2013). While the immigration of non-EU workers is at the competence of the national member states, which means that national governments have the right to determine volumes and regulate conditions and admission procedures for foreign workers, various EU policies and directives have been introduced in order to increase the EU's attractiveness for international skilled and highly skilled migrants.

Over the past two decades, Europe and the EU member states went through some significant economic, political and social transformations which also affected migration perceptions and policies. The introduction of a common currency, the integration of 13 new EU member states (since 2004), as well as the ongoing demographic transition with an accelerated ageing of most European societies have some long-term implications not only on European labour markets but also on the design of labour migration policies. In addition, the most significant economic shock in the postwar era, initiated in 2007 by a global financial and economic crisis, hit most European labour markets in a way from which the majority of economies and national labour markets have not yet recovered (as of 2015) (see Cerna 2010; Ghosh 2013; Isaakyan and Triandafydillou 2013; Kuptsch 2012; Nieuwenhuysen et al. 2012).

At the same time, all European countries are experiencing a transformation to knowledge-based economies and societies, which creates new demands for skills and talents that cannot be immediately met by domestic supply (EMN 2011; 2013; OECD/EU 2014). As a consequence of these societal trends, many European countries consider labour migration policy

as an instrument to address short-term labour shortages and long-term skill shortages. However, European governments have implemented various labour migration policies in a non-harmonious way, meaning at different paces and with varying strategies depending on national priorities. One group of countries (Austria, Belgium, the Czech Republic, Finland, France, Germany, Ireland, Italy, the Netherlands, Norway, Sweden, Switzerland and the UK) have implemented some skill-selective labour migration policies (EMN 2011). Others, mostly Eastern European countries, rather aim to address labour shortages through an improved utilization of their national labour forces, and as a consequence are still rather inactive in attracting talent on the global labour market (EMN 2011). This heterogeneity in European HSM policies largely reflects differences in national labour market situations, with varying degrees of quantitative and qualitative shortages, priorities regarding the national educational system, the long-term development and projection of the domestic workforce, and also the openness for integrating foreign workers and visions about national identity, social inclusion and societal coherence.

As a consequence, the evolution of European HSM policies has been dynamic in some parts and rather 'observant' in others. In the following section, we will describe some of the major policy developments over the last two decades and try to identify whether the economic crisis has had an effect on HSM policymaking.

2.3 European HSM policies prior to 2007

Provision of preferential access and treatment for workers with certain occupational skills began in various European countries in the 1990s and gained momentum only in the early 2000s. For instance, during the mid-1990s, France facilitated access to work and residence permits for highly skilled foreigners; Austria introduced a sub-quota for persons with special qualifications (*Schlüsselkräfte*)[1] that were in high demand in the Austrian labour market; and Finland offered tax deductions (flat rate)[2] for foreigners with special expertise and an income above a certain level. In the late 1990s, attracting highly qualified workers such as information and communication technology (ICT) experts, scientists and engineers, simplified entry procedures or new visa categories gained momentum. For instance, France has implemented several policies that enabled high-skilled immigrants from outside the EU to fill labour shortages, particularly in science, ICT and engineering sectors (Mayda 2010). Across the border, Germany implemented the 2000 Green Card for ICT professionals that allowed 20,000 non-EU IT specialists with a university degree or an annual salary above a certain level to work and reside for up to five years (OECD 2003).[3] In 1998, Italy implemented the 'Turco-Napolitano' law,[4] providing labour market access outside

the existing quota for highly qualified persons in certain occupations (Di Pascale 2002; Finotelli and Sciortino 2009).

In the early 2000s, the UK became the forerunner in introducing various skill-selective policies aimed at attracting workers. For instance, it implemented a fast-track work-permit system for skilled foreign workers by companies experiencing severe skill shortages (OECD 2001), launched an initiative to issue special work permits to employers in the teaching sector and introduced the Highly Skilled Migrant Programme, which gave access to the UK labour market to those with exceptional skills, which were assessed – for the first time on the European continent – through a points-based system (OECD 2003). Norway and Sweden opened their labour markets for specialists and other workers with special skills (such as artists or athletes). In 2000, Norway started to provide skilled applicants a job search visa, and two years later the country amended its immigration act by introducing an annual quota for specialist workers exempted from a labour market test (OECD 2003). At the same time, Denmark implemented a special scheme for shortage jobs (job card scheme), introducing a positive list of shortage occupations. Non-EU workers in shortage occupations were immediately granted a three-year work permit (Danish Immigration Service 2008). Later, in 2007, Denmark created a Green Card scheme giving a six-month jobseeker permit to those passing the evaluation through a points-based system (Danish Immigration Service 2008). In 2003, one year after the UK, the Czech Republic also launched a programme that assessed skills and qualifications through a points-based system. A fixed number of applicants (quota) above a certain point threshold qualified to receive permanent residence rights after 2.5 years (OECD 2005). In the context of a thriving economy in the early 2000s, Spain exempted highly qualified technical and scientific personnel from a labour market test and created a research visa which authorized the holder and his/her family to reside and engage in a gainful activity without renewal of the visa (Ventura 2013). In 2004, Spain introduced a 'Catalogue-of-Hard-to-Fill-Occupations' (*Catálogo de ocupaciones de difícil cobertura*), which exempted a broader range of workers with the respective skills from an individual labour market test (Finotelli 2012). During the mid-2000s, various other countries such as Belgium and France also created a list of skilled occupations exempt from a labour market test.

