

Common template for an EMN-OECD study on labour migration in times of labour shortages

1st August 2024

1. BACKGROUND AND RATIONALE FOR THE STUDY

1.1. LABOUR SHORTAGES IN THE EU: DEFINITION & DIAGNOSIS

This study focuses on labour migration regulation and practice in addressing labour shortages. The rising **extent of labour shortages** in EMN Member (EU Member States except Denmark) and Observer Countries (NO, GE, MD, UA, ME, AM, RS), refers to the need to develop new and to strengthen effective policy solutions to address this issue. The unmet demand for labour in the European Union (EU), approximated by the job vacancy rate, has more than doubled in less than a decade.¹ All EMN Member Countries are facing a similar development -albeit to different degrees and in different ways. The potential to compensate for labour shortages solely by intra-EU labour mobility consequently faces limitations, pointing to labour migration as one important way of addressing labour shortages. Labour shortages concern **all skill levels**, however, the healthcare and long-term care, hospitality, construction, manufacturing, transportation as well as information and communication technology (ICT) sectors are particularly affected.² Labour shortages are not only an issue in EMN Member Countries,³ but also affect EMN Observer Countries (NO, GE, MD, UA, ME, AM, RS) and other non-EU OECD countries.⁴ Whilst overall job vacancy rates capture quantitative labour shortages,

¹ European Commission, Commission Staff Working Document Accompanying the document Proposal for a Regulation of the European Parliament and the Council establishing an EU Talent Pool, SWD (2023) 717 final, https://www.parlament.gv.at/dokument/XXVII/EU/162054/imfname_11310038.pdf, last accessed on 10 July 2024.

² European Commission, Commission Staff Working Document Accompanying the document Proposal for a Regulation of the European Parliament and the Council establishing an EU Talent Pool, SWD (2023) 717 final, https://www.parlament.gv.at/dokument/XXVII/EU/162054/imfname_11310038.pdf, last accessed on 10 July 2024.

³ European Commission, 'EC Library Guide on the European Year of Skills 2023', https://ec-europa-eu.libguides.com/european-year-of-skills/eu-publications/selected_, last accessed on 11 July 2024.

⁴ Non-EU OECD Member Countries: Australia, Canada, Chile, Colombia, Iceland, Israel, Japan, Mexico, New Zealand, Norway, South Korea, Switzerland, Turkey, United Kingdom, United States: OECD, 'Members and Partners', <https://www.oecd.org/en/about/members-partners.html>, last accessed on 15 July 2024; European Migration Network (EMN), 'Annual Report on Migration and Asylum 2022', July 2023, p 26, https://home-affairs.ec.europa.eu/document/download/8bd5962d-ac8a-4b24-af00-2dbdfa559c3e_en?filename=00_eu_arm2022_report.pdf, last accessed on 11 July 2024; For the countries

qualitative labour shortages⁵ in turn, emerge when demand for workers qualified for a particular labour market sector, occupation, or at a specific skill level outweighs the supply of those workers.⁶ Skills shortages are linked to qualitative labour shortages and refer to situations, in which there is a sufficient number of candidates but none with the specific skill set looked for by the employer.⁷

Labour shortages in the EMN Member and Observer Countries, and in OECD non-EU Countries are on the one hand based on long-standing **issues with the recruitment of workers**, such as low labour market participation of certain population groups, or poor working conditions in specific occupations.⁸ On the other hand, they are driven by profound **labour market changes** in the recent past, including progressing **demographic aging** and the **digital and green transitions**, which require a workforce with specific, novel skillsets.⁹ These issues have all accentuated the current magnitude of labour shortages. What is more, labour shortages are also linked to the **resilience of European markets**, which has been seriously put to the test by the COVID-19 pandemic and the global supply chain crisis. These crises have indicated that labour shortages in EMN Member Countries are partially caused by outsourcing production and services, which negatively impact the resilience of labour and trade markets.¹⁰

In 2022, the **economic recovery from the COVID-19 pandemic** led to a peak in labour shortages, as in a majority of EMN Member Countries, the annual job vacancy rate was higher in 2022 than the pre-pandemic level in 2019.¹¹

of the Organisation for Economic Co-operation and Development (OECD) see e.g. OECD, 'Rethinking Regional Attractiveness in the New Global Environment', Chapter 5, 2023, <https://www.oecd-ilibrary.org/sites/e8e5cabe-en/index.html?itemId=/content/component/e8e5cabe-en#section-d1e7251-1a11a03f41>, last accessed 11 July 2024.

⁵ Arpaia, A. and A. Halasz. 'Short- and long-run determinants of labour shortages' (2023), *Quarterly Report on the Euro Area*, 22 (1), p.1.

⁶ Arpaia, A. and A. Halasz. 'Short- and long-run determinants of labour shortages' (2023), *Quarterly Report on the Euro Area*, 22 (1), p.1.; European Commission. 'Employment and Social Developments in Europe', 2023, <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&furtherNews=yes&newsId=10619>, last accessed on 10 July 2024.

⁷ For an explainer on different concepts referring to skills mismatches, one of which is skills shortages, see International Labour Organisation (ILO). 'Supplementary notes on skills mismatch', <https://www.ilo.org/resource/supplementary-notes-skills-mismatch>, last accessed on 11 July 2024.

⁸ European Commission. 'Employment and Social Developments in Europe (ESE) 2023', <https://op.europa.eu/webpub/empl/esde-2023/index.html#inline-nav-2>, last accessed on 11 July 2024.; For the problem of labour shortages and its scope in EMN Observer and OECD non-EU Countries see e.g. OECD, Labour Migration in the Western Balkans: Mapping Patterns, Addressing Challenges and Reaping Benefits, 2022, <https://www.oecd.org/south-east-europe/programme/Labour-Migration-report.pdf>, last accessed on 10 July 2024; EBRD. 'Country Diagnostics', <https://www.ebrd.com/publications/country-diagnostics>, last accessed on 10 July 2024.

