

## AVRUPA BİRLİĞİ'NİN NİTELİKLİ GÖÇMENLERE YÖNELİK GÖÇ POLİTİKALARI: ELEŞTİREL BİR DEĞERLENDİRME

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### Özet

Avrupa Birliği'nin (AB) küresel bir güç olup olmadığına dair birçok akademik tartışma yaşanmıştır. Küresel güç normatif olarak belirli şartlara uymalı ve belirli özelliklere sahip olmalıdır. İhtişamlı bir askeri güce sahip olmak bir ülkeyi küresel bir güç haline getiremez. Küresel bir güç aynı zamanda en iyi beyinleri bünyesinde barındıran, araştırmacılar için çekici olan, fikir özgürlüğüne yer veren ve yaratıcılığa ve yeniliğe olanak sağlayan güçtür. Bu şartların hepsi bir ülkenin iç politikasında yer aldığı halde, o ülkenin göç politikaları bu olanaklara erişime engel olabilmektedir. Avrupa Birliği ve AB üye ülkeleri nitelikli göçmenler için birçok olanak sağlasa da bu olanakların yeterli ve uzun soluklu olmadığı görülmektedir. Göçe olan genel bakış nitelikli göçe olan bakış açısını da etkilemektedir: sirküler göçün promosyonu, sürekli oturma statüsüne geçmekteki zorluklar ve yeteneklerin kullanılamaması nedeniyle kaybolması gibi sonuçlar doğmaktadır. Nitelikli göçmenlerin daha kolay entegre olduğuna dair genel bir kanaat olduğundan nitelikli göçmenler için özel entegrasyon politikaları söz konusu değildir. Ayrıca göçmenlerin dört-beş senelik çalışma sürecinden sonra ülkelerine döneceği varsayılmaktadır, fakat nitelikli göçmenler bu sürenin sonunda eve dönüş konusunda şüpheye düşmektedirler. Bunun yerine, ekseriyetle ulus-aşırı bir hayat sürmeyi tercih etmektedirler. Bu detaylar AB'nin nitelikli göçmenleri kapsayan göç politikalarında dikkate alınmamaktadır. Bu makalede, AB'nin nitelikli göçmenler için politikalarının entegrasyon politikalarıyla uyum içinde oluşturulması gerektiğini savunuyorum. Eğer AB böyle bir girişimde bulunmazsa, Avustralya, Kanada ve Amerika Birleşik Devletleri gibi geleneksel olarak yetenekleri kendine çeken ve küresel güç sayılabilecek ülkelerin gerisinde kalacaktır. Bu makalede cevap vermek istediğim soru özetle şu şekilde: AB'nin nitelikli göçmenler için dizayn etmiş olduğu göç politikaları AB'nin küresel bir güç olması için yeterli midir? Cevabım 'hayır' ve bu cevabın arkasında yatan nedenler bu makalede açıklanmaktadır.

**Keywords:** Nitelikli göçmenler, AB'nin nitelikli göçmen politikaları, Küresel güç, Normative güç, Politika önerileri

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**EUROPEAN UNION MIGRATION POLICIES FOR THE HIGHLY SKILLED: A  
CRITICAL APPRAISAL**

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**Abstract**

There have been many scholarly discussions on whether the EU can be a global power or not. Global power status normally has to reach certain conditions and properties. Being just a great military power would not be enough make a country a global power. A global power also needs the best of the brains, must be attractive to researchers, provide freedom of expression and leave space for creativity as much as it also gives the tools for novelty. All these cases might be provided, but access to them might be limited by the immigration policies. Even though the EU and member states in particular have achieved great accomplishments in their migration policies for the highly skilled, they do not seem to be sufficient and farsighted. Their perspective towards immigration affects the whole approach towards the highly skilled: promoting circular migration, difficulty in transitions to permanent statuses and lack of consideration of skill losses. It is assumed that high-skilled migrants automatically integrate and so integration policies are not devised specifically for them. It is also believed that they would bring back the know-how to their home countries as a result of return migration, but many of them after four or five years hesitate to turn back to their homes. They would rather lead transnational lives. These details are not considered in EU migration policy for the highly skilled. I suggest that the EU policies on high-skilled migration should be combined with other integration policy tools. Otherwise, the EU will remain behind traditional brain attracting countries such as Australia, Canada and the USA and will never be a full-fledged global power. I have tried to answer this question: are the high-skilled migration policies of the EU sufficient in their design to turn EU into a global power? The answer is “no” and I explain why in this paper.

**Keywords:** Highly skilled migrants, EU migration policies for highly skilled, Global power, Normative power, Policy recommendations

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## 1. Introduction

The EU is facing a dilemma if it wants to become a global power. A declining demography and not having the best brains are amongst the main obstacles in becoming a “global power”. Furthermore, the demographic decline is evident and the welfare state is now assumed to be a high burden. As Geddes (2008) has shown, the number of deaths will exceed the number of births in the EU in 2060 (see table 1) and migration is a phenomenon that cannot be resisted but only promoted under these circumstances. First of all, the EU needs low skilled labor in many of its Member States<sup>3</sup>. Whilst the EU promotes legal migration for academic staff, researchers, doctors and nurses, there is also a process of de-skilling of not only the third country nationals but also the EU citizens who benefit from mobility within the EU (Botterill 2011).

