

**Demand for Skilled Labour of Third Country Nationals: The EU and  
Germany**

*Üçüncü Ülke Vatandaşlarının Nitelikli İşgücüne Talep: AB ve Almanya*

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## Demand for Skilled Labour of Third Country Nationals: The EU and Germany

### Üçüncü Ülke Vatandaşlarının Nitelikli İşgücüne Talep: AB ve Almanya

Nesli Urhan<sup>1</sup>

#### Abstract

Globalisation has increased free movement of goods, services and capital but current policies have economic, social and security-related concerns regarding mobility of people. In this context, migration is a hot topic since it may be associated with illegal migration and might be considered as a burden for the welfare state. When we focus on the recent European Union (EU) agenda, it can be stated that the main objective is economic development, growth and worldwide competitiveness. As innovation, high-productivity and technological developments highlight the importance of the need for high-skilled labour force and the countries have been struggling with the issues, such as poverty, unemployment or ageing population, qualified immigrant workers and talented students have been preferred by the European labour market due to the shortage of skilled workers among the EU citizens. Therefore, a number of directives, which set out the minimum standards for the Member States, regulate labour migration processes for third-country nationals to facilitate their entry, residence and work permits; and to protect their rights. This paper tries to find answers for the following questions at macro level: How immigration policies in the EU influence labour migration in Germany? What are the tools of the EU for managing labour migration? What kind of labour migration policies are being implemented in Germany? It can be noted that the EU has restrictive migration policies to attract high-skilled labourers and facilitates exclusively their migration processes particularly in some sectors. Moreover, addressing the most famous receiving country, this paper focuses on German labour migration policies to see the current situation in a member state. As a conclusion, it can be seen that although there are some initiatives to attract foreign high-skilled workers, the influence of the EU migration policies remains limited on Member States' policies.

**Key words:** Labour Migration, Qualifications, Skills Mismatch, Foreign High-skilled Worker, EU Blue Card

#### Öz

Küreselleşme mal, hizmet ve sermayenin serbest dolaşımını arttırırken, günümüz politikalarının insanların serbest dolaşımına ilişkin olarak ekonomik, sosyal ve güvenlik temelli konularda çekinceleri bulunmaktadır. Bu kapsamda, yasa dışı göç ile ilişkilendirilebilmesi ve refah devletinin sırtında bir yük olarak görülebilmesi sebebiyle göç önemli bir gündem maddesi olarak karşımıza çıkmaktadır. Avrupa Birliği (AB)'nin gündemine odaklanıldığında temel amacın ekonomik kalkınma, büyüme ve dünya çapında rekabet edebilirlik olduğu ifade edilebilir. Yenilikçilik, yüksek verimlilik ve teknolojik gelişmelerin yüksek beceriye sahip işgücüne olan ihtiyacın önemini

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vurgulaması ve ülkelerin yoksulluk, işsizlik, yaşlanan nüfus sorunlarıyla uğraşmaları sebebiyle AB vatandaşları arasında yüksek becerili işçi eksikliği ile karşılaşılmasına bağlı olarak, kalifiye göçmenler ile yetenekli öğrenciler Avrupa işgücü piyasası tarafından ilgi görmektedir. Bu nedenle, üye ülkelerin yerine getirmesi gereken asgari standartları belirleyen birçok sayıda direktif, üçüncü ülke vatandaşlarının giriş, oturma ve çalışma izinlerini kolaylaştırmak ve onların haklarını korumak üzere işgücü göçü süreçlerini düzenlemiştir. Bu makale şu sorulara makro seviyede yanıtlar aramaktadır: AB göçmen politikaları Almanya'daki işgücü göçünü nasıl etkilemiştir? AB'nin göçmen politikalarını yönetirken kullandığı araçlar nelerdir? Almanya'da ne tür işgücü politikaları uygulanmaktadır? Bu noktada, AB'nin yüksek becerili çalışanları bünyesine çekmek için sınırlayıcı göç politikaları uyguladığı ve özellikle belirli sektörlerde göç süreçlerini kolaylaştırıcı tutum izlediği ifade edilebilir. Dahası, en fazla göç alan ülke olarak Almanya'ya odaklanılmasındaki sebep bu konuda göz önünde olan bir üye ülkedeki güncel durumu inceleyebilmektir. Sonuç olarak, bu makale, AB'nin yüksek becerili işgücünü birlik bünyesine çekmek için birçok girişimi olsa da, üye devletler üzerindeki etkisinin kısıtlı kaldığını göstermektedir.

**Anahtar kelimeler:** İşgücü Göçü, Yeterlilikler, Beceri Uyumsuzluğu, Yüksek Becerili Yabancı İşçi, AB Mavi Kart

## INTRODUCTION

Since Lisbon Strategy (2000) and Europe 2020 (2010) emphasise on the issues in relation to competitive and knowledge-based economy, smart, sustainable and inclusive growth, innovation, employment, and higher education, the EU promotes international labour migration of high-skilled third country nationals as a response to the challenges regarding demographic change and labour shortage in domestic workforce among the EU Member States. First of all, it would be beneficial to provide the definitions of the concepts to be used in this context. According to the IOM, *Migrant* is a person 'who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of the person's legal status; whether the movement is voluntary or involuntary; what the causes for the movement are; or what the length of the stay is'. For the same source, *International Labour Migration* means 'the movement of people from one country to another for employment purposes'. Lastly, according to the OECD, *Third-country National* is defined as 'a foreigner who has the nationality of non-EU country'. This paper will provide a perspective from the EU and a receiving country at macro level on the area of labour migration. As globalisation has enhanced the mobility of goods, services and capital but could not eliminate the concerns regarding the free movement of people, such as economic expectancies, labour market structures, state sovereignty, security-related issues, etc. this paper will examine the current situation in the labour migration policies. Since immigrants, who are coming especially from developing countries, where unemployment, poverty and informal sector are widespread, and seek better job opportunities along with life conditions in developed countries, the supply and demand sides need to be analysed.

The purpose of this research is to try to provide an overview of highlight population movements in the framework of the labour market in the EU and Germany, as a

receiving country that can be a strong example to illustrate this immigration situation. In this paper, firstly the EU incentives will be figured out in detail to see the tools and the objectives of the Union with regard to the labour migration policies. Then, current policies of Germany will be summarised in order to present information for a Member State. The main objective of the paper is to examine how migration policies in the EU influence labour migration in Germany. As a result, it can be found out that the influence of the EU on Germany is very restricted since Member States give priority to their own domestic needs and constraints in the labour migration area. As the emphasis has been made increasingly on national economy and national security, it can be argued that the Member States prefer to concentrate on their own national interests rather than the EU's requests.