The Netherlands introduced a highly skilled migration scheme in 2004, which provided labour migrants who were able to earn more than €45,000 a residence permit (no work permit required) for a maximum of five years with the option for a permanent residence permit thereafter (OECD 2006). Later, in 2007/2008, the Netherlands lowered the required income threshold and started to implement a points-based system for self-employed workers (OECD 2007; 2008). Third country students, graduating from a Dutch university, were granted full access to the labour market for 12 months.

Germany's new immigration act entered into force in 2005 and replaced the Green Card for IT specialists, allowing highly qualified non-EU nationals such as scientists or top-level managers with an annual income above €84,000 to obtain a permanent residence and work permit at the outset. However, other high-skilled persons generally remain subject to a labour market test. With the new law, also foreign (non-EU) students, who had to leave after graduation, are granted a post-study visa of 12 months to search for an adequate job (Focus Migration 2007).

In 2007, Ireland's New Employment Permits Act established a 'Green Card' for any position in any sector paying an annual salary above €60,000 or for a position in a shortage occupation with a lower salary (OECD 2008). Green Card holders obtained long-term residence after two years. As part of the same reform, Ireland established a new intra-company transfer scheme to facilitate the transfer of key personnel and trainees during the height of the Irish economic boom (Devitt and Murphy 2012).

In 2007, at the onset of the global financial and economic crisis, most European countries implemented the 2005 EU Scientific Visa (Council 2005) for admitting third country nationals (TCNs) for the purpose of carrying out scientific research.

Until 2007, nearly all European countries had introduced some skill-selective migration policies in order to attract not only the 'best and brightest' but also those most in demand in national labour markets. The overall trend up to this point was labour market tests as the general barrier to enter European labour markets, combined with exemptions for certain occupations and sometimes a required job offer with a certain minimum salary. Only a few countries (the UK, Netherlands and Czech Republic) started to experiment with 'supply-driven' schemes evaluating individual characteristics through a points-based system. These skill-attracting migration policy modifications and reforms were mainly taking place in the early 2000s in those European countries with strong economic growth and increasing labour market shortages. Other countries with some economic difficulties, such as Germany, were much more reluctant to open up their labour markets for skilled TCNs. The debate around the new German Immigration Act in 2005 is a good example of a 'semi-transition' to a modern immigration policy in which the points-based system scheme was dropped in the end.

2.4 European HSM policies after 2007

With the financial and subsequent economic crisis hitting most European countries at the end of 2007, the labour market situations in all European countries have changed significantly. A decreasing number of job vacancies and increasing unemployment reduced the overall demand for foreign labour across Europe. However, as in most economic crises before, it was mainly the young, low and semi-skilled labourers who were dismissed at

first and in highest numbers, while more experienced workers in skilled and highly skilled occupations were often retained, if possible on reduced hours. Employers, aware of the increasing scarcity in certain types of human capital even in times of economic crisis, were reluctant to stop the recruitment of skilled workers. Competition for the 'best and brightest' has become far too intense to dismiss skilled workers desperately needed for the time after the crisis (Cerna 2010; Ghosh 2013; Kuptsch 2012).

Nevertheless, the recent economic crisis has had severe consequences for immigration policies, including towards the highly skilled. According to the OECD, labour migration policies have tended 'to become restrictive, partly in response to the economic downturn, through tightening existing administrative mechanisms' (OECD 2010, p. 81). Restrictive policy changes across countries have included giving preferential treatment to native workers, omitting sectors from shortage occupation lists, reinforcing labour market tests, decreasing numbers of quotas and numerical limits, limiting non-discretionary flows (e.g., family reunification, work permits for spouses) and halting certain immigration programmes (OECD 2009). However, overall, the global financial and economic crisis has not led to a reversal in skill-attracting migration policies, although some countries reconsidered some programmes and initiatives while other European destinations have slowed down their pre-crisis 'best and brightest' enthusiasm.

De facto, only a few countries 'reversed' their migration policies after 2007/2008, not necessarily only for economic but also for broader political reasons. In 2008, the UK opened Tier 1 (highly-qualified), Tier 2 (skilled workers with job offer) and Tier 5 (youth and temporary workers) of their points-based system created in 2006 (OECD 2008). But already in 2009, stricter labour markets tests and higher minimum salary levels for Tier 2 were introduced. In 2011, a quota for Tier 1 and 2 workers was implemented. Tier 2 workers required graduate-level education and the respective shortage occupation list was severely reduced. Since 2012, Tier 2 workers are constrained to a (also retrospectively) six years stay, and salary criteria were further tightened. Tier 1 was de facto closed except for a relatively small number of 'exceptional talent'. Tier 4 on students was introduced in 2009 and required that foreign students were to be sponsored by a licensed college or university.