According to Mahroum (2001, p. 29) there are five major groups for high-skilled migration: “1) Senior managers and executives; 2) Engineers and technicians; 3) Scientists; 4) Entrepreneurs and 5) Students”<sup>4</sup>. Although these categories can be broadened, they give an overall idea of what is meant by highly skilled. Germany is now looking for highly skilled migrants (Castles and Miller 2003; Borjas 2005) unlike the system of the guest-worker scheme in the 1960s - 1970s and they now have many IT (information technologies) experts<sup>4</sup> from India and other parts of the world. Denmark had provided an example in becoming a model country for attracting migrants with high skills. The UK has long been famous for its metropolitan cities where high skilled migrants from all over the world reside (Ewers 2007). Ireland<sup>5</sup> has high number of migrant nurses. High skilled migration (HSM) is becoming more indispensable as the diverse wages are motivators for mobility and the hierarchical organizational structure of the industries necessitate moving from one country to the other. As Shachar (2006) also underlined in her work, there is a global competition for talents.

**Table 1**

Estimated population (January 2008)	Cumulative births	Cumulative deaths	Natural change	Cumulative net migration	Total change	Projected population 2060
<b>495 394</b>	250897	298799	-47902	58227	10324	505718

**Source:** Adapted from Eurostat by Geddes (2008)

This paper will examine the EU’s policies on HSM and the challenges for the EU in implementing them. The paper argues that if the EU would like to stay as a global power it has to adopt serious legislation that leads to more openness for the HSM, as there is a strong relationship between being a global power and having the best “brains” in the world. As Ewers (2007, p. 119) stated in his work: “creating a world-class knowledge base has become vital for achieving global economic

<sup>3</sup> Spain and Italy are famous for attracting low-skilled labor migrants while UK, Belgium and the Netherlands attract more high-skilled labor migrants

<sup>4</sup> From 1 August 2000, when the green card scheme was implemented 20,000 IT specialists from outside the EU were permitted to live and work there for a restricted period of five years.” (Meijering et al. 2003, p. 174)

<sup>5</sup> An Bord Altranais Annual Reports, Ireland, [www.nursingboard.ie](http://www.nursingboard.ie)

success and a comparative advantage to other places.” In line with these premises, if the EU prefers to be differentiated from the rest of the world as a global power, spending more money on military would not be as useful as being the paradise of the most advanced research center of the world. There have been many policies developed in order to attain these goals. Some youth programs such as Erasmus+ fellowships and also the scholarships of Marie Curie for researchers are a few examples that are devised within the framework of the EU. Visa regime is being liberalized more for the high-skilled migrants<sup>6</sup>. Blue card<sup>7</sup>, which is adopted in 2009, is similarly a good opportunity for highly skilled migrants.

As underscored by Mahroum (2001, p. 29-30) “Canada and Australia have a long tradition of welcoming migrants” as well as USA, whilst EU member-states have been well known for their stricter immigration policies from a historical point of view. Unfortunately, an open regime for migration (either for the high-skilled or the low-skilled) is very much discussed in terms of the essentialist cultural debate (Vertovec 2011) and securitization concerns (Huysmans 2000). Being opposed to cultural diversity and supporting securitization of migration are the main barriers to a more open migration regime for the EU. But should security define the objectives of international migration regimes and youth migration? To what extent do the EU migration policies function to achieve “exchanges of brain” (or brain circulation) rather than “brain drain” from the developing countries?

This paper will firstly examine how EU is considered as a normative power and how it is attractive for HSM. Secondly, it will elaborate diverse migration policies for highly skilled migrants at the EU level mostly focusing on the blue card. Secondly, it will dwell on how liberal democracies have to be expansive in immigration, as argued by Gary Freeman (1995) and will question the validity of this theory for HSM together with examples from different EU countries. Finally, it will summarize the critical approaches that are adopted throughout the paper with some policy suggestions in the concluding remarks.

## **2. EU as a Normative Power: Policies to Attract High-Skilled Migration**

The qualities that the EU has as a normative power render the EU very much attractive for high-skilled migrants<sup>8</sup>. What are these qualities that make EU a normative power attracting “the best of

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<sup>6</sup> For Turkey, for instance, the carrot that was proposed in accepting the readmission agreement would be “liberalization of visa regime for the high-skilled migrants”.

