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**Seventeenth OSCE Economic and Environmental Forum - Part 1:
“Migration management and its linkages with economic, social and environmental
policies to the benefit of stability and security in the OSCE region”
Vienna, 19 - 20 January 2009**

**Session 2
Interstate co-operation for temporary labour migration**

Please find attached the presentation by the keynote speaker, Mr. Frithjof Zerger, Deputy Head, Division of Migration, Foreigners' and Asylum Policy Affairs, Federal Ministry of the Interior, Germany.



**The 17th OSCE Economic and Environmental Forum Vienna,
Vienna, 19-20 January 2009**

Session II – Interstate co-operation for temporary labour migration

CHALLENGES AND OPPORTUNITIES OF CIRCULAR MIGRATION

Dr Frithjof Zenger
Division – Migration, Foreigners' and Asylum Policy Affairs



About Circular Migration

Reports

- *Global Commission on International Migration (GCIM): Migration in an interconnected world. New directions for action, 2005.*
- World bank: *Global Economic Prospects 2006. Economic Implications of Remittances and Migration, Washington, 2006.*

Project

- International Organization for Migration (IOM) "Temporary and circular migration between Colombia and Spain" launched in 2007.

Definition of Circular Migration

- Phenomenon involving the temporary migration of persons who leave their country of origin, generally to pursue an economic activity in another country, and subsequently return to their country of origin after a certain period of time.

Basic Idea

The concept of circular migration

- win-win situation for countries of origin and transit states and countries of destination. Benefit from remittances and the knowledge which migrants bring back with them after spending a certain time abroad.
- Countries of destination can employ migrants to cover their rising manpower requirements.
- "triple win" situation, as the migrants' economic situation improves immediately on taking up employment in the country of destination, in particular as a result of the substantially higher pay in comparison to their countries of origin.

Linking migration and development policy

- Former countries of origin are now countries of destination themselves for migrants arriving primarily from African, eastern and south-eastern European countries, as well as Asian countries.

Basic Idea

Goals

- Addressing the primary causes of migration.
- The transfer of knowledge and know-how associated with circular migration should promote the development of the countries of origin on a sustained basis, boost the economy in these countries and ultimately pave the way out of poverty or at least alleviate poverty in developing countries.
- At the same time, circular migration should also open up new ways of controlling migration.
- Reducing migratory pressure.
- Supporting development measures are further intended to enable the countries of origin to develop the infrastructures which are necessary in order to cope with asylum applicants, civil war refugees or intracontinental migration movements.

Course of political development in the EU

- Global approach to migration adopted by the European Council in December 2005.
- Conclusions of the European Council in December 2006: Partnerships between EU States and migrants' countries of origin and transit states.
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on circular migration and mobility partnerships between the European Union and third countries, (2007) 248.
- European Council, conclusions of 21./22. June 2007
- European Council, conclusions of 13./14. Dec. 2007

Open questions

- **Target groups**

- Highly skilled workers,
- Seasonal workers,
- Students/Persons interested in pursuing further education,
- University graduates.

- **Time frame**

- The time frame to be applied for the limited period of stay - one year, two, three or five years - has yet to be decided, as has the question as to which target groups are appropriate here. Ultimately, different arrangements are also conceivable for different groups of migrants (e.g. unqualified, low-skilled, highly qualified).
- Measures to facilitate longer periods of absence for third-country nationals who are already legally resident in an EU State also require to be considered.

- **Return option**

- In the case of third-country nationals entering an EU State for the first time, with regard to measures to regulate circular migration the question arises as to whether only a single stay is to be permitted or whether such persons should be granted an option to return to the EU State concerned.

- **Possible legal entitlements**

Open questions

• Ensuring the return of foreigners

- Grants for returnees
- Sureties
- Job placement programmes
- Positive course of development in countries of origin (democratisation, development of capacities, economic development)
- Possibility for returnees to take acquired pension claims and social security contributions which they have paid with them mentioned as an additional incentive to encourage returns.
- In addition, support for the countries of origin from the countries of destination in the process of democratisation, developing capacities and good governance (efficient management in the public sector, accountability and controls, decentralisation and transparency, civic participation) can also promote the return of migrants to their countries of origin.

• "Brain drain" problem

- Refrain from recruiting specialists from areas of the economy which are particularly sensitive for the countries of origin. Compensation payments would be an alternative here.

Open questions

Human rights and integration

- To avoid structures conducive to labour exploitation and human trafficking, residence and work permits for temporary/circular migration should be tied not to the existence of employment, but to residence periods.
- Changes of employer should not be ruled out.
- Return options.
- Obligation on the part of the Member States to provide information.
- The possibility for migrants' core families to join the migrant in the host country should be granted.
- Safeguarding the right to good health during the foreigner's stay.
- The observation of protection standards in accordance with human rights (e.g. protection of refugees, protection from deportation).

Legal Migration – Current Situation in Germany

Legal migration opportunities to Germany

1. Migration of unskilled or low-skilled foreigners:

Migration is permitted for a limited period of time only. Permanent residence of these persons is ruled out. The largest group covers seasonal workers employed in agriculture or in the hotel, restaurant and catering business (maximum of 6 months per year).

In addition, au pairs as well as helpers in households with persons in need of care are included.

Legal Migration – Current Situation in Germany

2. Migration of medium-skilled foreigners:

This area covers those with a concluded professional education/training or comparable qualification including those who have passed their studies at university successfully. Examples are

- IT experts with a university degree or a similar qualification (previously holders of green cards),
- Other expert staff with a university degree or similar qualification, if there is a public interest
- Graduates of German universities,
- Guest lecturers and scientific staff at universities and research institutes as well as engineers and technicians as staff in research teams of scientists,
- Executives,
- Teachers at public schools and grant-aided independent schools,
- Speciality chefs, professional athletes and trainers
- Employments based on intergovernmental agreements such as for contract workers and employees for professional and advanced linguistic training,
- Employment of other expert staff, if there is a public interest.

In particular for persons with a university degree, their residence can lead to permanent residence.

Legal Migration – Current Situation in Germany

3. Migration of highly qualified persons:

This regulation concerns highly qualified staff, where there is a particular economic and social interest in their residence. A permanent residence title is granted solely to these persons in the form of a settlement permit from the outset. This provision aims at top managers from the business community and academia with an above-average professional qualification, which is also reflected in a relevant salary.

Examples are:

- Researchers with special expertise,
- Teaching staff in an outstanding function, e.g. holders of a chair at a university and
- Other specialists and executives with an annual salary of at least 63,600 Euros.
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These persons' family members are initially given a residence permit but are allowed to take up any kind of employment.