In 2009, Ireland, hit significantly by the economic crisis, removed dozens of occupations from its shortage list, which used to allow workers with a certain salary to enter the Irish labour market without a labour market test (OECD 2010). For about two years (2011/2012), France also has temporarily reduced its shortage list by removing more than a half of the occupations that were exempted from a labour market test (OECD 2012a). The Netherlands (in 2011) and Portugal (in 2012) have also tightened their respective highly skilled migrant schemes. And the Czech Republic terminated in 2010 its 'Programme of active selection of a qualified foreign labour

force', which was in place since 2003 and selected qualified people through a points-based system (OECD 2011).

Most other European countries kept their skill-attracting policies largely unchanged or have even further liberalized entry and stay regulations for high-skilled workers. For instance, Denmark has expanded its job card scheme in 2008 and lowered required qualifications and salary requirements. Luxembourg has set out a faster procedure and less restrictive conditions for highly skilled workers with special knowledge or professional skills or other highly qualified TCNs who earn a salary three times the guaranteed minimum wage for unskilled workers (EMN 2009). In addition, Sweden liberalized considerably its labour immigration policy in 2008, facilitating the recruitment of both high- and low-skilled immigrants for shortage occupations especially in ICT and engineering. The temporary policy allows for a path to permanent migration after four years of residence (Cerna 2014a). In 2009, Germany has lowered the income threshold for granting unlimited residence to highly skilled workers. Furthermore, labour market tests were removed for all migrants (including family members) from newly accessed EU member states holding a tertiary degree as well as for international students graduating from a German university (OECD 2010). In 2011, the labour market test was also removed for a positive list of shortage professions.

The Netherlands has introduced a new admission scheme for highly skilled migrants in 2009, which is based on a points system that provides a one-year job-search visa or a permit to start an innovative firm. In 2013, the Modern Migration Policy Act that only allowed 'authorized employers' access to the highly skilled migrant scheme entered into force. By providing a 'sponsor statement' on the qualification of the applicant, the sponsoring employer de facto decides on whether a residence permit is granted (OECD 2012a).

Norway implemented in 2010 a new immigrant act, which simplified the issuance of (permanent) residence permits for highly skilled migrants with a job offer with an annual salary above a certain level – though, this requirement was completely abolished in 2013 (OECD 2013).

In 2011, Austria created the Red-White-Red Card (RWR) for highly qualified persons and skilled workers in shortage occupations, and its validity was for one year, after which it can be transformed into an ordinary residence permit. The RWR card is granted on the basis of a points-based system and replaced the previous quota system.

Most European countries have also eased access to their higher education institutions for foreign students and provided more generous rights for accessing the labour market during study and post-graduation. In addition, several countries have developed strategies to attract larger numbers of foreign students (such as Ireland and Finland). At the same time, and regardless of the economic crisis, almost all European countries have intensified

their efforts to improve their attractiveness for investors and entrepreneurs by providing fast-track and preferential entry procedures and eased access to (long-term) residence permits. It seems that in times of crisis efforts in attracting entrepreneurial capital have only intensified and are considered part of economic crisis management (such as in Greece). Most European governments tend to consider the recruitment of 'high potentials', no matter whether specialists, students, investors or entrepreneurs, as part of an economic stimulus programme.

Thus, only a few European countries have restricted their HSM policies (such as Ireland and the UK), while most others have not changed their policies or even became more open by implementing skill-selective and attractive HSM policies (except for Bulgaria, Greece, Hungary, Malta, Romania and the Slovak Republic). The reason for the absence of a crisis-induced policy reversal is that labour shortages can persist at times of high unemployment (Cerna 2010). However, the crisis has disproportionally affected vulnerable groups such as women, migrant workers and youth (Cerna 2010).

With expanded global migration opportunities for the highly skilled, the number and potential of countries from which to recruit these migrants may be shrinking, partly because an increasing number of nations in the global South (including Brazil, China, India, some Gulf countries) are starting to attract (and recruit) high-skilled migrants themselves. This has been facilitated by opportunities created during the crisis. The increasing global competition for talent has triggered most EU member states to implement the EU Blue Card as another skill-attracting entry modus besides their own national HSM policies.

2.5 EU Blue Card

The EU Council approved the Directive 2009/50/EC on the conditions of entry and residence of TCNs for the purpose of highly qualified employment (Blue Card) on 25 May 2009 (Council 2009). It entered into force on 19 June 2009. The Directive seeks to establish more attractive entry and residence conditions for work in EU member states (Council 2009). Member states had two years to transpose the Directive, though due to some considerable delays some only did so by 2013. Twenty-five out of 28 member states implemented the Directive (Denmark, Ireland and the UK opted out). The Directive provides an additional entry route for states to recruit highly skilled migrants from non-EU countries.