<sup>7</sup> “An EU Blue Card gives highly-qualified workers from outside the EU the right to live and work in an EU country, provided they have higher professional qualifications, such as a university degree, and an employment contract or a binding job offer with a high salary compared to the average in the EU country where the job is. The EU Blue Card applies in 25 of the 28 EU countries. It does not apply in Denmark, Ireland and the United Kingdom.” Accessed on 26<sup>th</sup> of September 2019, on the website of the EU commission: [https://ec.europa.eu/immigration/blue-card/essential-information\\_en](https://ec.europa.eu/immigration/blue-card/essential-information_en)

<sup>8</sup> It could even be said that multi-national companies are freer in terms of hiring professionals, managerial and technical migrants (PMT) as defined by Salt (1992). Migrant in this context is used as third-country nationals who are not citizens of any of the EU member-states.

both worlds” (Geddes 2005)? As Cremona (2004, p. 560) and others (Manners 2002; Laidi 2008) emphasize the EU is a “great stabilizer as it exports democracy, rule of law, respect for human rights, and while posing multilateral solutions”. Cremona (2004) draws a realistic and optimistic picture of EU as a normative power and describes these aspects that attract the highly skilled migrants. On the other hand, Hill (1997) examines the “limitations and capabilities” of the EU as a normative power. What are the limitations and capabilities that the EU has in terms of HSM? Krastev (2010, p. 2) draws a very pessimistic view of Europe and the future of immigration: “Europe’s share of global GDP (gross domestic product) is thus liable to shrink in the decades to come, for immigration is unlikely to provide Europe with a solution for its demographic weakness.” Furthermore, Krastev suggested that European economics needs more immigrants than the public policies and public opinion can tolerate (ibid.).

In line with what Krastev (2010) states, immigration is not a remedy<sup>9</sup> to economic problems but it is needed: it does not matter if the people are categorized with high skills or low skills. The reasons behind the need for immigration are quite comprehensible. European societies are ageing while the populations in the sub-Saharan Africa and some parts of Asia are relatively young (Geddes 2011). Moreover, in 2008, “the EU population reached 495.4 million with four people of working age (aged 15-64) for each person over the age of 65” (ibid.). Hence, there is no dispute that migration will continue to be prominent although it will not be the only remedy for the economic problems.

This paper firstly argues that the only way to become a global power without alienating neighbours (sparing more budget for research and development, rather than for the military expenses) is to stay as a normative power and lift the barriers for those who are highly-skilled to allow them access to the resources letting them be creative both in sending<sup>10</sup> and receiving countries. A global power does not have to own a great deal of military tools but brain tools. And this is how the EU can differentiate itself from China, Russia or the USA. Hence, the EU is in need of intellect, new scientific methods, youth, creativity and worldwide universities that would raise its recognition internationally and moreover, enliven its economy. In the light of these arguments, Kahanec and Zimmermann (2010, p. 1) defend this idea: “A review of current immigration policies shows that despite a number of positive recent developments Europe lacks a consistent strategy to address this challenge effectively, paralyzed by the notion of “fortress” Europe, which we argue should be abandoned.”<sup>11</sup>

The second argument that this paper is addressing is that EU has not succeeded to a great extent in its aim of attracting the highly skilled and that its policies regarding HSM should be revised significantly. Integration policies and migration policies for the highly-skilled should not be

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<sup>9</sup> As Staubhaar and Zimmermann (1993, p. 230) indicate “It is certainly true that today’s immigration cannot solve the pension problem in 20-30 years, but a temporary immigration policy early in the next century may help to provide time for the economic system to adjust”.

<sup>10</sup> For sure, the part of the sending country cannot be neglected in this equation, where the sending state and the host state both have their own calculations in benefiting from highly skilled citizens and migrants (Djajic et al. 2012).

<sup>11</sup> “The fact that Europe’s labor markets need more skilled workers has been documented by a number of authors. (see Zimmermann, Bonin, Fahr, and Hinte 2007; Bauer and Kunze 2004)” quoted in Kahanec and Zimmermann (2010, p.1)

thought of as separate entities since they can be interrelated as it is in Canada (Rajkumar et al. 2012). As claimed by Salt (1992: 486) the second-generation immigrants continue to have labour market disadvantages because of their lower educational background. On the other hand, those newly arriving migrants who are up to a certain age can still have a chance to become high-skilled migrants if they have equal access to the opportunities as future-citizens of the host state. It is often ignored by the policy-makers that it is easier to provide better conditions for education to the second-generation migrants in order to grant them the possibility to become highly skilled citizens and this, in return, can also facilitate “internal brain gain”<sup>12</sup>.

### 3. Current Policies regarding Highly Skilled Migrants in the EU

Currently the EU and its member states are quite far away from solidarity regarding all types of immigration questions. So, what is the current situation in Europe regarding high-skilled migration?