⁹ European Bank for Reconstruction and Development, 'Transition Report 2023-24', Chapter 3, <https://www.ebrd.com/news/publications/transition-report/transition-report-202324.html>, last accessed on 11 July 2024.

¹⁰ Anderson, B., Khadka, U. & Ruhs, M., 'Demand for migrant workers: institutional system effects beyond national borders', (2023), *Journal of Ethnic and Migration Studies*, <https://doi.org/10.1080/1369183X.2023.2279741>, last accessed on 10 July 2024.

¹¹ Eurostat, Job Vacancy Statistics, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Job_vacancy_statistics#Job_vacancies:_latest_developments, last accessed on 10 July 2024.

According to a 2023 survey conducted by the recruitment agency Manpower across 16 EMN Member Countries,¹² on average 75% of employers reported difficulties in filling vacant positions, ranging from 59% in Finland to 82% in Germany and Greece.¹³

The European Business and Consumer Survey from April 2024, collecting quarterly data from employers in manufacturing services and construction, pointed out that shortages of labour force, which limit production, remain high.¹⁴ The 2020-edition of the European Company Survey by Eurofound¹⁵ found that 77% of companies have difficulties in hiring candidates with desired skills. This share rises to 86% in the construction sector. For micro, small and medium sized enterprises (MSMEs) shortages of specific skills are a particularly salient issue.¹⁶ According to a 2023 Eurobarometer survey, an average of 54% of MSMEs in the EU reported difficulties in finding employees with the right skills as one of the top three most serious problems for their company, with figures ranging from 34% in Latvia to 68% in Belgium.¹⁷

Levels of most labour shortages, as recent research by the European Employment Services (EURES) shows, are not only high, they are also widespread and **persistent**, i.e. they result from multiple or structural drivers instead of cyclical drivers, which makes them long-lasting.¹⁸

If persistent, labour and skill shortages can have far reaching **negative impacts on the economy and society**, from a declining quality of (public) services, and dropping productivity and innovation levels, to outsourcing and offshoring, and rising workloads for existing labourers.¹⁹ Labour shortages consequently can undermine national development plans in areas such as housing and healthcare provision.

At the same time, labour shortages can **increase the leverage of workers**, boosting their bargaining power towards employers.²⁰ This increased bargaining power can result in improved pay levels, working conditions and training opportunities for existent workforces, provided that there are sufficient profit margins and/or a customer market

¹² AT, BE, CZ, DE, EL, ES, FI, FR, HU, IE, IT, NL, PL, PT, RO, SE.

¹³ Euronews, EU jobs crisis as employers say applicants don't have the right skills, 2024, <https://www.euronews.com/business/2024/04/08/eu-jobs-crisis-as-employers-say-applicants-dont-have-the-right-skills>, last accessed on 10 July 2024.

¹⁴ European Commission, 'Business and consumer survey results for January 2024', 2024, p.3: The share of managers indicating shortage of labour force was 22.5%, https://economy-finance.ec.europa.eu/economic-forecast-and-surveys/business-and-consumer-surveys/download-business-and-consumer-survey-data/press-releases_en, last accessed on 10 July 2024.

¹⁵ Eurofound, 'European Company Survey', 2020, p. 59, <https://www.eurofound.europa.eu/en/publications/2020/european-company-survey-2019-workplace-practices-unlocking-employee-potential>, last accessed on 10 July 2024.

¹⁶ European Centre for the Development of Vocational Training (CEDEFOP) (2024), Cedefop podcast - Episode 25: Skills shortages in small- and medium-sized enterprises. <https://www.cedefop.europa.eu/en/podcasts/cedefop-podcast-episode-25-skills-shortages-small-and-medium-sized-enterprises>; see also https://ec.europa.eu/commission/presscorner/detail/en/ip_23_5732.

¹⁷ Eurobarometer, 'SMEs and skills shortages', 2023, <https://europa.eu/eurobarometer/surveys/detail/2961>, last accessed on 10 July 2024.

¹⁸ European Labour Authority (ELA), 'EURES Report on labour shortages and surpluses 2022'. 2023.

¹⁹ Ibid.

²⁰ European Commission, 'Employment and Social Developments in Europe – Addressing labour shortages and skills gaps in the EU', p.4, 2023, <https://op.europa.eu/webpub/empl/esde-2023/PDFs/2023-esde-executive-summary-en.pdf>, last accessed on 11 July 2024.

upon which employers can transfer the resulting costs, or other available means to cover these costs.²¹

The scope and underlying drivers of **labour shortages** can and do **vary** between different EMN Member and Observer Countries and non-EU OECD countries, and they also vary considerably across company types and sectors but also regions.²² Concerning **regional variances** within EMN Member and Observer Countries and OECD non-EU Countries, rural, remote, and underserved areas are often hit the hardest.²³ These regional differences point towards the need for place-based approaches.²⁴

Labour shortages are exacerbated by a gender dimension, because of uneven concentration of women and men in different sectors of the labour market.²⁵ This uneven concentration significantly reduces the pool of people available to fill new vacancies.²⁶ Gender segmentation indicates the need for gender-specific measures, and the need to enhance labour market participation of underrepresented groups such as women and others including **migrant residents** in specific occupations and sectors.²⁷ At the same time, a growing body of research focusing on essential workers points out that migrants are over-represented in key sectors of the economy, including health, long-term care, and food supply.²⁸