Benefiting from a single application procedure, Blue Card holders can reside and work in an EU country for a maximum of four years and move to another member state after 18 months (but need to apply for a new permit). Eligible applicants have to show a recognized diploma or should have at least five years' professional experience; holders can bring their families;

and the application procedure is expected to take less than three months. Applicants need to demonstrate a salary of at least 1.5 times the average gross salary in the country, or 1.2 times in the case of shortage occupations, though some member states have set different thresholds (Cerna 2014b). The Directive, however, does not create the right of admission. The scheme is entirely demand-driven, respecting the principle of Community preference and member states' jurisdiction to decide on the number of persons admitted.

Nevertheless, the Directive was transposed differently across member states, and thus conditions for entry and rights of Blue Card holders vary greatly (see Cerna 2013). The national versions of the Blue Card demonstrate different admission requirements and conditions. This creates additional hurdles for highly skilled migrants to come to Europe. For example, member states can impose quotas restricting the number of high-skilled migrants and reject an application for ethical reasons for the Blue Card (such as to limit brain drain). In addition, member states can decide whether to apply certain derogations (such as professional experience) and set their own level of salary threshold, processing time, period of validity of the Blue Card and so on. The Directive thus only sets minimum standards and leaves much leeway to member states.

While the qualification requirements are more or less the same in all member states, differences prevail in categories such as actual salary needed (€12,000–68,000), the necessity of a labour market test (and under which condition/s), the duration of the permit (one to four years) and processing time (seven to 90 days) (Commission 2014). The variation is especially pronounced at the level of salary thresholds, which has important consequences for female migrants. A recent report by the Commission (2014) shows that salary thresholds differ across member states, ranging from Hungary and Latvia to Luxembourg at the high end. In addition, the ratio of salary threshold to mean annual gross earnings varies widely, and Figure 2.1 suggests that it does not always correspond to 1.5 times the annual gross salary. For

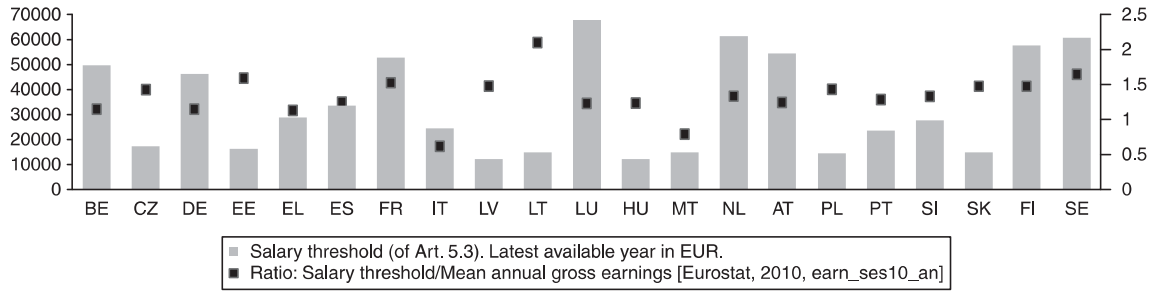

Figure 2.1 Salary thresholds and ratios compared to gross annual salaries per member state

Source: European Commission 2014.

example, the ratio is greater than 1.5 times in some countries (like Lithuania and Sweden), while it is smaller in others (such as Italy, Hungary and Malta).

The success of the Blue Card is also debatable. In 2013, about 12,322 Blue Cards were granted, though the distribution across member states is uneven. While some countries received a relatively large number of Blue Card holders (such as over 11,000 cards in Germany though only 21% were granted to women as main applicants), the numbers were much more limited in many other member states (Commission 2014). In addition, the data indicate that most member states prefer recruiting high-skilled migrants through their national policies which offer better conditions than the Blue Card, even if the Blue Card is the first entry point in other EU countries (such as Germany and Luxembourg). Hence the Blue Card is seen both as complement and as competition to the separate national policies. However, the Commission (2014) report also points out that the communication of data and other measures (especially Blue Card salary thresholds) from member states to the EU and to potential applicants through online portals is insufficient.

2.6 Trends in European high-skilled immigration

Partly as a consequence of the described policy developments of the last two decades, the European immigrant population has become much more high skilled and significantly more female (Table 2.1). In the 2000s, before the global economic crisis in 2008, in nearly all European countries, skilled and high-skilled migrants established the largest group of non-European third country migrant workers (EMN 2011). Between 1990 and 2010, immigrant stocks of European and non-European migrants hosted in the 15 European countries displayed doubled from 14 million to 28 million, based on new migration data compiled by Brücker et al. (2013).[5] But not only absolute stocks of foreign-born migrants have doubled but also the share of high-skilled, that is tertiary educated, migrants has more than doubled in this period, reaching 29% (more than eight million) in 2010. At the same time, high-skilled immigration into European destinations has further feminized; this trend has not been stopped during the economic crisis. While in 1990 about 44% of all high-skilled immigrants were female, this ratio has increased to 52% in 2010. This trend is not singular to Europe but is also seen in other OECD and non-OECD countries (Özden et al. 2011).