- 1) “High skilled migration to Europe has increased sharply since 1990.” (Özden 2006, p. 206)
- 2) Skilled migration from the developing countries is very high in the health sector. “The main source countries were Ghana, India, Nigeria and Zimbabwe” (Stilwell et al. 2003, p. 13).
- 3) “There were at least 1.6 million students from abroad who were undertaking tertiary level studies across the EU in 2016.”<sup>13</sup>

What are the most successful HSM policies? Migration policies regarding students are some of the most successful, such as Erasmus+ (Dabasi-Halász et al. 2019), which give the possibility for students to travel abroad and study/work in an international environment. Moreover, Erasmus+ advanced its policies and programmes to include a range of volunteering, training, and teaching content. However, there should be a bilateral agreement between the universities in order to realize these exchanges. One advantage for the non-EU students is that they can be employed in that country or they can exercise self-employed activity so that they will be able to cover some parts of their living costs. However, in order to do this they need a work permit<sup>14</sup>. Since it is not so easy to acquire this work permit, the Erasmus scholarship provided to non-EU students might not be sufficient for them to make a living unless their family’s socioeconomic backgrounds allow them to do so (Otero 2008). This is one of the problems of the scheme, but it is still a great opportunity for non-EU students and EU students to open up to the world and internationalize (Cairns et al. 2018, p. 73).

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<sup>12</sup> This is a term devised by the author.

<sup>13</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php/Learning\\_mobility\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php/Learning_mobility_statistics) accessed on 26<sup>th</sup> of September 2019.

<sup>14</sup> They can work up to 10 hours per week.

For the researchers, the EU uses the statement <sup>15</sup> “Making the EU more attractive for foreign students and researchers” and Erasmus+ gives some opportunities for non-EU students, too. Directive 2005/71/EC concerns non-EU researchers, and according to this directive, the researcher has to have a “hosting agreement” with a research organization if s/he is going to stay more than three months. This organization has to be approved by the EU and take its place amongst the “approved research organizations”. This directive was recently replaced by Directive EU 2016/801, which allows for “the right to be treated the same as EU citizens” is largely based on directive 2011/98/EU. This means, for example, that researchers - except in cases where EU countries can apply exceptions - are entitled to be treated on an equal footing with EU citizens.<sup>16</sup> However, the sanction of this regulation is very weak: “EU countries may themselves decide to apply EU-level rules to non-EU nationals wishing to come to the EU for a pupil exchange, an educational project, a volunteering activity outside the EVS or an au pair placement.”<sup>17</sup> Leaving this flexibility to the nation-states causes a great level of ambivalence in decisions on hiring third-country nationals. The problem with this policy is this: even though it is HSM or it is ‘brain gain’ the decision-makers choose to make a distinction between the European and the non-European, which leads to inequality of opportunity<sup>18</sup>. Hence, rights are stratified in compliance with the citizenship status (Morris 2003). Not providing the rights granted to the independent researchers of non-EU nationality constitutes a barrier for independent research and highly skilled migrants.

Another problem is that there is huge economic discrimination for non-EU students who are to have higher education in the best universities in Europe. For instance, if a non-EU student is accepted for a program of master or PhD the tuition fee is three times as much as the fee for EU citizens, especially in the UK and the Netherlands where this major difference in terms of access to higher education can be observed. Besides this, scholarships have become scarcer since the crisis of 2008. Furthermore, in the UK when there were discussions about a cap on migration, universities (as much as industries) asked this question if the higher educational system can survive as the foreign students form the backbone of higher education system. <sup>19</sup> Foreign students are very good financiers of higher education in the UK. With Brexit, the situation might be even worse for students who are third country nationals as European students might prefer UK higher education institutions less, and UK universities might charge third country national students with higher fees in order to compensate for their losses<sup>20</sup>.

In relation to universities, via the interviews with the academics and PhD students, Mavroudi and Warren (2013) demonstrated that most of the highly skilled staff at universities faced great

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<sup>15</sup> [http://europa.eu/rapid/press-release\\_IP-13-275\\_en.htm](http://europa.eu/rapid/press-release_IP-13-275_en.htm) accessed on 12 December 2016.

<sup>16</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:4298974&from=EN> accessed on 27 August 2019.

<sup>17</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:4298974&from=EN> accessed on 27<sup>th</sup> of August 2019.

<sup>18</sup> And it also makes one question if this great cultural divide still exists in the minds of policy-makers.

<sup>19</sup> <http://www.bbc.co.uk/news/10430640> accessed on 16th of July 2011. “UK to cut number of skilled workers from outside EU” 28 June 2010.

<sup>20</sup> The situation of the EU citizens also remains to be insecure as well with the case of Brexit.

difficulties in terms of attaining visas for their families or prolonging their stay. They suggested that the interviewees understood the rules and why they existed but still were disappointed during the procedure of becoming and staying legal (ibid.). States have a crucial role in facilitating or preventing mobility of highly skilled migrants in the academic institutions (Bauder 2012). It seems controversial that while the most developed countries would like to attract highly skilled migrants, these states limit the opportunities via caps, quotas, long and tedious procedures of obtaining visa, narrowing down tiers into certain categories and consequentially, making it difficult for the skilled staff to stay longer<sup>21</sup>.

