



**Scientific Working Group
on EU-India Mobility
Cooperation**

**EU-INDIA MOBILITY COOPERATION:
A STRATEGIC ASSET AND A FIELD
OF OPPORTUNITIES**

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EU-India mobility cooperation should promote the interests of both sides equally. This means devising a policy framework that is beneficial to India from a development perspective and to the EU from an employment perspective. Assuming that most of the mobility will be from India to the EU, the economic and social needs and rights of migrants must be safeguarded, and the impact of Indian development through migrant remittances, investments and knowledge acquisition nourished.

1. India's most skilled migrant workers do not go to Europe

India is amongst the world's leading sources of highly-skilled, circular, migrant labour. At present, the vast majority of these migrants go to North America and the Gulf States. The United States and Canada alone are hosts to 80% of Indian migrants with a tertiary education who reside in an OECD country as compared to 15% for the EU [OECD statistics]. Indians represent a small proportion of all migrants in the EU27: 473,124 immigrants born in India live in Europe representing 1.5% of Europe's 30,798,059 immigrants and 5% of India's 9,987,129 estimated emigrants (stocks in 2009). There is

great potential for India-EU migration, as India's fast-growing population and huge pool of skills is matched to meet critical EU labour-market needs both quantitatively and qualitatively. However, to date this potential has not been tapped.

Indian migration to Europe is a composite movement of skilled, regular and often temporary workers, but also of low-skilled and often irregular workers. The low-skilled and often irregular are not only a larger but also a faster growing group than the skilled and regular. Unlike traditional Indian skilled migration to the United Kingdom, a tenfold increase in Indian low-skilled migration has been recorded since 1992 in Italy, where Indians represent 6% of the irregular migrants who applied for regularisation in the amnesty that ended in October 2009, but less than half this proportion (3%) of the non-EU nationals sectors for low-skilled migrant workers in Europe as well as in other countries where Indian migration has recently been on the rise, not least in the United Arab Emirates and Saudi Arabia. While returns to India were observed in the summer of 2009 among migrant workers in the Gulf, no similar movement was recorded among those living in Europe.

Table 1: Migration between India and the EU in the total migration received by the EU and by India

Immigrants in the EU-27		Immigrants in India	
Total	30,798,059	Total	5,700,147
From India	473,124	From EU27	50,000
Proportion	1,5%	Proportion	0,9%

Sources: EUROSTAT and MOIA

Table 2: Distribution of Indian migrants in OECD countries by level of education (25-64 years, early 2000s)

Level of education	EU27			Other OECD
	Total	UK	Other EU27	
0/1/2	50%	50%	50%	14%
3/4	17%	14%	27%	19%
5/6	33%	35%	22%	68%
All levels	100%	100%	100%	100%