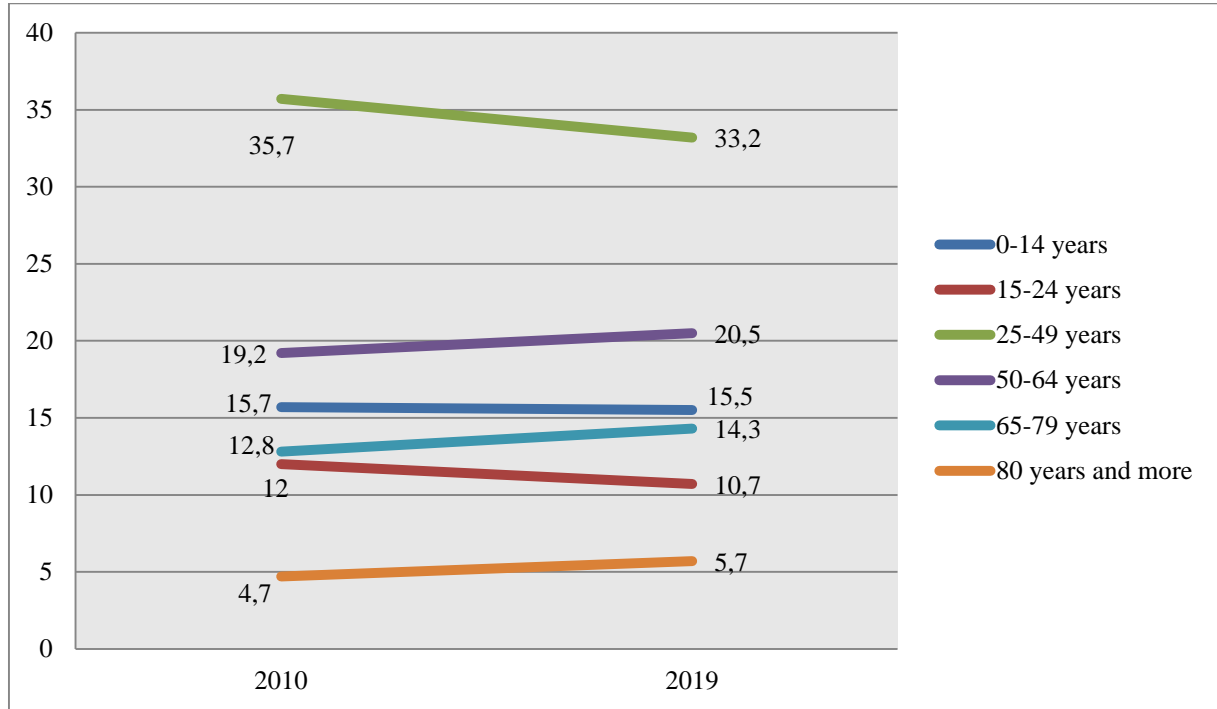
Regarding methodology, it can be stated that a literature review of legal documents and secondary sources has been conducted in addition to the provision of relevant quantitative data on international migration and labour market to be able to produce an appropriate analysis. Considering the process of collecting the literature, it can be noted that the documents of the EU, the recent data provided by the database and related publications have been examined while designing the review.

## 1. EU Migration Policy

First and foremost, as Eurostat (2008) states, international migration takes gradually important role in most of the Member States and immigrations remain at the forefront of the agenda of the European Union and Member Countries as hot topic. Concerning the background, the Treaty on European Union, the Treaty on the Functioning of the European Union, the Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, and the EU Regulation No 492/2011 on freedom of movement for workers within the Union provide key elements regarding the legal basis of the freedom of movement for workers. It can be stated that the free movement of workers is one of the fundamental rights of the Members States of the European Economic Area. The citizens are allowed to work in any member state with the same conditions of that state's own nationals. In this context, it is also denoted that the Member States have always been supported by the European Parliament for the promotion of free movement of workers (European Parliament, 2019a). Also, it can be stated that Lopes, Quaresma and Moura (2018) conducted a research on regional level and they state that mismatch between jobs and skills necessitates considerable economic and social costs both for individuals and companies; and quality education and appropriate development of skills need to be considered as essential in order to be able to tackle that problem in the fast changing labour market. Moreover, it is stated that the skill mismatch rate, addressing both over-qualification and under-qualification, was 45% at EU level, in 2015. For the Cedefop (2018), these costs are linked to the waste of skills and human potentials, and since graduates are ill-prepared for the needs of modern workplaces, EU employers have difficulties in finding the right skills in the labour market, as a mainstream view. Additionally, it is also claimed that the EU faces the problem of the adult skills that are described as either unrecognized or underutilised. According to the same report, considering the change in skill demand due to anticipated job restructuring, for the years 2015-25, in case there is no change in the employment trends, increasing demand for higher-level skills and higher education qualifications is expected in the EU. Nevertheless, the Member States cannot prevent skill mismatch and labour shortage by

recruiting EU citizens. Thus, they enhance the procedures for receiving workers from third country nationals.

**Figure 1:** Population by Age Group, EU28, 2010- 2019



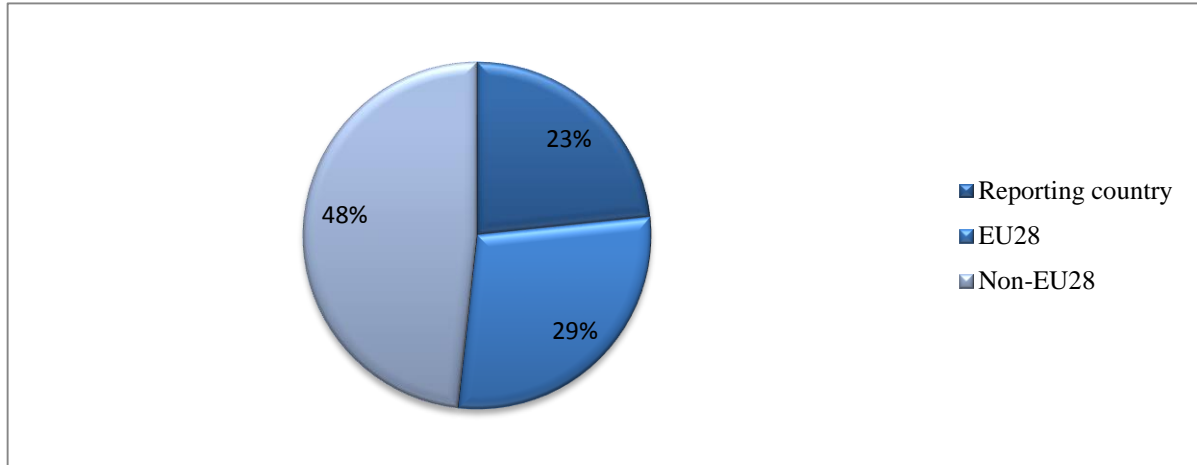
**Source:** Eurostat, Population and Social Conditions

Figure 1 points out the ageing population of the EU between the years 2010 and 2019. It can be seen that the 'proportion of population aged 50-64 years' increased from 19.2% to 20.5%, the 'proportion of population aged 65-79 years' augmented from 12.8% to 14.3% and the 'proportion of population aged 80 years or more' raised from 4.7% to 5.7% while the 'proportion of population aged 0-14 years' decreased from 15.7% to 15.5%, the 'proportion of population aged 15-24 years' reduced from 12% to 10.7% and the proportion of population aged 25-49 years declined from 35.7% to 33.2%.