These are the other rights that non-EU researchers have (if they have their residence and work permit):

- 1) When they have a residence permit, they are automatically granted the right to <sup>[1]</sup><sub>[SEP]</sub>work.
- 2) Are allowed to have family reunification if they have a residence permit (that also counts in cases as work permits)
- 3) They are entitled to teach and can enjoy social security and working conditions as the <sup>[1]</sup><sub>[SEP]</sub>EU nationals. <sup>[1]</sup><sub>[SEP]</sub>
- 4) They will be free to travel to Schengen countries and Ireland (but the directive does not apply to Denmark and UK) for up to three months to carry out the research project.

However, if the non-EU researcher is in the status of a dependent based on family reasons (partners who are in bond of marriage, for instance), the situation is quite complicated. Their internal freedom of movement for work is conditional on their partner's movement, considering the case where the partner is a European citizen. However, if the non-EU researcher is a dependent - based on family reasons (partners who are married, and one is European and the other non-European for instance) - the situation is quite complicated. Therefore, their internal freedom of movement for work is conditional on their partner's citizenship and location. Unless the European partner moves to another European member-state, the family "dependent" (regardless of the skills that person has) cannot move freely in order to work. If s/he wants to move alone, then the process of visa, host agreement and residence permit have to start from scratch, as if the family based residence permit (given by another EU member-state) has no positive effect on the status of the so-called "dependent" in the new member-state. This means more bureaucratic work for the individuals, universities and also institutions that grant the residence permits which are at the same time work permits. The reason behind this double standard is that by definition and by philosophy of the law, the third country nationals can be considered as "dependent" although culturally, physically,

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<sup>21</sup> Despite all these shortcomings, Marie Curie Fellowship grants that are given to researchers and academics regardless of their nationality are quite useful for developing scientific networks, collaboration with international organizations and institutions and providing further possibilities to the graduate students as well as to academics.

socially and economically they might not be dependent.

Another policy that provides some freedom to the highly qualified migrant workers is the Blue-card directive<sup>22</sup> (2009/50/EC). With this directive highly skilled migrants could be given the EU blue card, which provides them with a special residence permit and work permit. Besides, the holders of this card could have socio-economic rights and facilitation for family reunification. Movement around the EU is supposed to be much easier with this card. According to this directive, “EU countries may determine the number of highly-qualified employees they admit” (2009/50/EC). However, in 2016 the European commission made a new proposal as the Blue Card directive was discovered to have some weaknesses and moreover, the member-states have similar mechanisms for the highly skilled<sup>23</sup> so in some cases, Blue card system was not utilized sufficiently (ibid.).

To prevent “brain drain” is very much underlined in many of the migration policies, conclusions, and directives of the EU. This is an important aspect; when the blue card initiative is compared with the Green card (in the USA) initiative it is possible to see that it is not as inclusionary as the Green card. Since it does not produce as many opportunities as the Green card, it is also possible that it cannot be seen as beneficial and attractive as the Green card. The comparatively conservative attitudes of European member-states (stronger nation-state) is also observable from the comparison between EU and USA tools regarding attracting the highly skilled: The Blue Card is for a shorter time, is only given for very specific reasons and it does not lead to citizenship after five years like the Green card (see table 2). Another criticism is directed to the blue card initiative by Kofman and Raghuram (2010, p. 3): “The EU Blue Card, adopted on 25 May 2009 (EU Council Directive 2009/50/ EC) unfortunately relies largely on earnings above the average income levels as an indicator of skills and of the value of a migrant to the economy and society.”<sup>24</sup> This view is also very much true as Blue card is granted to those who can prove that they earn three times as much as the minimum wage.

**Table 2**

<b>Blue card (EU)</b>	<b>Green card (USA)</b>
<b>Does not give permanent residency</b>	<b>Gives holder permanent residency</b>
<b>Valid up to four years, renewable</b>	<b>Valid up to ten years, renewable</b>

<sup>22</sup> “The blue card was endorsed by the European Parliament in November 2008, and the EU adopted plans for its implementation in May 2009” (European Commission 2009a).

<sup>23</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:l14573&from=EN> accessed on 26<sup>th</sup> of September 2019.

<sup>24</sup> This aspect actually brings forward another discussion that has not been addressed in this paper: how are the skills assessed, measured and evaluated? What makes one low skilled or high skilled? These are both theoretical and philosophical questions but scholars and policy-makers in the area of migration should answer them: this aspect of evaluation and clarification is not adequate, not just for educated non-EU migrants but also for asylum-seekers and refugees.

<b>Allows holders and families to live, work and travel in participating EU states</b>	Allows holder to live, work and travel in the US
<b>Must have one-year EU work contract with salary of three times minimum wage</b>	Can apply via various channels: employment, family links, investment and a lottery
<b>Criteria to have Blue card cannot overrule any national legislation that already has a function to attract highly skilled migrant workers</b>	Not applicable

**Source:** <https://www.expatica.com/de/eu-blue-card-competing-with-the-us-green-card/>

Accessed on 22<sup>nd</sup> August 2019.