Across European destinations, the intensity of high-skilled immigration in general, and female high-skilled immigration in particular, varies significantly. Some of this variation can be explained by different needs for high-skilled immigrants, distinct approaches on balancing focus on domestic workers and recruiting foreign workers and language issues. Interestingly, it is the (predominantly) German-speaking countries, Austria, Germany, Switzerland and Luxembourg, that have the lowest immigration rate of

Table 2.1 Immigration rate and gender composition of high-skilled immigrant stocks (in %)

Destination	**HS immigration rate**					**Female HS migrants ratio**				
Year	**1990**	**1995**	**2000**	**2005**	**2010**	**1990**	**1995**	**2000**	**2005**	**2010**
Austria	10	13	13	18	17	41	39	44	43	45
Denmark	18	22	26	27	25	48	48	48	50	53
Finland	16	21	24	24	25	46	52	55	57	57
France	10	12	16	20	23	41	44	47	47	51
Germany	11	16	16	19	22	38	39	39	44	47
Greece	16	18	19	28	29	48	52	57	57	58
Ireland	27	34	40	41	50	47	50	50	52	49
Luxembourg	15	18	20	21	23	43	44	46	48	49
Netherlands	14	17	20	24	26	50	50	53	52	54
Norway	25	27	29	33	37	51	52	52	55	54
Portugal	18	20	23	25	24	53	55	56	58	59
Spain	20	21	19	25	26	45	48	51	49	52
Sweden	17	20	24	28	33	51	50	52	53	53
Switzerland	16	19	22	21	22	37	40	44	45	47
UK	20	26	35	42	49	49	50	51	58	54
All	14	18	21	26	29	44	46	48	51	52

Source: Based on data from Brücker et al. (2013).

high-skilled migrants: only one in five immigrants in these countries are tertiary educated (Table 2.1). On the other end of the spectrum are the English-speaking countries, the UK and Ireland, which are able to attract highly qualified migrants in much larger numbers. About half of their immigrant population is tertiary educated. In terms of the ratio of highly skilled female migrants, the variation across European destinations is much smaller and the increasing trend is the same in all countries. Only high-skilled immigrant stocks in German-speaking countries (Austria, Germany and Switzerland) are still less 'feminized' compared to stocks in other European destinations, but even in these countries the gender ratio of high-skilled migrants has become almost even and balanced.

Any potential effects of the economic crisis on high-skilled immigration are hard to identify based on these stock data. Comparing high-skilled immigration rates and respective female ratios between 2005 and 2010, only Austria and Portugal have seen a decline in the high-skilled immigrant stock, whereas solely Ireland and the UK experienced a relative decline in the female high-skilled immigrants measured by the gender ratio (see Table 2.2).

The annual inflow of non-European high-skilled migrants since the onset of the global economic and financial crisis in 2008 has continued on a

Table 2.2 High-skilled immigration under national schemes and EU Blue Card (in thousands)

Destination	**First permits under national schemes**					**EU Blue Cards**	
Year	**2008**	**2009**	**2010**	**2011**	**2012**	**2012**	**2013**
Austria	827	575	668	868	1,158	124	NA
Belgium	3,77	1,202	106	119	98	0	5
Cyprus	393	436	634	551	600	0	NA
France	1,681	2,366	2,554	3,148	3,030	126	304
Germany	96	119	122	177	210	2,584	11,580
Italy	NA	NA	1.984	1,563	1,695	6	112
Latvia	NA	85	114	97	106	17	13
Luxembourg	NA	96	74	102	21	183	306
Netherlands	6,411	4,895	5,531	5,594	5,514	1	3
Portugal	288	307	342	282	313	2	4
Spain	2,884	2,071	1,244	1,650	1,136	461	313
Sweden	NA	2,810	3,476	4,406	4,751	Not in force	2
EU-25	16,157	14,980	16,999	19,604	19,988	3,664	12,830

Source: EU Commission (2014, p. 11), based on Eurostat.

moderate level (Table 2.2). Compared to other global destinations for high-skilled migrants, Europe is an important but still not the prime destination for the world's 'best and brightest', and the 2009 Blue Card Directive has not (yet) been able to change this trend. Since 2008, the EU-25 countries have annually admitted between 15,000 and 20,000 high-skilled migrants through national schemes, and since 2012 almost another 16,000 through the EU Blue Card system. In the upcoming years, the EU Blue Card might fully replace national schemes of entry for high-skilled TCNs and make Europe a more attractive region of free movement for male and female high-skilled migrants alike from a non-European background.

2.7 HSM policies and female migration

Despite the evidence that skilled women migrate more than men (Docquier et al. 2008; Widmaier and Dumont 2011), immigration policies impact differently on women and men and can result in gender inequalities (Kofman 2014).[6] Many European countries use criteria such as salary levels and educational qualifications which can produce gendered outcomes, also with the differential evaluation of skills, focusing on formal qualifications and less so on soft skills and competences (Kofman 2014). Boucher (2013; 2015) argues that the choice for proxies of skill carries with them considerable gender implications, since policies vary considerably in their definitions, ranging from educational attainment, human capital features, including on-the-job training, to measures of productivity, such as salary.