Furthermore, the European Commission states that the EU faces with various challenges regarding the labour market. Firstly, high proportion of the Europeans has difficulties in reading and writing and they have poor numeracy and digital skills. A significant share of migrants and asylum seekers lack basic skills and have poor knowledge of the host country language. Moreover, many Europeans are unemployed due to mismatch between their skills and the needs of the labour market (European Commission, 2019a). Thus, it can be argued that the EU is oriented through selective migration policies to be able to recruit more high skilled migrants to combat unemployment, poverty and social exclusion. As it can be understood from the statement of the Commission, European labour market is in need of employees who are talented since it would be costly to train personnel that have poor capabilities. In order to act in line with cost effective approaches, the EU prefers to 'import' qualified migrants for the sake of labour market. Hence, well-equipped immigrants are welcome since the EU suffers from both the

citizens and the immigrants, who are unqualified in terms of basic skills or abilities demanded in the labour market.

**Figure 2:** Immigration by citizenship, EU28, 2018



**Source:** Eurostat, Population and Social Conditions

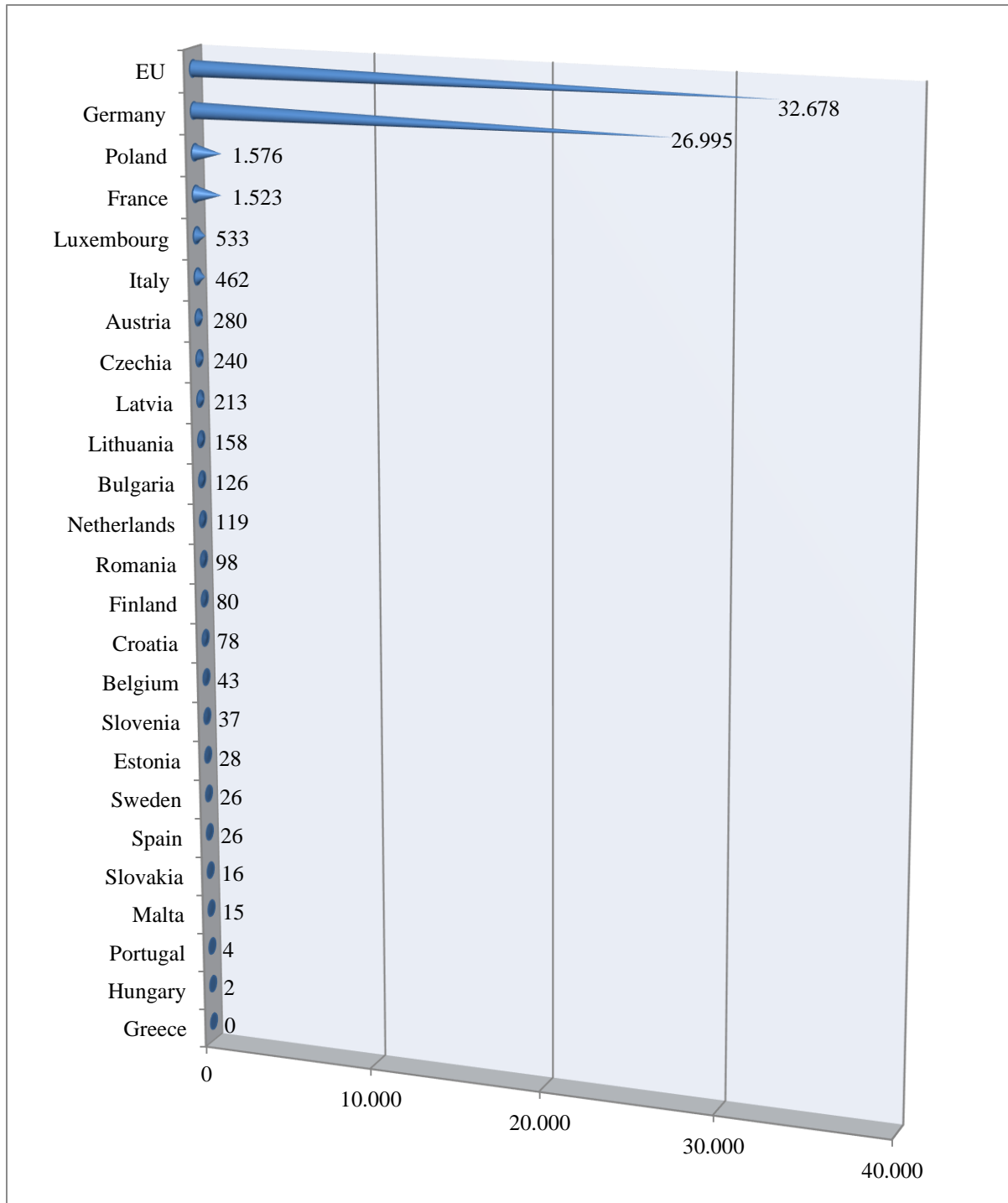
The chart figures out that 77% of immigrants were foreigners in 2018 as almost half of the immigrants were the citizens of non-EU countries and 29% of immigrants were the citizens of another EU Member State. It can be also seen that 23% of immigrants were nationals returning to their own country.