Another critique from Cerna (2014) suggests that the power to regulate the policies on migration of the highly skilled remains mostly at the national level and EU blue card is more of a “marketing tool” and is not useful for highly skilled migrants. In line with all these criticisms, it is postulated that the EU would like to be as competitive as the USA in each aspect (including research and development) but it has not implemented policies as expansive as those of the USA in order to attract highly skilled migrants.

#### **4. The Critical Approach: Why the current policies are not sufficient**

Currently Europe is trying to prevent a huge inflow of asylum-seekers and refugees to their territories. In order to end this flow, a Readmission Agreement was signed with Turkey in March 2016<sup>25</sup>. Not only are those who are in need of social and economic help, are seen as causing a risk to the stability and social welfare of the EU countries, but, economic and political concerns in the last years - together with lack of solidarity – has affected the other areas of EU policies such as migration. The ideational creativity regarding the EU’s motto of “unity in diversity” is lost<sup>26</sup>. Political and economic concerns impact on all types of immigration, from labor to humanitarian. Within the light of the contemporary situation, immigration becomes unnaturally temporary via certain policies:

“Europe has not had a consistent policy for managing high-skilled immigration. ... Immigration is not seen as an opportunity to increase Europe’s global competitiveness and alleviate its demographic problems; rather, it is perceived as a threat to the stability of Europe’s labor markets and welfare systems. At best, immigration is seen as a humanitarian issue or a way to resolve particular temporary shortages in the labor market.” (Kahanec and

<sup>25</sup> [http://europa.eu/rapid/press-release\\_MEMO-16-1221\\_en.htm](http://europa.eu/rapid/press-release_MEMO-16-1221_en.htm) accessed on 12 December 2016.

<sup>26</sup> In one of his lectures, Yves Meny said that creativity was lost but I might have quoted it slightly differently. This was the year 2010, during a lecture at Luiss Guido Carli University, Rome, Italy.

Zimmermann 2010, p. 5-6).

In order to prevent brain drain, the EU has suggested and promoted circular migration<sup>27</sup>: “Brain drain has been replaced by brain circulation”<sup>28</sup>. However, is it a good idea to interrupt the lives of any immigrant by allowing them to circulate permanently? This question has not been answered in detail yet.

As Freeman (1995) argues, “all the liberal democracies somehow generate expansive and inclusive migration”. This had been evident in the Mediterranean countries<sup>29</sup> of the EU for the low-skilled migration (LSM). The Bossi Fini Law (2002) is a good example on how migration cannot be prevented easily even though the rhetoric might be anti-immigrant (Geddes 2008). One of the largest regularizations in the European history was realized after the enactment of this law in Italy (ibid.). The case of Italy showed that Caritas (who demonstrated solidarity with the migrants) and employer organizations (who were in need of labor migrants) all lobbied and made it possible to soften anti-immigrant rhetoric (ibid.). Are these policy gaps relevant also for the highly skilled migrants who have most of the time a legal status? Is there an expansion scheme for the highly skilled?

On the other hand, according to Salt (1992, p. 485): “The importance of highly skilled in the European labor market far exceeds their numbers. It is argued there that they are significantly different from the mass of lower skilled labor migrants.” There are not only significant differences in terms of the jobs that they perform or the way they contribute to the host society and the host company, but there seems to be the “more-needed ones by the experts” (ibid.). However, not all the member-states have the same level of attractiveness regarding highly skilled migrants (Kahanec and Zimmermann, 2010, p. 5), for instance, Spain and France attract more low skilled migrants whilst UK attracts more highly skilled. In addition to these, it is possible to add that London’s importance as a finance and business center makes it attractive for migrants and the world’s most prestigious universities (after the USA) are mostly situated in the UK.

As it can be observed, there is no rosy picture regarding highly skilled migrants in the UK either. After 2001, the UK took measures in order to “stimulate the recruitment of the high-skilled migrant workers and to use what is called as ‘sector-based schemes’” (Geddes 2010, p. 857). HSM system as explained by Geddes was firstly designed for the non-EU nationals but after the 2004 enlargement as the EU citizens from A8 (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia) were readily available, non-EU nationals’ recruitment slowed down. Later, a points-based system was introduced in order to hire highly skilled migrants after the

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<sup>27</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/circular-migration/26a\\_sweden\\_national\\_report\\_circular\\_migration\\_final\\_version\\_9dec2010\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/circular-migration/26a_sweden_national_report_circular_migration_final_version_9dec2010_en.pdf) accessed on 12 December 2016.

<sup>28</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/circular-migration/26a\\_sweden\\_national\\_report\\_circular\\_migration\\_final\\_version\\_9dec2010\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/circular-migration/26a_sweden_national_report_circular_migration_final_version_9dec2010_en.pdf) accessed on 12 December 2016.