The literature analysing gendered outcomes from the criteria adopted by immigration policies has focused on the points system (see Boucher 2007; 2009; 2013; 2015; Iredale 2005; Kofman 2007; Kofman and Raghuram 2006). Even though points systems are considered gender neutral (OSCE 2009), several scholars highlight that these systems are not gender neutral in their selection criteria, in particular regarding occupations, types of skills and salary levels (Boucher 2007; 2009; Kofman 2007: 2014). In Europe, countries who have adopted points systems are the UK, Ireland and Denmark.

For example, under the points-based system in the UK, highly skilled migrants could qualify previously for a Tier 1 general route permit if they had enough points as a combination of four criteria (education, age, work experience in the country and previous earnings). In fact, applicants could receive enough points if their previous earnings were higher than £150,000 (Cerna 2011). This would have likely disadvantaged female applicants, which was visible in the data on main applicants. As part of the immigration policy changes implemented by the Conservative–Liberal government, the Tier 1 general route was discontinued in 2011 and a new exceptional talent visa was put in place with a quota of 1,000 permits per year. It is up to five competent bodies to sponsor candidates with exceptional talent, as evidenced by prizes, educational qualifications, publications and research funding awarded (Cerna 2011). The number of these visas has remained very low, since it is difficult to qualify as exceptional talent and how it has affected gendered outcomes remains to be seen.

Besides the UK, Ireland and Denmark, most European countries have adopted policies to attract high-skilled migrants that fit with the notion of the knowledge economy, by encouraging migrants in the technology, engineering and science sectors (Kofman 2014). Kofman (2014) further argues that with the adoption of the Blue Card the EU also pursues this policy. 'What distinguishes European policies (PBS and knowledge migrants) is the inclusion of salary earned as a key determinant of eligibility to enter as a (highly) skilled migrant' (Kofman 2014). Female high-skilled migrants are disadvantaged by salary levels because women tend to earn less than men and also work in less well-paid occupations (such as the health-care and education sectors).

As mentioned before, the Blue Card places great importance in the salary levels for applicants, which disadvantages female applicants. Member states have identified the high salary level as an obstacle to the recruitment of high-skilled migrants because it does not reflect the realities of the labour markets (EMN 2013).

The salary level is also an important selection criterion in national HSM policies in Europe (including Austria, Belgium, Estonia, Finland, Germany, Ireland, Italy, the Netherlands and the UK) (EMN 2013). For instance, applicants for the German Green Card had to have a degree in information and communication technology from a university or polytechnic or be

paid a sufficiently high salary (Kolb 2004). The subsequent 2005 Immigration Law facilitated the entry of highly skilled professionals, but the salary level continued to play an important role. Since the inflow of high-skilled migrants was considered unsuccessful, the salary threshold was reduced through the 2009 Labour Migration Control Act. Nonetheless, Germany then shifted its focus to the EU Blue Card and decreased the salary level even further in order to correspond with the threshold of 1.5 times the average annual gross salary (or 1.2 times for shortage occupations).

In 2007, the Netherlands set up a scheme for knowledge workers, defined as anyone with a higher vocational or higher academic qualification. Applicants had to meet a pre-defined salary, which was determined according to age and whether the degree was obtained in the Netherlands (Kofman 2014). The salary criteria are thus similar to the EU Blue Card, even though the Dutch give preference to their national policy.

Among European states with routes for the highly skilled, such as the UK, earnings prior or post-entry are an important criterion which becomes relevant when gender–pay gaps are taken into consideration. EU-wide, the wage gap between men and women averages about 17% (Table 2.3). This means that on average women earn 17% less than men with an equivalent job. Across EU member states, these gender–pay gaps vary between 30% in Estonia and almost equity in Slovenia. Across the entire 28 EU member states, the average gender–pay gap has continued to decline until 2010 when the gap reached 16.2%. Since then this gap has slightly increased again (Table 2.3). Unfortunately, comparable data on gender–pay gaps between foreign and domestic high-skilled workers are not available, and therefore we have to assume that the data presented largely reflect gender–wage gaps also for non-European workers. Obviously, European destinations with relatively low female ratios among high-skilled immigrants are also those with relatively large gender–pay gaps (like Germany, Austria and the Slovak Republic). However, aside the fact that female migrants might respond to differences in gender–wage gaps, the causality may also go in the opposite direction with an increasing feminization of migration flows affecting gender–wage gaps in one way or the other. Evidence for this is not yet available though.

Besides salary levels, another criterion that might disadvantage female migrants is educational qualification. Even though the level of women with tertiary degrees has increased, the subjects that women pursue in their studies pose challenges for equity as these fields are not highly sought after (OECD 2012b). Women are underrepresented in science, technology, engineering and mathematics, and this has consequences for the opportunity to migrate to countries where these subjects are the most in demand. In contrast, the demand for health professionals (a feminized profession) has been limited or is protected (Kofman 2014).