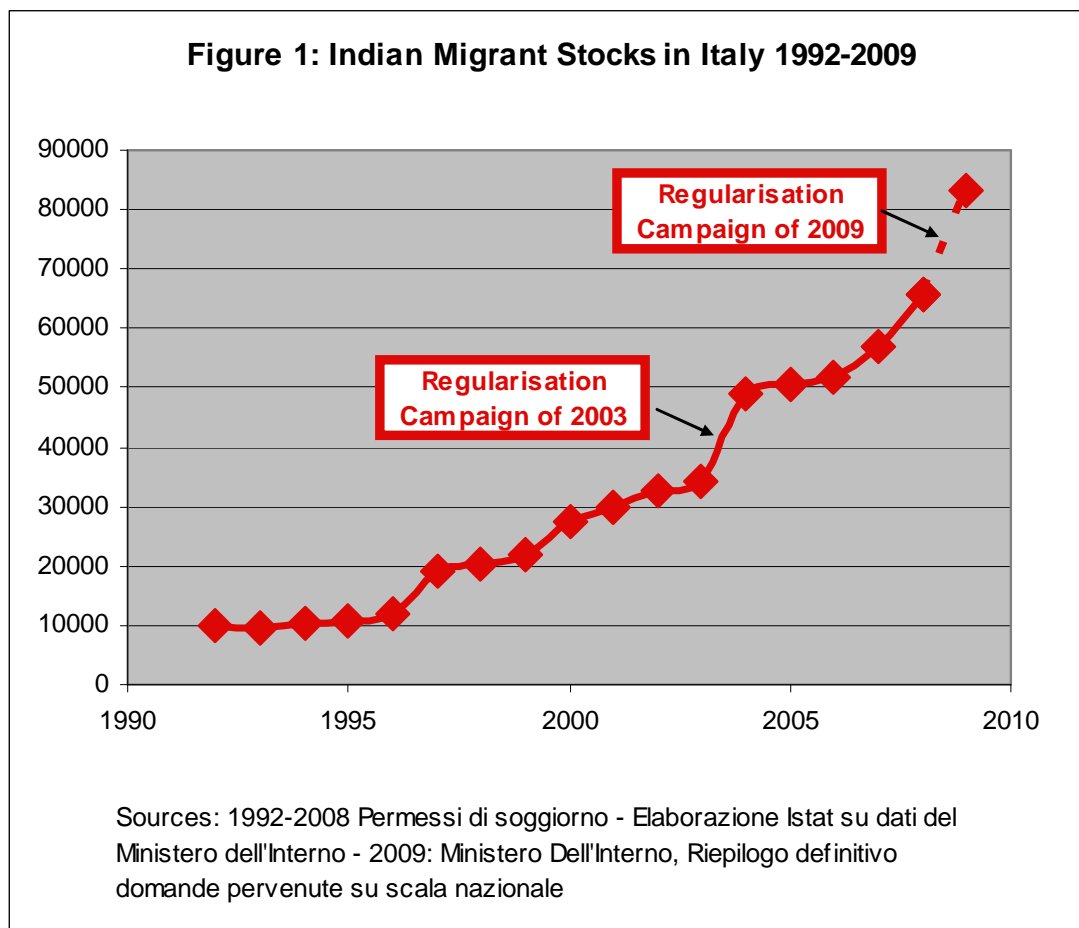
Levels of the International Standard Classification of Education

0/1/2: Pre-primary, Primary or Lower secondary

3/4: Upper secondary or Post-secondary non-tertiary

5/6: Tertiary or Advanced Research Qualifications

Source: data extracted on 05 May 2009 from OECD.Stat



Furthermore, it should be noted that India's size does not protect the country from a brain drain. New data shows that the highly skilled, R&D included, emigration rate from India is much higher than expected and may range anywhere between 25% and 50% of the Indian-born total stock. The outflows may thus deprive the country of its scientific elite in some very specific sectors or fields which will limit future growth and development. For policy relevance and accuracy, precise and reliable data is needed and for the purpose of data production, the coordination of academics, data providers and administrative services (European and Indian) should be made a priority. Codes of ethical recruitment practice intended to avoid the adverse effects of migration in the source country should also be put together.

Immigration policies and procedures are perceived to be the main barrier constraining the movement of skilled professionals from India to the EU. The main problems relate to time-consuming and cumbersome procedures and requirements in the EU countries: variability in requirements and timelines across different member countries; onerous terms and conditions attached to the issuance of visas and work permits; absence of an internal market for labour mobility for non-EU nationals; lack of appropriate visa categories to suit different kinds of skilled service providers; labour market regulations in EU countries; and general issues of non-transparency and discretion in the approval process.

Language is another barrier. Until now, labour migration from India has mainly focused on English-speaking countries and in Europe the United Kingdom has attracted the lion's share. However, during the past few years Germany, Denmark, the Netherlands and some other non-English-speaking countries have taken an increasingly active role in recruiting skilled professionals from India. These countries face special challenges in their recruitment processes and there is an urgent need to set up pre-departure language training in India as well as job counselling in receiving communities.