<sup>29</sup> Hence, migration patterns to Italy (is this accurate? Italy has been a democracy since 1946 . . . ) and Spain might be related to the fact that these countries have democratized and liberalized economically after membership to EU and have become more attractive for migration.

2010 general election. In 2011-2012 Tier 1 was narrowed down and exceptional talent was included within the tier. Devitt (2012, p. 30) emphasizes that migration policies for the highly skilled (2002-2008) and tier 1 of points-based system migrants enter the UK based on their attributes (skills, age and whether they are a graduate from a UK institution) rather than a specific job offer based on the assumption that such talented individuals will find jobs and will be able to contribute to the economy. In 2014 the number of people to be recruited via exceptional talent; was decreased by the government<sup>30</sup>. But as previously indicated, exceptional talent is highly selective and narrow. Moreover, in 2019 March, Tier 1 was further divided into Tier 1-general, Tier 1- entrepreneurs, Tier 1- investors and Tier 1- post study work visa. Where does the highly skilled migrant stand in this picture?

According to Grant (2003, p. 3) “Paradoxically, within the EU people tend to associate the Union with free movement of labor and openness to immigration, and that is one cause of its unpopularity, for example in Britain.” Since the UK is not in the Schengen it is possible to agree with the remarks of Grant. However, considering third country nationals, temporariness seems to be one of the most prominent ways through which they can study and work in the UK.

Another problem is temporariness created via national HSM policies. The highly skilled are prohibited from staying for more than five years, and this aspect has been criticized by Cavanagh (2011, p. 20), who claims that making immigrants leave after five years causes a loss of skills and is also an impediment to integration of the highly skilled. According to Cavanagh (2011, p. 20), “If migrants know that their stay is strictly limited it may reduce their incentive to improve their English or to build relationships and bonds with local communities. And it may also reduce the incentive of local communities to engage with them.” In contrast to this idea, the opposite can be true, too: sometimes people knowing that they are staying in a place for a shorter time can in fact build stronger ties with their communities, since they feel a pressure to integrate over a shorter space of time (Samuk 2016). Finally, these examples and assumptions are sufficient to demonstrate that unnatural temporariness can lead to being uprooted every time a migrant (regardless of skills) feel settled.

In Germany, many of the information technology (IT) professionals from India did not apply for the Blue card scheme, which could have given them work and residence permit for five years (Meijering and Van Hoven 2003). Meijering et al. (2003) carried out research interviewing 22 IT professionals from India who were supposed to stay in Germany for 1.5 years. Many went to Germany for work sacrificing their family prospects for a better future, better wages and to “open their horizons”. According to their research (Meijering 2003) the culture that they encountered was completely different from their own so it was not possible for them to have friends outside of work or from other places. Since they could not get used to the host culture, they preferred their transnational ties more than newly formed networks (they did not learn how to speak German and they also could not find many English speaking people around themselves). Therefore,

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<sup>30</sup> <http://www.workpermit.com/news/2014-03-31/uk-will-issue-fewer-than-200-tier-1-exceptional-talent-tech-visas-per-year> accessed on 1st of September 2015.

socialization and integration were neglected in their workplaces and daily lives.

Meijering et al. (2003) shows that high-skilled migration is not only about the economic aspect nor only about the symbiotic relationship between the highly skilled migrant and the host company/society. It is also about the cultural interactions, and about what the migrants have left behind in order to improve their career as has also been stated in this paper. Another important factor as a barrier for integration was that these professionals were afraid of racism as Christlich-Demokratische Union (CDU) had a slogan at the time as “Children instead of Indians” (p. 179) which made the Indians feel insecure.<sup>31</sup> This experience also tells us that HSM policies can be linked to anti-racist rhetoric and policies. If a highly skilled migrant cannot feel psychologically secure in their work or socialization environment, that person cannot work efficiently and cannot make contribution to neither the host, nor their home society. The EU’s migration policies should also take into account promoting HSM through omitting anti-immigrant attitude in the people who claim that migrants are only economic opportunists. As Straubhaar et al. (1993, p. 237) underline “in order not to prevent the flow of highly qualified workers and specialists, racism and xenophobia should be defeated as these two attitudes are self-defeating because they repulse the complementary human resources that the EU will be in need of”.

It was evident in the beginning of 1990s when EU scale migration policies were not present, that the EU would promote HSM with one voice (Straubhaar 1993, p. 230). Since 1993 there has been a need for a common European migration policy, before the European Community become EU. However, the perception at the time was very pragmatic. For instance, the solution provided by Bonin et al. (2008) is that HSM, which could benefit the EU, should increase while “unwanted mass migration” should be decreased. The unfortunate proposed policy here is that they put asylum-seekers, refugees and low-skilled migrants into the second category as “unaccepted mass migration”. This view is not very reliable, nor ethical. It is not realistic either. The reason is that it does not consider any ties to the European states with their former colonies or the results of the national or EU-level foreign policies that could lead to migration from south to north and from east to west. This view also does not take into account the fact that the demographic decline and unperformed jobs by the citizens of diverse EU countries necessitates for younger labour and more dynamism. Moreover, high skilled jobs create low skilled jobs as the nature of the markets reveal (Skeldon 2009).