In terms of **skill-levels**, analyses have demonstrated that shortages concern high- and medium-skilled, as well as low-skilled occupations. Notably, occupations that require greater manual skills and lower digital skills tend to be among those occupations that face persistent labour shortages.²⁹ This also applies to future needs. The analyses of the European Centre for the Development of Vocational Training (CEDEFOP) predict that hiring difficulties in the EU are going to be highest for elementary occupations, i.e. occupations that require manual labour, such as skilled agricultural workers, cleaners,

²¹ Manning, A. 'UK labour shortages and immigration. Looking at the evidence'. London School of Economics, <https://blogs.lse.ac.uk/businessreview/2021/09/10/uk-labour-shortages-and-immigration-looking-at-evidence/>, last accessed on 11 July 2024.

²² Eurofound, 'Measures to tackle labour shortages: Lessons for future policy', Publications Office of the European Union, 2023, p.12.

²³ OECD, 'Rethinking Regional Attractiveness in the New Global Environment', Chapter 5, Attraction and Retention of foreign workers, 2023, <https://www.oecd-ilibrary.org/sites/e8e5cabe-en/index.html?itemId=/content/component/e8e5cabe-en#section-d1e7251-1a11a03f41>, last accessed on 10 July 2024.

²⁴ OECD, 'Rethinking Regional Attractiveness in the New Global Environment', Chapter 5, Attraction and Retention of foreign workers, 2023, <https://www.oecd-ilibrary.org/sites/e8e5cabe-en/index.html?itemId=/content/component/e8e5cabe-en#section-d1e7251-1a11a03f41>, last accessed on 10 July 2024.

²⁵ European Commission, 'Women's situation in the labour market', 2024, https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/women-labour-market-work-life-balance/womens-situation-labour-market_en, last accessed on 10 July 2024.

²⁶ European Commission, 'Employment and Social Developments in Europe. Addressing labour shortages and skills gaps in the EU' p. 16, 2023, <https://op.europa.eu/en/publication-detail/-/publication/680d6391-2142-11ee-94cb-01aa75ed71a1/language-en>, last accessed on 10 July 2024.

²⁷ European Labour Authority (ELA), 'EURES Report on labour shortages and surpluses 2022', p. 9-10, 2023.

²⁸ Broberg, N., Gonnot, J., Poeschel, F. and M. Ruhs, 'Essential Work, Migrant Labour: What Explains Migrant Employment in European Key Sectors?', 2024, <https://hal.science/hal-04520475/document>, last accessed on 10 July 2024.

²⁹ European Commission, 'Employment and Social Developments in Europe 2023. Addressing labour shortages and skills gaps in the EU', p. 47, 2023, <https://ec.europa.eu/social/BlobServlet?docId=26989&langId=en>, last accessed on 10 July 2024.

and helpers.³⁰ In sum, **shortages encompass all skills** levels and sectors. A comprehensive **understanding of talent**, which is key to address labour shortages, needs to consequently capture the entire range of skills needed by the labour market, and hence goes beyond highly skilled labour. The need for such an all-encompassing perspective on talent has also been highlighted by OECD.³¹

1.2. FUTURE TRENDS REGARDING LABOUR SHORTAGES

Many occupations currently facing persistent labour shortages – from healthcare to construction, transportation and storage, to electrical trades – are projected to also experience **high labour shortages in the future**.³² Whilst exact mid-term or long-term predictions about needed types of labour and skills – including the assessment of transferability of present skills in responding to future needs – are difficult,³³ they are vital tools in order to make economies in the EU more resilient.³⁴

Demographic ageing, which is steadily decreasing the supply of labour, remains a core driver of labour shortages in EMN Member and Observer Countries and OECD non-EU Countries. The EU's working-age population is projected to decline by 57.4 million until 2100 and the old-age dependency ratio to increase from 33% to 60% by 2100.³⁵ An ageing population will also continue to further increase demands for health and care services, which are sectors affected by shortages already now.³⁶

Several processes have the potential to shape the scope of shortages of the labour market in EMN Member and Observer Countries and OECD non-EU Countries. The **digital transition**,³⁷ on the one hand, can lead to a reduction of labour shortages through increasing flexibility for workers, as well as automation. On the other hand, it is also fuelling shortages as it creates demands for new skill sets, especially in the ICT

³⁰ CEDEFOP, 'Skills in transition: the way to 2035', p. 80, 2023, <http://data.europa.eu/doi/10.2801/438491>, last accessed on 10 July 2024.

³¹ For the necessity to redefine talent, see OECD, 'Rethinking Regional Attractiveness in the New Global Environment', Chapter 5, 2023, [Rethinking Regional Attractiveness in the New Global Environment](https://www.oecd-ilibrary.org/sites/e8e5cabe-en/index.html?itemId=/content/component/e8e5cabe-en#section-d1e7251-1a11a03f41)<https://www.oecd-ilibrary.org/sites/e8e5cabe-en#section-d1e7251-1a11a03f41>, last accessed on 10 July 2024. See also the implications for debating labour migration only in terms of (high) skills in terms of playing into a securitization perspective, as indicated in Amelina, A., & Horvath, K., 'Regimes of Intersection: Facing the Manifold Interplays of Discourses, Institutions, and Inequalities in the Regulation of Migration', (2020). *Migration Letters*, 17(4), 487–497.