2. Adapting legal frameworks

a) Visas and work permits

A professional services visa might be considered in the EU: a multiple-entry visa for 2-3 years

which is exempt from social security taxes, not subject to quotas, economic needs, and labour-market test requirements. The issuance of this visa should be linked to the concerned companies in terms of their turnover, past immigration track record, and employee base. Transparent procedures are needed including the establishment of enquiry points regarding changes in laws and regulations affecting the movement of service providers. Attempts should be made to harmonize immigration requirements and procedures across the EU. The possibility of granting business visitor visas on arrival and uniform 90-day business visas might also be considered. There should be better delineation of business visas and work permits and also more careful attempts to classify different categories of service providers, including investor and specialist visas. Finally, there might be sectoral carve outs for sectors with chronic skill shortages in the EU.

b) Recognition of degrees and diplomas:

Recognition requirements are very onerous in the EU for most professions. The associated costs of compliance are particularly high for foreign service providers. The EU might consider ranking overseas training and higher education institutions, creating bridging mechanisms for ensuring equivalence and easing the certification process of professionals by streamlining registration and licensing procedures. Joint arrangements among educational and research institutions, joint programmes for training and exchange of professionals and pilot programmes with selected institutions and professions might also be considered. EU recognition procedures enshrined in Directive 2005/36 could be usefully applied to Indian migrants. Finally, India and the EU might consider developing more precise diploma supplements in order to facilitate recognition procedures.

c) Blue Card:¹

There are no clear implications for the EU Blue Card in terms of increased access to EU labour market and the EU's ability to attract and retain highly qualified third-country workers. There are, indeed, several problems with the Blue Card. There are differences in the approach being taken by different member countries in eligibility requirements. The Directive does not

say much about how qualifications from outside Europe would be recognized. The recommended wage threshold for the Blue Card is above the national minimum wage in EU member countries. Each member country is free to set its own minimum salary threshold for Blue Card qualification. Given these disparities, the Blue Card does not address basic structural barriers to mobility in the EU and issues of taxation, social contributions, portability of benefits, which continue to fragment the EU's internal market.

d) Student exchanges:

The flow of students between India and Europe at the tertiary level should be encouraged. To increase numbers there is a need for a new EU-India exchange programme. Student mobility and highly-skilled migration are closely interconnected. Students are either already highly educated and are going abroad for a postgraduate degree, or they will, through their studies abroad, gain an educational qualification which puts them in the highly skilled category.

e) Reconciling the reduction of current labour market shortages with the long-term accumulation of human capital:

Temporary admission schemes have often failed in the past and the lack of prospects for long-term residence may undermine the attractiveness of the EU in the eyes of potential migrants. Thus, labour mobility cooperation between the EU and India should go beyond a policy of replacement migration based on current labour market shortages that are susceptible to rapid change, and that include the possibility of long-term residence rights that facilitate the accumulation of human capital.

f) Enabling the circularity of migrants by facilitating access to multiple-entry visas:

In order to encourage the circularity of Indian migrants, multiple-entry visas should be renewable; as proposed by the European Commission,² one single permit to work and reside should be introduced in all Member States; long-term resident status should not be lost if return takes place under certain conditions; pension rights should not be lost; and periods built up for citizenship status should not be lost.

g) Guaranteeing the direct admission of family members of Indian migrants and their secure residence rights:

Families should be granted full and immediate access to work and education, comparable to the rights contained in Article 23 and 24 of Directive 2004/38 EC which is concerned with the family members of EU citizens.

h) Introducing a less bureaucratic admission system for Indian researchers and students:

Directive 2005/71/EC concerning the admission of researchers from third countries hardly provides an attractive entry route for highly qualified academics. It is characterized by an overly bureaucratic admission procedure and places an excessive financial responsibility on hosting institutions. A less bureaucratic and swifter admission procedure for third-country researchers should be envisaged in order to boost Europe's potential as a knowledge economy. Students should be given easier access to work during their studies and after completing their study period.

i) Reducing restrictions to the mobility of Indian long-term residents, students, researchers and highly skilled workers:

The value of free-movement rights granted to third-country nationals under Directive 2003/109/EC (long-term residents), Directive 2004/114/EC (students), Directive 2005/71/EC (researchers) and Directive 2009/50/EC (highly skilled workers) is limited by the fact that admission to a second Member State is generally subject to equal or more restrictive requirements. This situation undermines the free movement provisions, which hold potentially significant benefits for the Member States given that third-country nationals are much more inclined to move than EU citizens.

j) Introducing a uniform level of rights for legal migrants comparable with that of Community citizens:

The Commission proposal to establish an Immigration Code guaranteeing a uniform level of rights for legal immigrants comparable with that of Community citizens³ should be published soon after the adoption of the Stockholm Programme⁴ and implemented.