Since the paper aims to demonstrate the EU's viewpoint and the tools developed so as to manage the labour migration policy, it would be beneficial to analyse the details of the EU Blue Card Directive (2009/50/EC) in order to see the minimum requirements established by the EU. Target group of the directive is third-country nationals and the objective is to protect their rights by issuing long-term visas and residence permits to them. In this context, the main aim is to make the EU become more attractive for highly qualified workers in order to achieve the goal for succeeding worldwide competitiveness and economic growth for the EU. The ways chosen by the union is to facilitate the procedures for those workers and their families by providing them equal social and economic rights, including social security, taking into account the labour market needs along with the absorption capacity of the Member States. Thus, eligibility criteria are defined at the EU level and the Member States are expected to harmonise the details in line with their national circumstances. For instance, the Directive determines a minimum salary threshold and the Member States are allowed to increase the salary level according to the conditions of the labour market and migration policies. As another example, it can be noted that Member State has the right to decide on the validity of the EU Blue Card with the condition of being from one year to four years. As a result, diverse issues such as validity periods and processing fees of the directive differ among member states. Moreover, third country nationals can apply either for the EU Blue Card or national residence permit and they can also enjoy additional opportunities provided by the national law. With regard to the geographical mobility, the Directive states that highly qualified third-country worker shall be controlled during the first period of legal stay in order not to prevent migration. Member State has the option to reject the EU Blue



Card application due to ethical considerations if there is shortage of qualified workers in that sector of the home country. Furthermore, highly qualified third-country workers have certain rights regarding labour market access, temporary unemployment, equal treatment, family members and long-term resident status. The deadline for the Member States to harmonise their regulations was 19 June 2011. Following the initial document, it is also essential to point out that the directive faced with criticism for remaining insufficient and ineffective; and it has been revised in line with those comments received. According to the European Parliamentary Research Service, the fundamental aim was to attract the interest of the highly qualified immigrants to overcome the problems regarding shortage of certain skills and the population aging in the EU; however, the goal could not be achieved and the directive has been revised by lowering minimum eligibility criteria and expanding the rights and opportunities offered to the third country nationals since it has been criticised for being ambitious, targeted and having administrative burden. In this context, it is essential to highlight that the European Parliament called relevant parties to revise the EU's legal migration policy to ensure better management of migration. For the Parliament, EU's legal migration framework shall not be fragmented and the gaps in the EU labour market might be filled in by highly skilled third country nationals, including refugees and asylum-seekers. Furthermore, it can be also added that The United Kingdom (before Brexit), Ireland and Denmark have opted out their Treaty protocols, thus they do not apply The Blue Card Directive. Hence, the directive addresses EU 25 and it is prepared on the basis of demand side since the needs of the job market of the receiving country are in the foreground.

Figure 3: EU Blue Cards Granted in 2018



Source: Eurostat, Population and Social Conditions

Although the EU Blue Card Directive refers to EU25, Figure 3 shows the number of the EU Blue Cards granted in EU24 since there is no available data for Cyprus. It can be seen that in total 32.678 EU Blue Cards have been accepted in total and Germany owns the biggest share with 26.995. Following that Poland and France granted 1576 and 1523 EU Blue Cards respectively. Therefore, it can be seen that Germany is the main country, where high skilled non-EU professionals find place via EU Blue Cards.

Accordingly, in the Proposal for a Directive of the European Parliament and the Council on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment (European Commission, 2016b), the perspective of the EU and the reasons for involvement in the procedures can be clearly seen: Although the EU takes measures like activation, training and up-skilling of the existing work force, they remain insufficient to fulfil the needs of the labour market. Thus, support for the migration of the talented workers had been seen as an immediate solution to be found especially in the sectors, such as healthcare, ICT and engineering to be able to tackle the issues related with unproductivity and skill shortages in the labour market. The reasons for the EU's involvement can be listed as deepening and improvement of the Single Market, increasing mobility, harmonised system for recognition of qualifications for better integration into the labour market and taking necessary measures regarding the entry and residence procedures of third-country nationals. Thus, this admission of economic migrants refers to shared competence between the EU and its Member States and the Member State has the right to determine its volume. Moreover, in the context of the subsidiarity principle, it can be noted that it would be more beneficial for Member States to apply a single and straightforward set of rules while examining applications of immigrant workers. As a result, although Member States have the right to act alone and implement their own national systems, there will be no success when there is no uniformity at the EU level. In other words, overall attractiveness can be achieved by a single, transparent, flexible and streamlined scheme for qualified workers across the EU. Within this context, regarding the common immigration policy under Article 79 Treaty on the Functioning of the European Union, proportionality principle requires balance among conditions, procedures and rights to promote inclusive policies and to enlarge the target group by adapting national situation in a flexible manner. Therefore, for better migration management, parallel national schemes for the application of a common directive has to be ensured in order to eliminate inconsistencies among different member states and to create a harmonised approach, which offers more flexible and effective admission conditions, and enhanced rights covering intra-EU mobility. Here, it can be seen that as there are some deficits for the implementation of the EU Blue Card Directive, the Commission declares its complaints about the procedures and ask Member States to cooperate in a more efficient manner to achieve better results.

There are some other directives issued in order to facilitate entry, residence or work permits and to regulate relevant rights of third country nationals in the EU. Firstly, the Directive 2011/98/EU gives information to third-country nationals regarding permits for residence and work permit; and it refers to the rights of the regular immigrants in a Member State. Secondly, the Directive 2014/36/EU, sets out the conditions for the third-country nationals and the rights of seasonal immigrants in the framework of employment and seasonal works. It is also stated that the EU allows a migrant seasonal worker to stay in the EU for a maximum period of between 5-9 months, but the final decision will be again made by the Member State itself. Thirdly, the Directive 2014/66/EU tries to facilitate the entry and residence of third-country nationals in the context of businesses and multinational corporations. Fourthly, the Directive 2016/801/EU aims to support the students and the researchers for their studies, researches, trainings, voluntary services, exchange programmes or educational projects. Therefore, as it can be seen in these directives, the competence of the EU in the area of integration remains limited. Moreover with the European Agenda for the Integration of

Third-Country Nationals (2011) and the Action Plan of 2016, the Commission aimed to support Member States for the integration of non-EU nationals, who have residence permit in the EU (European Parliament, 2019b). A number of directives introduce that the EU regulations have diverse target groups, contexts or supports. However, the Union can be criticized by stating that the EU simply guides its members and the problems related with the integration processes are left to be resolved by the member states themselves.

**Table 1:** Immigration by Level of Human Development of the Country of Previous Residence, 2018

GEO/TIME	Total	Countries other than EU, EFTA and Candidate countries		
		High HDI	Medium HDI	Low HDI
Germany	893.886	104.783	116.289	35.116
Spain	643.684	244.881	162.069	29.017
United Kingdom	603.953	47.978	180.167	36.602
France	386.911	62.392	54.078	60.044
Italy	332.324	65.439	69.199	84.912
Poland	214.083	63.869	9.002	1.860
Netherlands	194.306	16.379	33.826	9.194
Romania	172.578	13.780	45.217	919
Belgium	137.860	12.237	20.751	14.441
Sweden	132.602	16.770	33.276	20.366
Greece	119.489	7.337	30.636	25.973
Austria	105.633	10.720	7.233	2.478
Ireland	97.712	6.659	11.308	7.119
Hungary	82.937	23.793	7.821	1.261
Czechia	65.910	27.958	9.618	1.292
Denmark	64.669	7.467	7.972	2.787
Portugal	43.170	12.488	2.618	6.224
Finland	31.106	3.980	6.254	2.686
Bulgaria	29.559	5.229	1.703	212
Lithuania	28.914	10.708	1.023	161
Slovenia	28.455	15.567	525	110
Malta	26.444	2.338	5.238	2.141
Croatia	26.029	12.686	753	86
Luxembourg	24.644	300	215	9
Cyprus	23.442	2.634	4.976	2.652
Estonia	17.547	4.353	542	429
Latvia	10.909	3.678	1.885	222
Slovakia	7.253	565	121	5
<b>Total</b>	<b>4.546.009</b>	<b>806.968</b>	<b>824.315</b>	<b>348.318</b>