³² European Commission, 'Employment and Social Developments in Europe 2023. Addressing labour shortages and skills gaps in the EU', p. 48, 2023, <https://ec.europa.eu/social/BlobServlet?docId=26989&langId=en>, last accessed on 10 July 2024; European Commission 'Annexes of SWD717 final, Commission Staff Working Document/Impact Assessment Report/Accompanying the document Proposal for a Regulation of the European Parliament and the Council establishing an EU Talent Pool', 2023.

³³ In that regard see also the H2020 project Link4Skills, <https://cordis.europa.eu/project/id/101132476>, last accessed on 11 July 2024.

³⁴ For country-specific skill forecasting, see CEDEFOP, 'Skills Forecast', <https://www.cedefop.europa.eu/en/projects/skills-forecast>, last accessed on 11 July 2024.

³⁵ European Commission, 'COM(2023) 577 final: Demographic change in Europe: a toolbox for action, 2023, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52023DC0577>, last accessed on 10 July 2024; Publications Office of the European Union, 'Employment and Social Developments in Europe 2023', <https://op.europa.eu/webpub/empl/esde-2023/>, last accessed on 11 July 2024.

³⁶ CEDEFOP, 'Handling change with care: skills for the EU care sector', 2023, <https://www.cedefop.europa.eu/en/publications/9185>, last accessed on 10 July 2024.

³⁷ For shortages in the digital sectors, and skills shortages more broadly see also the running Horizon 2020 project GS4S, <https://www.ru.nl/en/research/research-projects/global-strategy-for-skills-migration-and-development-gs4s>, last accessed on 10 July 2024.

sector. The advancement of the **Green Transition**³⁸ and accompanying initiatives such as the Net Zero Industry Act³⁹ are expected to noticeably enhance the demand for talent in the EU. As this initiative aims at stimulating job growth, it will likely increase labour demand in addition to those occupations where there is already a shortage now. It is expected that this will be the case for sectors such as water supply or waste management and electricity that are key for the Green Transition as they exhibit the highest proportion of older workers in the EU.^{40,41} According to a Special Eurobarometer on the Green Transition, 46% of those surveyed declared that they do not possess the skills or are unsure if they possess the skills to contribute to the Green Transition.⁴²

1.3. THE ROLE OF MIGRATION

Whilst the EU is facing declining, ageing workforces, other parts of the world are home to relatively large shares of young people with various skill-levels.⁴³

Immigration to the EU from third countries can be therefore an important avenue to address labour shortages. The cases in which immigration is the most effective solution depend on the underlying context-dependent drivers of labour shortages.⁴⁴ It is therefore important to ask how labour migration can be used in a **sustainable way** to best harness benefits and minimise trade-offs and to complement labour migration policies with other necessary policy solutions such as investment and training of the existing workforce.

Immigration has the potential to address labour shortages at all skills levels. While measures to tackle shortages in higher skilled occupational sectors, could also include training (upskilling, reskilling), educational measures, and the activation of inactive talent, these measures can take time and therefore may be a medium- or longer-term solution. In the case of **acute shortages**, recruitment of qualified foreign talent, can in turn be a way to deliver the relatively swift impact needed.

Shortages in **low-skilled** occupations are often caused by **poor working conditions and uncompetitive wages**. Low profit margins, as well as the unwillingness or inability of employers or consumers to pay significantly more for products or services,

³⁸ European Commission, 'The Green Deal Industrial Plan', 2023, https://ec.europa.eu/commission/presscorner/detail/en/ip_23_510, last accessed on 10 July 2024.

³⁹ European Commission, 'The Net-Zero Industry Act: Accelerating the transition to climate neutrality', https://single-market-economy.ec.europa.eu/industry/sustainability/net-zero-industry-act_en, last accessed on 15 July 2024.

⁴⁰ European Commission, 'Employment and Social Developments in Europe 2023. Addressing labour shortages and skills gaps in the EU', p. 55, 2023, <https://ec.europa.eu/social/BlobServlet?docId=26989&langId=en>, last accessed on 10 July 2024.

⁴¹ Eurobarometer, 'Fairness perceptions of the green transition', 2022, <https://europa.eu/eurobarometer/surveys/detail/2672>, last accessed on 10 July 2024.

⁴² Eurobarometer, 'Fairness perceptions of the green transition', 2022, <https://europa.eu/eurobarometer/surveys/detail/2672>, last accessed on 10 July 2024.

⁴³ Adhikari, S., Clemens, M., Dempster, H. and Ekeator, N.L., 'Expanding Legal Pathways from Nigeria to Europe: From Brain Drain to Brain Gain.', (2021), World Bank and the Center for Global Development (CGD), Washington, DC.

⁴⁴ Manning, A. 'UK labour shortages and immigration. Looking at the evidence'. London School of Economics, <https://blogs.lse.ac.uk/businessreview/2021/09/10/uk-labour-shortages-and-immigration-looking-at-evidence/>, last accessed on 11 July 2024. As Manning among other issues highlights is, that labour demand is not static. Increasing labour migration will (on a macro-level) lead to increasing consumption and labour demand, thereby potentially sustaining labour market shortages. Labour migration might potentially also lead to avoiding other necessary adjustment processes. A comprehensive approach hence ideally needs to take several measures in parallel, to prevent that labour migration does not exacerbate labour shortages in the middle to long run.

may result in limited manoeuvrability to make wages more competitive and to improve working conditions considerably.⁴⁵ Thus, many sectors with low-skilled occupations have turned to international recruitment. The issue of **upholding social standards** and protection⁴⁶ can be a concern in that regard⁴⁷ and it might be necessary to combine talent attraction with measures upholding or improving working conditions. In absence of measures to enhance employment attractiveness, **competition with local labour force**, however, might be **less of an issue**. Studies suggest that unemployed locals (in the case of EMN Member Countries, often educated young people) are unlikely to compete with migrant workers for low-skilled jobs.⁴⁸ More importantly, the arrival of migrants can drive the **upward occupational mobility** of the existing workforce instead of putting citizens into competition with migrants.⁴⁹