Available data on the gender breakdown of skilled migrants are limited (Canada is a notable exception with data and detailed evaluative

Table 2.3 Gender–pay gaps in the EU (in %)

	2006	2007	2008	2009	2010	2011	2012
Austria	25.5	25.5	25.1	24.3	24.0	23.7	23.4
Belgium	9.5	10.1	10.2	10.1	10.2	10.2	10.0
Bulgaria	12.4	12.1	12.3	13.3	13.0	13.0	14.7
Croatia	NA	NA	NA	NA	15.5	17.6	18.0
Cyprus	21.8	22.0	19.5	17.8	16.8	16.4	16.2
Czech Republic	23.4	23.6	26.2	25.9	21.6	22.6	22
Denmark	17.6	17.7	17.1	16.8	15.9	16.3	14.9
Estonia	29.8	30.9	27.6	26.6	27.7	27.3	30.0
Finland	21.3	20.2	20.5	20.8	20.3	19.6	19.4
France	15.4	17.3	16.9	15.2	15.6	15	14.8
Germany	22.7	22.8	22.8	22.6	22.3	22.2	22.4
Greece	20.7	21.5	22.0	NA	15	NA	NA
Hungary	14.4	16.3	17.5	17.1	17.6	18.0	20.1
Ireland	17.2	17.3	12.6	12.6	13.9	11.7	14.4
Italy	4.4	5.1	4.9	5.5	5.3	5.8	6.7
Latvia	15.1	13.6	11.8	13.1	15.5	13.6	13.8
Lithuania	17.1	22.6	21.6	15.3	14.6	11.9	12.6
Luxembourg	10.7	10.2	9.7	9.2	8.7	8.7	8.6
Malta	5.2	7.8	9.2	7.7	7.2	6.2	6.1
Netherlands	23.6	19.3	18.9	18.5	17.8	17.9	16.9
Poland	7.5	14.9	11.4	8.0	4.5	5.5	6.4
Portugal	8.4	8.5	9.2	10	12.8	12.5	15.7
Romania	7.8	12.5	8.5	7.4	8.8	11.0	9.7
Slovakia	25.8	23.6	20.9	21.9	19.6	20.5	21.5
Slovenia	8.0	5.0	4.1	–0.9	0.9	2.3	2.5
Spain	17.9	18.1	16.1	16.7	16.2	17.8	17.8
Sweden	16.5	17.8	16.9	15.7	15.4	15.8	15.9
UK	24.3	20.8	21.4	20.6	19.5	20.1	19.1
EU-27/28	17.7	17.5	17.3	17.2	16.2	16.3	16.4

Source: Eurostat (2014).

reports). In Europe, such gendered data exist in the UK and the Netherlands, which suggest that only over a quarter of women are in the highly skilled migrant category, and it differs according to nationalities (Kofman 2014). This indicates that female high-skilled migrants are disadvantaged by selection criteria. According to Kofman (2014), female employment tends to be concentrated in a few labour market sectors (OECD 2012b). Many of the feminized professional sectors are highly regulated by the state and professional bodies compared to the less regulated ICT sector. It would be useful for governments to undertake gender-sensitive auditing of immigration policies and collect immigration data for main and secondary applicants which are disaggregated by gender (Kofman 2014).

Boucher (2013; 2015) has created an index for 37 visa classes in 12 OECD countries; the index is composed of different indicators, such as gender-disaggregated data, gender auditing, acknowledgement of career breaks, acknowledgement of part-time work, age limits, selection of applicants, preference of certain sectors, recognition of care and treatment of language proficiency. The 12 countries vary widely across these indicators and no one country ranks consistently high on the index (even though Canada scores highly due to gender-disaggregated data, gender analysis of immigration laws and institutionalized gender unit within the immigration bureaucracy). But overall, permanent visas rank more highly than temporary ones, and visas needing general human capital skills such as education or languages tend to rank higher than those with specific sectoral demands (Boucher 2013; 2015).

The crisis has had consequences for skilled immigration and gender. Chaloff and Lemaitre (2009, p. 35) remark that governments developed more targeted occupation-shortage lists due to concerns over the protection of domestic workers. The gender implications depend on the ways in which such lists are created and the occupations on the list (Boucher 2015). But the narrowing of occupational lists in several countries has led to the removal of key professions in which women dominate (such as domestic work and care) (Boucher 2013; 2015).

Besides sectorial targeting, the economic crisis has also led in several OECD countries to an increased focus on employer-driven models of skilled immigration selection (Boucher 2013; Chaloff and Lemaitre 2009, p. 21). Employer-driven approaches can have discriminatory effects, since when choosing immigrants employers rely not solely on relevant qualifications but also on soft skills and existing networks (Boucher 2013). Hence, employers can undertake subtle forms of ethnic or gender-based adjudications which are limited in more transparent forms of state-based immigration selection (see also Hawthorne 2011).

However, despite the inequalities between male and female employment, states have considerable opportunities to reduce the gendered nature of their skilled immigration selection programmes by avoiding certain selection mechanisms and promoting others (Boucher 2013; 2015).

2.8 Conclusions

Immigration of skilled and highly skilled workers has become an important element in the 2010 Lisbon Strategy and the Europe's 2020 Growth Strategy. Immigration of necessary skills to ensure and promote competitiveness and growth is often so specialized and in such short supply that immigrants need to be recruited from outside Europe.