**Source:** Eurostat, Demography and Migration

Table 1 demonstrates that in the highest rate of immigrations was seen in Germany in 2018. Concerning the countries other than EU, EFTA and Candidate countries with high, medium and low Human Development Index (HDI), it can be declared that the total numbers of immigrants from the countries with high and medium HDI are almost equal to each other. For instance, Spain, Poland, Austria, Hungary, Czechia, Portugal, Lithuania are the countries experiencing immigration from the countries with high HDI; however, the immigrants from the countries with medium HDI are more common in United Kingdom, Netherlands, Romania, Belgium Sweden, Greece.

According to the European Agenda on Migration (European Commission, 2015), there are four pillars for better management of migration collectively by all EU actors since the migration issue in the Mediterranean has required displaying the needs and the limitations of EU migration policy. In this sense, to be able to struggle against irregular migration, traffickers and smugglers; there is need to secure the Europe's external borders, and encourage cooperation among different policy sectors, such as development, trade, employment, foreign and home affairs. The first pillar, that is formed by 'reducing the incentives for irregular migration' aims to protect needy immigrants from exploitation by criminal networks and to tackle global problems like poverty, insecurity, inequality and unemployment causing irregular and forced migration. Moreover, besides promoting integration of legal migrants into labour market, employment of third-country nationals is prohibited unless they have the right to stay in the EU. The second pillar that consists of 'border management, saving lives and securing external borders' aims to develop common standards for illegal stay or return of the third-country nationals and to strengthen the capacity of the EU to reduce irregular migration and return of irregular migrants. The third pillar that refers to 'Europe's duty to protect: a strong common asylum policy', highlights the importance of Dublin Regulation in 2016 ensuring Member States to follow common asylum procedures with well-defined and clear quality indicators, underpinning protection for the fundamental rights of asylum-seekers and giving specific attention to the needs of vulnerable groups.

The fourth pillar, which is called 'A new policy on legal migration' emphasises on the economic concerns of the EU as regards the targets of competitiveness and growth. Since the EU is in a need for highly educated labour, the Union desires to attract talented workers, especially in the sectors like science, technology, engineering and healthcare, where there are shortages and gaps to meet the needs of the EU labour market. It is important to note that negative demographic change has highly been noticeable in the most countries and the share of youth in the total population has decreased accordingly. Moreover, emigration of the youngest and skilled people has accelerated ageing issues and skills shortages (European Training Foundation, 2019). As the population is ageing and the economy is becoming dependent on qualified jobs with accelerating trend of Future of Work, the EU is in a particular need for young and skilled immigrants under the umbrella of regular migration. Thus, in addition to the desire of getting attention of highly qualified workers, the EU tries to attract skilled students and researchers with programmes like Erasmus+ and provide them job-seeking opportunities afterwards. Hence, in the context of the last pillar, the EU pays attention to highly qualified third-country nationals and issues The Blue Card Directive to make the European labour market be more attractive for well-trained and talented foreign workers. Thus, Member States are expected to develop a dialogue at European level on the issues such as labour

market gaps, regularisation, integration, recruitment difficulties or skill gaps, etc. Current web sites like the EU Immigration Portal are the tools that facilitate job matching for third country nationals. However, since recognition of qualifications is limited in home countries, migrants face with the problem of matching their skills. Additionally, here it can be beneficial to add that as a part of New Skills Agenda for Europe that was adopted by the Commission on 10 June 2016, Skills Profile Tool has been established to help mapping skills, qualifications and work experiences of third country nationals to support the mechanisms like recognition of qualifications. The aim is to promote their employability and try to decrease skills gap and mismatching in the context of strengthening human capital and social cohesion in the EU accordingly (European Commission, 2016a). Moreover, to persuade qualified workers, the EU tries to make the home countries benefit from migration by facilitating cheaper, faster and safer remittance transfers. Furthermore, it has been also added that in the last programming period (2014-20) at least 20% of the European Social Fund resources is allocated to enhance social inclusion by improving language and professional skills, promoting access to services and to the labour market of the third country nationals. That is to say, the EU tries to find practical ways to take the advantage of migration flows and to make investment on human resources in order to increase employability and social abilities of those immigrants. The amount of the resources allocated for social inclusion demonstrates the importance attributed to the integration of third country nationals in order to become a sustainable and preferable centre of attraction for the qualified and registered ones.

On the one hand, with regard to the economic perspective, as it can be seen in the EU strategies, economic power is correlated with the level of qualifications that raises the significance of the human capital. Tali (2019) puts forward that highly educated labour engenders new productive knowledge, technology and better association of resources and refers to the positive causality between economic growth and the accumulation of highly-qualified persons having particularly scientific, engineering and technological background. Consequently, this understanding serves the EU's initiatives targeting well skilled workers. On the other hand, from the security perspective, the EU still desires to involve in the migration policies to be able to struggle with irregular migration. As European Commission (2019b) notes, due to the huge number of migrants trying to cross the Mediterranean, particularly because of the Syrian influx, it has been seen that the EU countries shall not be left alone to tackle migratory pressures. Hence, the EU agencies and tools need to be used efficiently in the policy areas aiming to reduce irregular migration, to save lives, to secure external borders, to establish a common asylum policy and to adopt new set of rules on legal migration by keeping Europe an attractive location for talented migrants. Consequently, it can be asserted that registered and qualified immigrants are preferable for the EU both from the economic and security perspectives since they are considered as skilled labour that take place under regular migration. As the main objective is to obtain economic achievement in addition to coping with the problem of irregular migration, new rules have been designed in line with the decision to attract high-skilled labour migration.