The **core challenge** for labour migration policy is how to match the admission of migrant workers with the needs of the labour market.⁵⁰ Labour market tests, eligibility criteria, and shortage occupation lists have been widely used **policy tools** in EMN Member Countries in that regard.⁵¹ Increasing (and changing) demands in the past years further emphasised the need to look at the design and implementation of those tools in terms of their effectiveness, as well as to establish additional measures to better tackle labour shortages.⁵²

Recent policy responses and adjustments across the EU include **shifting policy strategies**.⁵³ Previously, labour market strategies tended to be **demand driven** with the initiative for migration coming from the employer. Nowadays we can see a trend towards **supply driven approaches**, in which potential applicants are able to directly

⁴⁵ Manning, A. 'UK labour shortages and immigration. Looking at the evidence'. London School of Economics, <https://blogs.lse.ac.uk/businessreview/2021/09/10/uk-labour-shortages-and-immigration-looking-at-evidence/>, last accessed on 11 July 2024.

⁴⁶ For an example in that regard see e.g. the GECCO programme in Spain, a seasonal labour migration scheme with a focus on the protection of migrant workers. OECD, 'Spain International Migration outlook 2023, [Spain | International Migration Outlook 2023 | OECD iLibrary \(oecd-ilibrary.org\)](https://www.oecd-ilibrary.org/publications/spain-international-migration-outlook-2023), last accessed on 10 July 2024.

⁴⁷ Research has demonstrated that weak development of welfare arrangements, or their retrenchment, can lead to greater demand for migrant labour providing low-wage care services, see Afonso, A., and Devitt, C., 'Comparative political economy and international migration', (2016), Socio-Economic Review, Volume 14, Issue 3, July 2016, 591–613.

⁴⁸ Talani, L. S., 'The Insertion of Migrants into the Labour Force of Receiving Countries: Competition or Complementarity?', (2021), In Talani, L.S. (Ed.): The International Political Economy of Migration in the Globalization. London: Palgrave Macmillan, Cham (International Political Economy Series (IPES), p 246.

⁴⁹ Ibid., p 24637-295.

⁵⁰ In a broader sense in terms of immigration also other challenges as well as opportunities arise, and other dimensions such as socio-economic concerns are of relevance.

⁵¹ European Migration Network (EMN), 'Determining labour shortages and the need for labour migration from third countries in the EU', 2015, [Determining labour shortages and the need for labour migration from third countries in the EU](https://www.emn.europa.eu/sites/default/files/2015-12/determining_labour_shortages_and_the_need_for_labour_migration_from_third_countries_in_the_eu.pdf), last accessed on 11 July 2024.; Ruhs, M., 'Expanding Legal Labour Migration Pathways to the EU: Will This Time Be Different?' (2020), Istituto Affari Internazionali (IAI Commentaries, 20 | 95), Rome.

⁵² Hooper, K., 'What Role Can Immigration Play in Addressing Current and Future Labor Shortages?' (2023), Migration Policy Institute.

⁵³ OECD, 'International Migration Outlook. Chapter 2, Recent developments in migration policy' (2023), https://www.oecd-ilibrary.org/sites/b0f40584-en/1/3/2/index.html?itemId=/content/publication/b0f40584-en&_csp_ =f32aa69b63450530407ffa5853cb88a4&itemIGO=oecd&itemContentType=book#section-d1e32086-22307f01bf, last accessed on 11 July 2024.; For an in-depth country example see, e.g., Angenendt, S., Knapp, N., Kipp, D., 'Germany is Looking for Foreign Labour. How to make recruitment development-orientated, sustainable and fair' (2023), Stiftung Wissenschaft und Politik (SWP), <https://www.swp-berlin.org/10.18449/2023RP03/>, last accessed on 11 July 2024.

apply to the state for work and entry. In contrast to those two policy strategies,⁵⁴ which tend to be focused on filling current vacancies, we also see components of a human capital policy strategy emerging across EMN Member Countries.⁵⁵ Human capital-oriented strategies see the attraction of foreign talent in broader terms, focusing on who can contribute to a country's economic growth, innovation, and development in the long run. A **human capital-oriented approach** is thus neither based on arranged employment driven by employers nor does it limit admission to specific (shortage) occupations. This approach focuses instead on the qualifications/characteristics of the applicant, which are viewed as an asset for the labour market more broadly. Point systems, which provide points for desirable characteristics and tend to grant permanent residence to successful candidates from the beginning,⁵⁶ for instance, would be a key policy instrument of such an approach. To assume that there are clear-cut policy shifts, i.e. single strategies in place in EMN Member and Observer Countries and OECD non-EU Countries, however, might be too far-fetched. Policies may be the result of a diverse set of rationales rather than of a single uniform model, and hence policy mixes, combining components of different (old and new) strategies, are likely to prevail.⁵⁷ Another trend is enhanced **cooperation with migrant sending countries** (including mobility schemes and partnerships with third countries, and measures such as pre-departure integration measures to facilitate the arrival and retention of foreign labour), as well as simplifying, streamlining or prioritising **admission procedures** (e.g. digital visa procedure for foreign talent instead of paper applications).⁵⁸

Policy-responses also tackle labour shortages from a skills-angle. EMN Member Countries have often adopted and implemented **attraction schemes** for **highly skilled** migrant workers and/or have relied on the EU Blue Card scheme.⁵⁹ Whilst, mid-skilled and low-skilled workers, as highlighted above, are also among the groups of needed talent in many EMN Member and Observer Countries and OECD non-EU

⁵⁴ Regarding these typologies, see Kolb, H., 'Labor Migration Policies: A Typology' (2023), in Bean, F. and Brown, K. (eds.), *Selected Topics in Migration Studies*, Springer.