But national policies and Blue Card versions differ considerably across member states, and this heterogeneity is mostly due to differences in

national labour market situations with different degrees of shortages, priorities regarding the education systems, long-term development and protection of domestic workforce and openness for integrating foreign workers. However, on a more political level, this variation also depends on the extent of lobbying of stakeholders and the result of negotiations between different stakeholders, especially employers, unions and the government (Cerna 2014a). This has led to liberal policies towards high-skilled immigrants in some countries, but more restrictive ones in others.

Highly qualified female migrants employed in highly skilled occupations represent only a small share of shortage occupations. However, their numbers have been steadily increasing during the past two decades. Some occupational segregation, that is, the preponderance of male migrants in highly skilled occupations, is in part a reflection of the fact that European immigration policies tend to favour medical, high-level management, engineering, information technology and scientific research skills, which are in occupations that are still predominantly chosen by (migrant) men. However, despite gender disparities across these most sought-after occupations, the proportion of female migrants who hold a tertiary degree is in most European countries almost on a par with male immigrants.

Immigration policies influence the size and attributes of the migrant workforce relative to the national labour demand. The selection of new foreign workers is usually assessed on the basis of acquired skills, exercised occupations, or prior or future earnings. When foreign workers' applications for work permits are assessed, tertiary-educated female migrants may be discriminated in all three categories: disadvantages in the recognition of foreign degrees, difficulties with immigrating into female-dominated non-shortage occupations and gender–pay gaps that establish additional barriers where earnings are part of the assessment system.

Given these obvious obstacles for skilled female TCNs to enter European labour markets, skilled females may choose other categories of migrants (family, asylum or study) outside labour-migration channels, which are usually not regulated on the basis of skill or gender criteria. In this respect, categorical substitution effects – that is, the shifts of immigration flows from one legal avenue to another (e.g., from labour to family migration) as a result of policy changes introduced for one particular immigration category – are very likely (Czaika and de Haas 2013). Thus, skilled (female) migrants using other entry channels than labour migration might actually explain the significant discrepancy between relatively low numbers of skilled (female) immigration flows admitted through national entry schemes, or recently the EU Blue Card, and the overall presence of skilled and highly skilled non-European (female) workers.

Since female migrants are predominantly working in sectors such as health care and education, they can be considered as 'skilled' rather than 'highly skilled' in national and international statistics, which are usually incomplete

and often do not disaggregate data by skills and gender. This might have misrepresented the extent of the economic crisis on female migrants in different analyses. In addition, the economic crisis may have also reduced employment opportunities for female highly skilled migrants, despite continuing labour shortages, especially in sectors such as health care across Europe (ILO 2009; Kuptsch 2012).

This chapter has mainly focused on legal highly skilled migrants, though it is possible that the crisis has also affected female (highly skilled) migrants in irregular or low-skilled occupations (ILO 2009). Female migrants could find themselves in such vulnerable positions if their qualifications were not recognized, they could not find employment in their trained field or when they came under a different immigration status than employment, for instance as 'trailing spouses' with family reunification. These issues require further consideration and more in-depth analysis in future research.

The Blue Card presents an additional venue to recruit high-skilled immigrants to Europe – it provides some visibility, especially for small countries which have not been natural destinations for migrants. It also gives the opportunity to member states to offer better conditions than their national policies, as the EU regulation allows them to circumvent the national political arena. Nevertheless, the uptake of Blue Card permits has been slow and about two-thirds of holders have already resided in the EU before. Female migrants are disadvantaged by the scheme because salary threshold plays an important role for the application. In addition, the Blue Card does not provide a long-term perspective for migrants from the start as it is only valid up to four years, and migrants are eligible for a long-term residence permit after five years. Thus, the number of Blue Card holders remains limited so far, and Europe does not compete well with Canada or Australia, for instance. Changes in the Blue Card will be necessary; this is also a point that the President of the European Commission, Jean-Claude Juncker (2014), announced among his top priorities for the first term. Hence, more policy changes to attract high-skilled immigrants to Europe are expected in the future.

Notes

1. This term refers to educational attainment, but also to skills acquired over time through experience, and which are considered scarce (EMN 2007).
2. If the stay is less than six months, foreign works are taxed at a 35% flat tax rate, after deducting €17 per day. There are special provisions for students, artists and athletes. Teachers and researchers from certain countries are fully exempt for a maximum of two years. Key foreign personnel staying for more than six months are eligible for a 35% flat tax rate if working as researchers or teachers at a Finnish institution of higher education or possess special skills and their salary exceeds €5,800/month, and if they have not resided in Finland at any time during a five-year period preceding the beginning of their employment (Kahanec and Zimmermann 2010).

3. Applicants needed to have a guaranteed salary of at least €51,000 per year.
4. The law implemented an annual decree that determined the entry contingent for non-EU citizens. Work-related residence permits had to be issued in agreement with the contingent system with some exceptions for artists, high skilled workers and academics (Finotelli and Sciortino 2009, p. 124).
5. This increase by 14 million migrants was largely driven by the inflow of TCNs, while intra-European migration only contributed about three million migrants to this increase during this period.
6. Gender does not operate in isolation but intersects with other social categories such as age, class and ethnicity/race (Kofman 2014).

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