Within this context, as Ghimis (2016) points out, it can be reminded that the Lisbon Treaty allows the EU to establish a common immigration policy that enhances efficient management of migration flows, fair treatment of legal migrants and combat illegal migration. Although there is an obvious need for common set of rules on labour migration, it can be argued that the Member States are not willing enough to harmonize

their law. In other words, since the Member States want to maintain their exclusive competence for deciding on the volume of the labour immigrants, the development for labour migration policy of the EU remains slow and fragmented. That is to say, as it can be seen in the aforementioned directives, the EU has diverse regulations targeting different groups and demonstrating that the legal migration policy is not comprehensive. Thus, Member States' reluctance for common labour migration policy makes the EU be ineffective to attract the talented workers in the labour market. As the Member States face unemployment, underemployment, ageing population or workers lack of the appropriate skills, they want to cope with those problems by recruiting migrants from the third countries. It is estimated that if there is zero net migration, Germany, Italy and Poland will be the most influenced Member States in terms of losing working age population. It can be argued that the recent refugee flows can be an opportunity for the EU labour market; however, it is seen that their integration shall also be managed properly in order to ensure their contribution to the labour force and welfare state. Moreover, their qualifications are not sufficient to fulfil the need for labour migration. Hence, it is also argued that legal talented migrants are welcome and more integrated external border management is required in order to reduce the number of refugees or asylum seekers. In other words, policy makers try to establish a more powerful policy on labour migration with the cooperation of business community, social partners and third countries, such as Turkey and Western Balkan Countries. On the other hand, it is argued that the structure of the labour market in the Member States affect the comprehensiveness of the policy. As some Member States need for low and medium skilled workers in some sectors such as cleaning, agriculture or construction, they cannot contribute to the common understanding of the EU. As a result, the gap in the EU labour market cannot be fulfilled. In other words, the policy initiatives of the European Commission shall reflect the needs of the Member States in order to be more effective. Thus, it can be asserted that unless the Union is capable to know all the details of the national necessities, member states will not be willing to give up their decision-maker roles both to keep control over the processes and to act properly for meeting the requirements.

Lastly, it can be added that the European Labour Authority, which is a substantial Union body of legislation regulating diverse parts of mobility, especially enhancing labour mobility and deal with undeclared work, was established with the Regulation entered into force on 20 June 2019 (European Union, 2019). Article 42 particularly underlines the significance of cooperation with third countries and international organisations. In this context, working arrangements can be established by the Authority and it will be open to their participation under the specified conditions and within the existing institutional framework. Thus, third countries are given roles with regard to labour related issues.

**Table 2:** Immigration by Citizenship in the EU, 2018

GEO/CITIZEN	Total	Reporting country	EU28	Non-EU28	Stateless	Unknown
Total	4.546.009	1.057.981	1.287.474	2.186.379	5.419	8.756
Germany	893.886	147.535	370.375	370.354	1.776	3.846
Spain	643.684	83.686	145.298	414.292	408	0
United Kingdom	603.953	76.942	201.959	325.052	0	0
France	386.911	131.726	78.560	176.625	0	0
Italy	332.324	46.824	57.369	228.117	14	0
Poland	214.083	118.417	19.175	76.410	81	0
Netherlands	194.306	46.632	79.443	66.621	676	934
Romania	172.578	141.289	9.193	21.867	0	229
Belgium	137.860	18.197	63.924	54.911	12	816
Sweden	132.602	18.171	28.151	83.836	1.999	445
Greece	119.489	32.199	16.726	70.564	0	0
Austria	105.633	9.578	65.327	30.553	115	60
Ireland	97.712	31.272	32.311	32.839	0	1.290
Hungary	82.937	33.625	11.139	38.160	5	8
Czechia	65.910	4.529	17.837	43.544	0	0
Denmark	64.669	19.402	24.957	20.125	177	8
Portugal	43.170	20.415	8.092	14.663	0	0
Finland	31.106	7.960	7.037	15.091	84	934
Bulgaria	29.559	16.169	1.038	12.287	39	26
Lithuania	28.914	16.592	771	11.536	15	0
Slovenia	28.455	4.354	3.381	20.720	0	0
Malta	26.444	1.579	11.353	13.512	0	0
Croatia	26.029	8.619	2.242	15.157	0	11
Luxembourg	24.644	1.291	16.435	6.882	9	27
Cyprus	23.442	4.412	8.330	10.700	0	0
Estonia	17.547	7.836	4.158	5.460	0	93
Latvia	10.909	4.346	667	5.858	9	29
Slovakia	7.253	4.384	2.226	643	0	0

**Source:** Eurostat, Demography and Migration

The Table 2 demonstrates that in the EU, Spain with 414.292 persons, Germany with 370.354 persons and United Kingdom with 325.052 had the largest numbers of immigrants coming from Non-EU countries in 2018. In general, there is an obvious difference in the immigrants coming from the EU countries and non-EU countries. However, this share is almost equal in Germany and Ireland. Moreover, those 2 countries received more than half of all immigrants whose citizenship is unknown. It can be also seen that the highest rate of stateless immigrants were in Sweden.



Furthermore, according to the Eurostat (2018), although it is already pointed that free movement of workers is a fundamental principle declared in the Treaty on the Functioning of the European Union and the EU citizens have the opportunity to look for a job in another EU country, enjoying equal rights with nationals regarding working conditions and all other social and tax advantages, the share of the EU citizens of working age (20-64), who reside in another EU Member State, has increased over the past ten years but remained at 3.8% in 2017. Hence, it can be claimed that the non-EU citizens prefer relatively more to immigrate to the EU compared to the EU citizens. Since the free movement of workers remained limited for the EU citizens, the countries started to look for better provision of economic and social opportunities to be more attractive for non-EU nationals. In this context, Germany will be analysed in this paper due to the highest share of immigrants compared with other Member States, labour market policies and current labour migration policies.