⁵⁵ For a discussion on Finland, see Hourunranta, M., 'Out of the Immigration Periphery: A Case Study of Competence-based Immigration Policy Development in Finland' (2023), *Scandinavian Journal of Public Administration*, 27(4), pp. 21-36.; For a reference on Germany introducing components of such a strategy in 2012, see Schneider, J., 'Labor migration schemes, pilot partnerships, and skills mobility initiatives in Germany' (2023), p. 10, <https://thedocs.worldbank.org/en/doc/1b03278725f9fff007a3b91dc9301135-0050062023/original/230331-Schneider-Background-Paper-FINAL.pdf>, last accessed on 11 July 2024..

⁵⁶ One example for such an approach would be the implementation by Germany of the EU Blue Card, which went far beyond the minimum requirements foreseen in the Directive and introduced a residence title for job-seeking. See Schneider, J., 'Labor migration schemes, pilot partnerships, and skills mobility initiatives in Germany' (2023), <https://thedocs.worldbank.org/en/doc/1b03278725f9fff007a3b91dc9301135-0050062023/original/230331-Schneider-Background-Paper-FINAL.pdf>, last accessed on 11 July 2024.; See also the skills independent visa of Australia: Australian Government, Department of Home Affairs, 'Skilled Independent visa (subclass 189)', <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-independent-189/points-tested>, last accessed on 11 July 2024.

⁵⁷ Schultz, C., Lutz, P., & Stephan, S., 'Explaining the immigration policy mix: Countries' relative openness to asylum and labour migration' (2020), *European Journal of Political Research*, 60, 10.1111/1475-6765.12422.

⁵⁸ Regarding these selected examples and their use in EMN member states, see, e.g., a report on Germany: Angenendt, S., Knapp, N., Kipp, D., 'Germany is Looking for Foreign Labour. How to make recruitment development-orientated, sustainable and fair' (2023), *Stiftung Wissenschaft und Politik (SWP)*, <https://www.swp-berlin.org/10.18449/2023RP03/>, last accessed on 11 July 2024.

⁵⁹ Czaika, M. (Ed.), *High-skilled migration. Drivers and politics*, First edition (2018), Oxford: Oxford University Press, pp. 20-47.; Cerna, L., *Immigration Policies and the Global Competition for Talent* (2016), Palgrave Macmillan: London. According to the EMN glossary, in the EU context, a highly qualified migrant is a third-country national who seeks employment in an EU Member State and has the required adequate and specific competence, as proven by higher professional qualifications.

Countries, immigration schemes for these groups have so far been pursued to a much lesser degree. However, these have come into increasing focus in the EU, e.g. with **EU level initiatives addressing all level of skills**.⁶⁰

This study would like to explore more in depth, the labour migration policies EMN Member and Observer Countries and OECD non-EU Countries design and implement to address labour shortages.

Before proceeding more in detail to the aims of this study, it has to be noted that labour migration policies to attract foreign talent do not operate in a vacuum. Instead, they **are interlinked with other policy areas**. One of these interlinked areas is **development**, as the recruitment of foreign talent from developing partner countries can enhance development, but potentially also inhibit it if managed poorly.⁶¹ In this context the mitigation of **brain drain** is often discussed. For countries of origin (such as countries in Eastern Europe, the Western Balkans, South Caucasus, and Central Asia) the loss of scarce human capital and emigration of skilled labour can be a concern.⁶² Economists have highlighted the need for more empirical data to better understand the complex interplay between labour migration and development.⁶³ Another interlinked policy field is **labour and social policy**, covering issues such as worker's rights and standards, including the ethical recruitment of migrants and avoiding labour exploitation and undeclared work.⁶⁴ Other migration issues, such as **irregular migration** and how to address it by improving legal pathways, as well as reducing the incentives for undeclared work, which would reduce the need to move and stay in unsafe and irregular circumstances,⁶⁵ are also highly relevant. Given the interlinked nature of the

⁶⁰ European Commission, 'Commission proposes new measures on skills and talent to help address critical labour shortages' (2023), https://ec.europa.eu/commission/presscorner/detail/en/ip_23_5740, last accessed on 11 July 2024; European Migration Network (EMN), 'Exploring legal pathways to fulfil labour needs' (2021), https://home-affairs.ec.europa.eu/system/files/2021-07/oo_eu_legal_pathways_inform_2021_en_0.pdf, last accessed on 11 July 2024.

⁶¹ Angenendt, S., Knapp, N., Kipp, D., 'Germany is Looking for Foreign Labour. How to Make Recruitment Development-Orientated, Sustainable and Fair' (2023), Stiftung Wissenschaft und Politik (SWP), <https://www.swp-berlin.org/10.18449/2023RP03/>, last accessed on 11 July 2024.; A special emphasis on policy coherence in terms of development, i.e. paying attention that EU development objectives are not undermined is also in line with the legal obligation of the EU as defined in the Treaty on the Functioning of the European Union, as set out under article 208: The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries, see Treaty on the Functioning of the European Union, Article 208, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A12008E208%3AEN%3AHTML>, last accessed on 11 July 2024.; Skills Mobility Partnerships as developed by IOM aim to counterbalance development challenges with a focus on skills development in Countries of origin and Countries of destinations; see IOM, 'Skills Mobility Partnerships: Recommendations and Guidance for Policymakers and Practitioners', <https://publications.iom.int/books/skills-mobility-partnerships-recommendations-and-guidance-policymakers-and-practitioners>, last accessed on 11 July 2024.