3. Towards a creative policy framework on India-EU mobility cooperation

Legal frameworks are not enough to facilitate labour mobility between India and EU Member States. A number of practical policy tools also need to be put in place in both India and EU Member States.

a) Policy Tools in India

In India, dissemination of accurate and reliable information to prospective migrants wishing to work in the EU is vital. Migrants need to know: where to access impartial advice on legal migration options and opportunities; the risks of going abroad in an irregular manner; and the question of how and where to upgrade a skill. In addition to job fairs and related activities, pertinent information might be made available through a network of Migrant Resource Centres,⁵ established within existing government structures (e.g. employment offices) to ensure sustainability. In addition, such centres would serve as an important source of data on the future labour force by gathering client profiles, and would also provide services to returning migrants and members of the Indian diaspora. Other policy tools include market research on labour demand and employment opportunities in the EU, provided by market research units within existing government structures; pre-selection of suitable nationals for employment abroad with a view to their recruitment and deployment; and active preparation of these nationals through pre-employment orientation or pre-departure training. It goes without saying that these activities can only succeed if supported by an effective human-resource development strategy which prepares current and future generations for the domestic and international labour markets.

b) Policy Tools in EU Member States

These practical policy tools in India need to find an echo in EU Member States. Migrant

Resource Centres might also be set up in EU Member States to provide information and services with a view to assisting migrants in their integration as well as reintegration in their home countries on their return. Market research on labour demand/employment opportunities in India may be complemented by the development of information sources in the EU on the rules and procedures in Member States for employment migration. The European Commission is developing an EU Immigration Portal which should assist such activities in India and other non-EU countries.

Development-friendly immigration policies enabling Indian migrants and members of the Indian diaspora to circulate more easily between the EU and India should be fostered. These need to be supported by rule changes in the EU such as facilitated visa issuances (including the issuance of visas that are valid for longer than three months, presently the competence of EU Member States), retention of secure residence status if the migrant is absent from the territory for lengthy periods,⁶ and the facilitated recognition of diplomas, qualifications, skills and work experience acquired outside the EU. As underlined above, attention should also be paid to ethical recruitment, particularly not exacerbating critical shortages of personnel in important sectors.⁷

c) Need for Continued Policy Dialogue

These proposed elements of a policy framework on India-EU mobility cooperation cannot be put in place by individual governments alone. They need to be supported by continued dialogue on facilitating mobility,⁸ and partnerships with private sector actors as well as a range of other stakeholders including international organizations, Indian diaspora groups, the development community, trade unions, NGOs, academics and researchers.

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- ¹ Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:155:0017:0029:EN:PDF>
- ² European Commission, Proposal for a Council Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, COM(2007) 638, 23 October 2007.
- ³ European Commission Communication, *An area of freedom, security and justice serving the citizen*, COM(2009) 262 (10 October 2009), p. 6.
- ⁴ The Stockholm Programme will be adopted in December 2009 and will set the agenda for the next five years (2010-2014) of EU policymaking in the fields of freedom, security and justice, including immigration. The draft of the Stockholm Programme was published on 16 October 2009 (Council doc. 14449/09).
- ⁵ See “Migrant Resource Centres: Examining Global Good Practices in Providing Services to Empower Migrants for Development and Protection”, Geneva, 12 October 2009, background paper prepared by IOM for the Global Forum on Migration and Development meeting in Athens on 4-5 November 2009, available at http://www.gfmdathens2009.org/fileadmin/material/docs/roundtables/migrant_res_centres_rapid_assesment.pdf.
- ⁶ Such a measure is found in the Blue Card Directive (2009/50/EC of 25 May 2009), which permits EU Blue Card holders with long-term resident status to be absent from EU territory for a two-year period without losing this status (Article 16(4)).
- ⁷ See also the Blue Card Directive, *ibid.*, Recitals 22 and 24 and Articles 3(3) and 8(4).
- ⁸ For example, the Asia-EU dialogue on labour migration. See *Report of the Asia-EU Consultation Meeting on Labour Migration*, 29-30 April 2008, Brussels, available at <http://www.colomboprocess.org/ASIA-EU%20DIALOGUE%20BRUSSELS%20PROCEEDINGS%20final%20june%202009%2008.pdf>.