## **2. Member State Perspective: Germany**

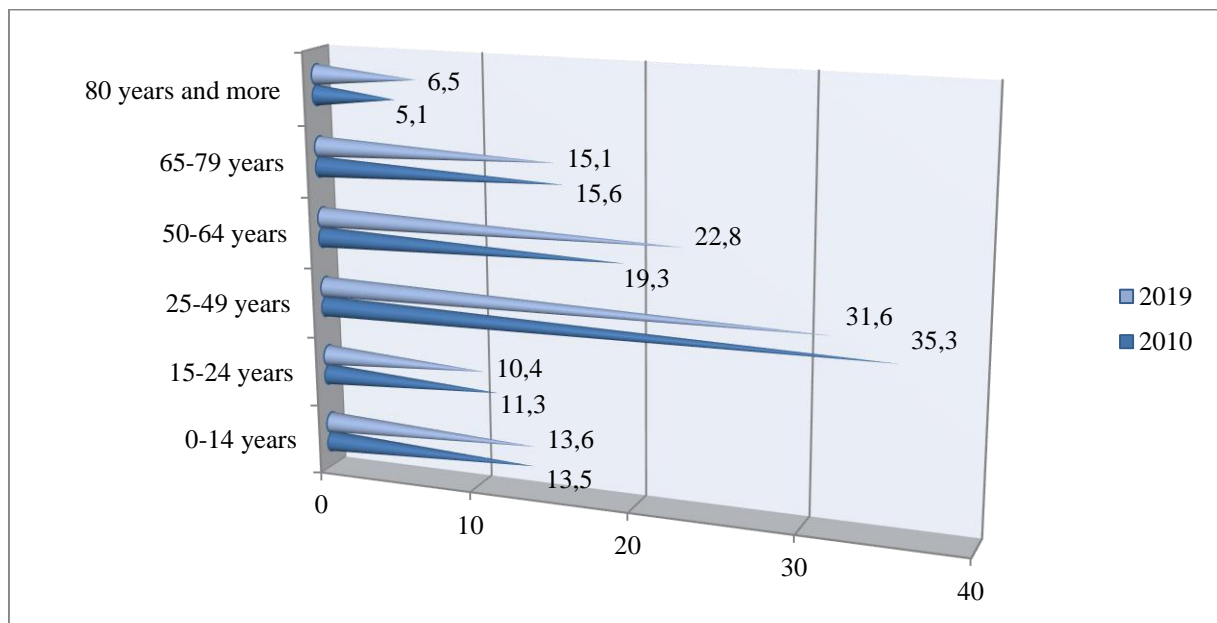
When the focus is the labour market, we again face with two dimensions of the migration which are economic deficiencies and security related concerns from the member state perspective as well. As Karaaslan and Senkal (2019) denote, since economic development levels, production processes, need for qualified work force, education systems, cultural, political and social structures, employment opportunities including income levels and innovation of vocational systems, abilities to match skills and jobs, workplace infrastructure, migration management approaches in the context of regulating the labour market differ among countries, labour migration occurs increasingly in the international arena. As there is high risk to employ illegal workers with lower wages under unhealthy conditions without social security, countries may have tendency to prevent labour migration for the sake of protection of formal economy. Besides, it is also claimed that the immigrants may also be associated with crime, terrorism or violence especially by the media and public opinion. Hence, governments may prefer to apply restrictive migration policies. Furthermore, skill demand of the labour market of the destination country is another issue to be taken into account while deciding on such policies. In other words, as the countries are trying to struggle with poverty, unemployment and economic crisis, they try to regulate labour migration accordingly.

As Cerna (2013) supports the aforementioned arguments, in addition to limited amount of intra-EU mobility, migrations from the third-countries remain also restricted and the EU labour migration cannot solve this problem since the perceptions of the Member States differ from each other. Some focus on the citizenship and the sovereignty, some refer to centrality of the political and legal process, and others concentrate on the labour market dynamics. Thus, while security-related concerns indicate the border controls; economic challenges address labour market demand. On the one hand, states compete with each other to bring in the qualified human capital; on the other hand they try to keep control over borders; hence they select either to open or close the borders according to the types of migrants. Since high-skilled migrant workers are preferred at the EU level, it is believed that the objective cannot be achieved by the Member States separately. That is why, the Union wants to involve in the immigrant policies of the states. However, regarding the subsidiarity principle, Member States claim that they know best the needs and the constraints of their country. For instance, some countries try to protect their

citizens by restricting the applications of the third country nationals; however, some others develop activation strategies by attracting more foreign workers. Hence, conflict between domestic and EU-level migration policies occurs due to diversity in the national understandings. For instance, in respect to the EU Blue Card Directive, it can be specified that Austria initiated the process immediately, United Kingdom opted out and Germany requested time extension for the implementation. Since the employment and residence regulations vary among Member States and they have different reception capacities along with priorities in the labour market, the issue for the management of labour migration becomes even more important.

This article focuses on the example of Germany to analyse the reasons for policy changes in the labour migration at a macro level since Germany has the biggest share with 18.6% and it is followed by France with 15% and Italy, Spain and Poland show the following data for their total population share respectively 13.5%, 10.5% and 8.5% according to Eurostat, 2020. Moreover, the highest rate of EU Blue Card issued was recorded in Germany along with receiving the largest numbers of total immigrants according to Eurostat, 2019.

**Figure 4:** Population by Age Group in Germany, 2018



**Source:** Eurostat, Population and Social Conditions

The figure 4 shows that the proportion of population aged 25-49 years decreased from 35.3% to 31.6%, while the proportion of population aged 50-64 years augmented from 19.3% to 22.8% and the proportion of population aged 80 years and more increased from 5.1% to 6.5% between the years 2010 and 2019.

As Laubenthal (2018) claims, Germany is known as a country that has conducted restrictive policies on immigration emphasising on state arrangement. However, after a highly restrictive labour migration regime, it can be seen that Germany, like the post-war period, recently started to implement few limitations on labour migration, but in the area of high skilled occupations this time. Regarding the reasons of this change, it is

argued that economic and cultural factors, developments in the international politics, liberal norms, design of the welfare state, policies on family reunification, refugee migration, labour market, etc. have influence on the national policies. Moreover, it is also added that although nation states maintain the control, Europeanization, addressing a consolidated European migration regime, including the EU Blue Card Directive, has impact on the labour migration. In addition to Europeanization process, liberalization of policies, job market structure, characteristics of welfare state, attitudes towards citizenship are also demonstrated as the reasons for the radical change in labour migration policy of Germany. As a consequence, it can be argued that not only the Union's view affects national policies but also domestic features have explicit and diverse impressions on immigration policies.

In this context, as Reuters (2018) states, the new immigration law that was passed on 19<sup>th</sup> December 2018 shows that Germany tries to find a way to tackle labour shortage. The new rules aim to make easier for third country nationals, who are lower qualified, to seek job in Germany for six months, under the conditions that they are able to fund their stay and to speak German. As the old law was offering such opportunities only to high-skilled workers, it can be seen that Germany changes labour migration policies in a radical manner. As demographic and economic challenges refer to a record of 1.2 million job vacancies in almost all sectors in Europe's economic powerhouse, Germany prefers welcoming low and medium-qualified workers in the new system. Moreover, this law supports the residency permit of the current foreign workers who have knowledge of German language. Here, it can be argued that even though the EU is in favour of attracting high-skilled workers, Germany makes a national decision and covers low and medium-qualified workers as well. Thus, the example demonstrates that the influence of the EU remains limited in the labour immigration policy area. Although Germany desires to satisfy the needs of the labour market with skilled workers, the level of the required skills is decided according to the needs of German businesses. That is to say, if Germany is dependent on skilled workers from third country nationals, the new laws are designed accordingly.