⁶² World Bank, 'Migration and Brain Drain'. 2019, Europe and Central Asia Economic Update (Fall), Washington, DC: World Bank. DOI: 10.1596/978-1-4648-1506-5.

⁶³ Clemens, M., 'Why It's Time to Drop the "Brain Drain" Refrain'. 2015, <https://www.cgdev.org/blog/why-its-time-drop-brain-drain-refrain>, last accessed on 11 July 2024; Clemens, M., and McKenzie, D., 'Think Again: Brain Drain', (2009), <https://foreignpolicy.com/2009/10/22/think-again-brain-drain/>, last accessed on 11 July 2024.

⁶⁴ IOM (w.y.), 'IRIS Ethical Recruitment'; and the IOM project on sustaining and scaling private sector engagement to protect migrant workers in Europe, <https://eea.iom.int/sites/g/files/tmzbdl666/files/MIRAC%20Project%20Info%20Sheet.pdf>, last accessed on 11 July 2024; Hooper, K. (2023), 'Consolidating Gains: Lessons and Priorities for Promoting Fair and Ethical Recruitment', https://www.migrationpolicy.org/sites/default/files/publications/mpi-fair-recruitment-2023_final.pdf, last accessed on 11 July 2024.

⁶⁵ European Commission, SWD (2023) 717 final, Commission Staff Working Document/Impact Assessment Report/Accompanying the document Proposal for a Regulation of the European Parliament and the Council

labour migration policy domain, experts have highlighted the need for a coordinated **whole of government approach** when designing and implementing labour migration policies to attract foreign talent.⁶⁶

Eventually, labour migration policies and initiatives in EMN Member and Observer Countries and OECD non-EU Countries to recruit foreign talent also **compete with other countries and regional markets**. Hence, policies must work towards achieving a **comparative advantage** if they want to succeed in this competitive environment (e.g. ensuring high standards for protecting migrant workers from exploitation and abusive recruitment models).⁶⁷ In this context, attracting foreign talent is not just about admission/the job itself, but also having sufficient and easy access to information about migration schemes in the first place.⁶⁸ Other **criteria** such as the availability of affordable housing, the quality of education for children, employment prospects for partners, future career paths for the (incoming) migrant workers, migrant protection and labour rights starting with ethical recruitment,⁶⁹ or the perception of being welcomed as a foreigner⁷⁰ also play a role in the decision of whether to move to and stay in a country. A welcoming living and working environment can influence a migration decision. A decisive issue is also the recognition and validation of qualifications, which has been identified repeatedly as a challenge for the labour market integration and attraction⁷¹ of foreign workforce.⁷² As different actors influence these factors, collaborative approaches that include governments, employers, social partners, and civil society actors can help build ecosystems that attract talent. In light of these discussions, this study is interested in identifying effective labour migration policies and

establishing an EU Talent Pool, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52023SC0717>, last accessed on 11 July 2024.

⁶⁶ For an overview on different experts perspectives see Hooper, K., 'What Role Can Immigration Play in Addressing Current and Future Labor Shortages?', Migration Policy Institute, https://www.migrationpolicy.org/sites/default/files/publications/mpi-global-skills-labor-shortages-brief-2023_final.pdf, last accessed on 11 July 2024.

⁶⁷ Angenendt, S., Knapp, N., Kipp, D., 'Germany is Looking for Foreign Labour. How to Make Recruitment Development-Orientated, Sustainable and Fair' (2023), Stiftung Wissenschaft und Politik (SWP), <https://www.swp-berlin.org/10.18449/2023RP03/>, last accessed on 11 July 2024. On migrant's rights protection see: ILO, 'Migrant Workers', <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/migrant-workers/lang--en/index.htm>, last accessed on 11 July 2024.; IOM, 'IRIS Standard Report', <https://iris.iom.int/sites/g/files/tmzbd1201/files/documents/IRIS%20Standard%20Report%20.pdf>, last accessed on 11 July 2024.

⁶⁸ European Commission, 'Communication from the Commission to the European Parliament, the European Economic and Social Committee and the Committee of the Regions on Skills and Talent Mobility'. 2023, https://commission.europa.eu/system/files/2023-11/COM_2023_715_1_EN.pdf, last accessed on 11 July 2024.; Future Place Leadership, 'International Talent Map 2023'. 2023, <https://futureplaceleadership.com/wp-content/uploads/2023/12/international-talent-map-2023.pdf>, last accessed on 11 July 2024.

⁶⁹ On the right to change employer in the EU see for instance: De Lange, T., and Falkenhain, M., 'Precarity Prevented or Reinforced? Migrants' Right to Change Employers in the Recast of the EU Single Permit Directive'. 2024, *Frontiers of Sociology*, 8:1267235, <https://www.readcube.com/articles/10.3389/fsoc.2023.1267235>, last accessed on 11 July 2024.

⁷⁰ Future Place Leadership, 'International Talent Map 2023'. 2023, <https://futureplaceleadership.com/wp-content/uploads/2023/12/international-talent-map-2023.pdf>, last accessed on 11 July 2024.

⁷¹ European Commission, 'Recommendation of 15.11.2023 on the Recognition of Qualifications of Third-Country Nationals', p 5, 2023, https://single-market-economy.ec.europa.eu/document/download/01187cba-6407-4afa-add0-296b29f0dcfa_en?filename=C_2023_7700_1_EN_ACT_part1_v9.pdf, last accessed on 11 July 2024.