In Europe, in many of the countries different policies are being followed in order to increase the number of the high skilled migrants from all over the world. Germany, as mentioned above has the blue card policy, while the UK has “the entrepreneur visa” which allows “those people with business experience or good ideas to apply for immigration (if they own capital or not)” (Mahroum 2001, p. 31). Then there is the “scientist visa” in France, which “created a special status for the

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<sup>31</sup> They were afraid that there would be racism towards those who have different skin color and so did not want to move to different parts of Germany, such as the eastern part.

scientists and the scholars” (ibid.) In Denmark, as an incentive there is the tax reduction for the first three years of residence for the foreign experts. In the Netherlands, there is a discount on the income tax for 10 years. In Sweden, also there is a tax discount. Ireland, on the other hand, has a liberal approach in this sense: “an Irish consular post can grant a work visa to a person who is offered a skilled job in an Irish company.” (Mahroum 2001, p. 32). But all these policies and the EU level policies would not be enough to attract HSM as much as the USA, Canada and Australia do. The cultural and political rhetoric that “cultures are irreconcilable” impacts on low skilled and high skilled migrants negatively. The EU can do more to make the highly skilled migrant feel as if they are in their own country. This is a hope that is far from reality but it is important if many European countries seek to employ highly skilled migrants for longer periods and augment their rights in a cumulative manner as they start, most of the time, on the lower step of a ladder of stratified rights.

## **5. Concluding Remarks**

In this paper, the attempt was to show firstly how global power is linked to being a destination country for highly skilled migrants. Later, expansive migration policies were questioned in relation with HSM. Some of the EU-level policies to attract HSM such as blue-card and some other national policies have been examined with a critical approach. The gaps in these policies were discussed briefly and some concerns regarding the EU’s migration policy were considered with examples from different EU member-states. After having summarized the arguments, some policy suggestions are provided in this final section.

The paper argues that if the EU would like to stay a global power, it has to adopt serious legislation and act in solidarity regarding highly skilled migrants that leads to more openness for highly skilled migrants, as there is a strong relationship between being a global power and having the best “brains” in the world. This view is in line with those of Kahanec and Zimmerman (2010), who propose that Fortress Europe should be abandoned and opened up for the highly skilled. The second argument is that the HSM and integration policies should be linked, as migrant and host communities can be of great material and psychological support for the highly skilled. Having more highly skilled in migrant communities would promote more and more integration to the host society (internal brain gain). Thirdly, the blue card initiative shows that the EU (although it would like to open itself to high skilled migrants) is not as open as the USA Green card system. Even EU commission has admitted this shortcoming of the Blue Card. The deficiencies of the blue card system, in comparison to the green card system, are evident. According to some authors (Cerna 2014) the blue card remains just a “marketing tool”. On the other hand, the shortness of the period to stay and the conditions (wage based evaluations) that lead to better opportunities for highly skilled migrants provide only a narrow possibility to increase the number of high-skilled migrants in the long-term. Fourthly, it should not be forgotten that high skilled migration is a social process and it cannot only be considered in terms of the numbers or percentages. Therefore, anti-racist

rhetoric and policies should be promoted both at the national and at EU level in order to ensure effective implementation of all policies devised to attract high-skilled migrants. Unless high skilled migrants feel comfortable in their host society, they will not encourage other highly skilled in their migrant networks to come, live and work in that country.

Finally, it should be acknowledged that EU will continue to be a normative power attracting many highly skilled migrants. How it will maintain this normative power is important though: will it choose the easy way with reservations or will it adopt a more liberal and humanitarian approach? In order to choose the latter, it has to take into consideration that it needs HSM not only because of the demographic decline or to become more competitive globally. It needs to differentiate itself from other global powers. If it does not go one step further than the traditional immigrant-receiving countries (like Australia, Canada and the USA) in terms of openness to highly skilled migrants, it cannot be assumed that it will attract more and develop its culture and economy more than other global powers. Diversity is at the roots of Europe and diversity contributes to innovation and democracy more than anything.

This paper has limitations in terms of considering the agency and networks of migrants. This limitation is not because the migrants are seen as victims or that they are seen as objects of a structure within which there is limited space for moving forward. This weakness of the paper emanates from the fact that policy analysis is at the center of the paper rather than how highly skilled migrants deal with the shortcomings of policies. In line with these last concluding remarks, upcoming research could analyze these two questions: How do non-European migrants deal with the shortcomings of the EU's migration policies regarding the highly skilled? Do they perceive a consistent EU policy and benefit from it or are they restricted within the framework of the national legislation they are subjected to? Finally, are circular migration policies sincere in their aim to prevent brain drain and are they useful to provide the right conditions to the highly skilled migrants when their life perspectives are considered?

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