Regarding recent figures in Germany, it is essential to point out that according to MINT Spring Report 2018, 314,800 vacant positions in STEM (sciences, technology, engineering and mathematics) sectors were unfilled (The Local). Moreover, in EURES, 796,693 vacancies were found in German based occupations in May 2019. Thus, there is an obvious need for foreign workers in those industries. As Eurostat demonstrates, the number of 'admitted family members of EU Blue Cards holders by type of decision and citizenship' was 2,998 in 2013 and 13,795 in 2017. Hence, there is a sharp increase in the number of EU Blue Card holders and their family members in Germany. Moreover, as OECD shows, in 2017 'foreign-born participation rate' in labour force was 72,7% of the foreign-born population in Germany, while it is 73% in the EU28. Therefore, foreign-born population can find job in German labour market. Moreover, it can be also put forward that Germany comes to the forefront as a country that is in shortage in certain areas and support foreign workers in German businesses. The reason for that issue can either be the reluctance of the German citizens to work in those areas, or skill-mismatch between the qualifications of the Germans and the necessities of the country. As a result, it can be also reminded that a country may acquire diverse structures and each member state may present different figures that make the EU stay unavoidably far away from being as efficient as desired on the labour migration area.

**Table 3:** Unemployment rates by educational attainment level in Germany (15-74 years), 2018-2019

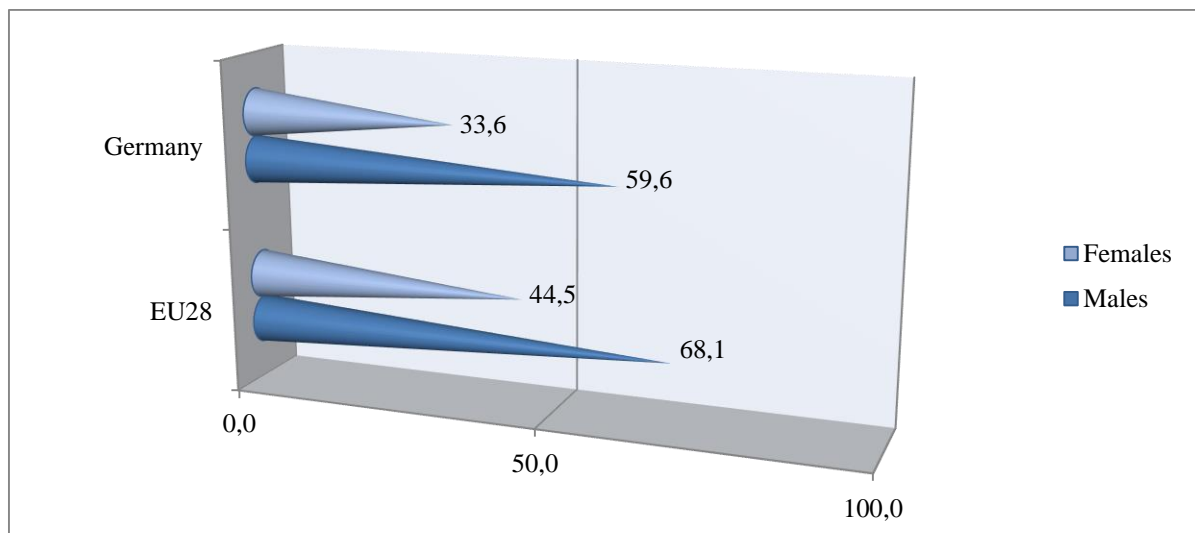
Educational Attainment Level	Unemployment Rate	
	2018Q4	2019Q4
All ISCED 2011 levels	3,2	3,1
Less than primary, primary and lower secondary education (levels 0-2)	8,1	7,5
Upper secondary and post-secondary non-tertiary education (levels 3 and 4)	2,7	2,7
Tertiary education (levels 5-8)	1,8	1,8

**Source:** Eurostat, Labour Force Structure

Table figures out that from 15 to 74 years unemployment is 3.1% for 2019Q4. It can be also notes that the unemployment rate diminishes when the educational attainment level increases as it is seen that the unemployment rate is 1.8% for tertiary education and 7.5% for the levels less than primary, primary and lower secondary education. Thus, qualified and better educated persons have positive contribution to the labour market.

Lastly, regarding the gender perspective, it can be also argued that the male immigrants are more represented in the in the international labour migration arena as they are in the national labour market. Therefore, it can be stated that that there are more male than female active immigrants from the third-world countries both in the EU in general and in Germany, in particular.

**Figure 5:** Active Recent Immigrants by Sex, Non-EU 28, 2018



**Source:** Eurostat, Labour Market

Figure 5 demonstrates the percentage of active recent immigrants, who are coming from non-EU28 countries. It can be seen that in 2018, the share of female immigrants from 15

to 65 years old was 33.6% in Germany and 44.5% in the EU28 while the rate of male immigrants from 15 to 65 years old was 59.6% in Germany and 68.1% in the EU28.

## CONCLUSION

To sum up, this paper has shown that globalisation extended mobility of goods, services and capital but free movement of persons remain controversial. On the one hand, as the EU suffers from low-skilled Europeans, skills-mismatch between the qualifications and the requirement of the businesses, labour shortages in certain sectors in addition to the challenges originated from ageing population, high-skilled third country nationals are welcome as a response for the problems. Thus, it has been shown that the EU has economic priorities, as it always has been. On the other hand, although the current strategies of the EU figures out the importance of the economic power and sustainable development in knowledge based world, nation states have concerns regarding their sovereignty. Additionally, the EU considers the labour migration policies as a tool both to attract qualified workers from third country nationals and to prevent irregular migration. In other words, security and economy indicate two sides of the same coin. It is demonstrated that the EU prefers to increasingly involve in the labour migration area to be able to establish necessary procedures for third country nationals to strengthen the labour market while controlling the residence procedures. As the supranational approach tries to develop a common set of rules regarding the labour migration policy, domestic understanding does not give up the right to manage migration policy as a whole. Moreover, as a significant tool, the EU Blue Card Directive has been examined in detail and some other directives have been shortly explained in order to show the fragmented characteristic of the labour migration policy within the EU. Although there are a number of initiatives to promote the EU Blue Card, it is seen that the usage of that card is very limited among the Member States other than Germany. In addition, German example has been selected to demonstrate the situation in a Member State which has the highest share of population and largest number of immigrants in the EU. Finally, it has been figured out to clarify the importance of the national decision making process in this area. In other words, it has been seen that the influence of the EU remains limited since its approach does not have sufficient power to make Member States implement the directive or harmonise their laws as required. As it has been followed from the case of Germany, Member States shape their labour migration policies according to their own needs. Even though there were a number of incentives to attract the high-skilled workers from non-EU countries, it is too hard to change the structure of the national labour markets and solve labour shortage problem for the EU. For that reason, EU may believe that the Union is the main decision maker since it determines the minimum requirements for the implementation of the regulations; Member States may think that they are the final decision makers since they define the policy in practice; however, the real decision maker is the labour market itself in a capitalist world.

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**For data:**

EURES, Vacancies

EUROSTAT, Population and Social Conditions

OECD, Foreign-born participation rate