⁷² European Migration Network (EMN), 'Labour Market Integration of Third Country Nationals in EU Member States'. 2018, <https://www.emn.at/wp-content/uploads/2018/10/emn-synthesis-report-2019-labour-market-integration-of-tcn.pdf>, last accessed on 11 July 2024.

practices including whether and to what extent a **variety of critical stakeholders (private and public)** is involved in policy processes from design to implementation.⁷³

2. STUDY AIMS AND OBJECTIVES

The study aims to explore the role of labour migration regulation and practice in addressing current and preventing future labour shortages in EMN Member and Observer Countries. In addition, selected examples from non-EU OECD countries will be added – in text boxes provided by the OECD - to serve as illustration for further countries. The focus will be on labour migration laws and policies, as well as on initiatives/practices of EMN Member and Observer Countries for third-country nationals during the period of January 2021 to June 2024. Initiatives will only be taken into account where they complement findings of the 2024 EMN inform on 'New and innovative ways to attract foreign talent into the EU' (henceforth called inform on foreign talent).

The objectives of the study are to:

- Provide relevant **contextual information** (including statistical data) for labour migration policy and its assessment by **taking stock of the largest legal pathways** for labour migration in each country, identifying the main countries of origin, as well as the sectors, in which labour migration currently plays a key role;⁷⁴
- Provide an **overview** within the timeframe of the study of legislative and policy developments on labour migration that aim to address current and prevent future labour shortages across all skills sectors;
- Analyse **practices** implementing new laws, policies, as well as public initiatives and private ones (based on the condition that they are conducted in cooperation with state actors) addressing the attraction and recruitment of foreign talent;
- Identify potential **synergies** between EU initiatives (such as the proposed EU Talent Pool and the EU Talent partnerships in place in certain EU Member States) and national initiatives by EMN Member and Observer Countries;
- Explore, which actors are included in designing and/or implementing labour migration laws and policies in order to assess whether and how key policy areas and **stakeholders** are considered;
- Identify examples of **good practices, lessons learned, and existing challenges**.

3. SCOPE OF THE STUDY

In line with the study's focus on the **labour migration laws, policies, and practices/initiatives** of EMN Member and Observer Countries, as well as selected examples of non-EU OECD Countries, the study will identify and analyse the following:

⁷³European Commission, 'Tripartite Declaration for a Thriving European Social Dialogue'. 2024, <https://ec.europa.eu/social/main.jsp?catid=1632&langid=en>, last accessed on 11 July 2024.

⁷⁴ The Migration Partnership Facility (MPF) and the European Centre for Development Policy Management mapped labour migration pathways for four EU member states, which might be of value for these four EMN NCPs (PL, PT, EST, NL), when answering this question, Migration Partnership Facility, 'Mapping Legal Pathways to EU Member States', <https://www.migrationpartnershipfacility.eu/labour-mobility/mapping-legal-pathways-to-eu-member-states>, last accessed on 11 July 2024.

- **National trends** (i.e. main labour migration pathways and countries of origin, sectors where there is currently a high inflow of foreign workers and/or high need of (foreign) workforce);
- Major national **legislative and policy developments** aiming at the attraction, recruitment, and retention of foreign talent across all skill levels;
- Public and/or private/public **initiatives** (i.e. private initiatives based on the condition that they are conducted in cooperation with state actors) for attracting, recruiting, and retaining of talent from third countries for occupations in need of workforce, where complementary to the EMN Inform on foreign talent.
- **Bilateral and multilateral partnerships with third countries** that include a substantive focus on labour migration, such as Talent Partnerships or labour migration agreements.⁷⁵

This study will provide an overview of challenges, good practices, and lessons learned. To this end, the **involvement of social partners** (i.e. employee and employer representatives); actors in other key and interlinked policy areas; and other key private and civil society stakeholders, is actively encouraged, both in the development of the EMN study and for the national contributions.

In terms of the **temporal scope**, this EMN study looks at policies, laws and practices currently in place, with a special focus on new developments (incl. updates/revisions to existing instruments) from **January 2021 - June 2024**.⁷⁶ The focus on the latter period is in line with the temporal scope of the EMN inform on attracting foreign talent, and also incorporates the post-pandemic period when countries began easing migration restrictions, and new labour market developments emerged. This time scope, however, at same time requires to take the Covid/post-Covid effect into account in the analysis/when interpreting data. The collection of statistical data (see annex) will consider January 2021 – December 2023 only to ensure availability and comparability of data.

This EMN study looks at labour shortages and labour migration **at all skill levels**.

The EMN study focuses specifically on the legislative/policy/practice developments, which are/have been designed and implemented by **national authorities**. However, the study also takes into account cases when responsibility/implementation is shared or delegated to other stakeholders. When this EMN study refers to “national authorities”, reference is made to the responsible public authority, which may vary for each EMN Member, Observer or OECD non-EU Country. If regional authorities possess competencies regarding labour migration policy and talent attraction/recruitment, EMN Member or Observer Countries should incorporate this into their responses.

The OECD will provide boxes with information on shortage-related labour migration initiatives in non-EMN OECD Countries, as well as a section on a policy impact evaluation in this domain.

The scope of this EMN study will only cover the movement of **third-country nationals** to an EMN Member or Observer Country or an OECD non-EU Country, for the **purpose**

⁷⁵ The study is about updating and complementing previous EMN work, such as the Skills Mobility Partnership Inform.

⁷⁶ In case no new developments emerged, NCPs are asked to describe the current state irrespectively whether it has been established prior to 2021.

of employment.⁷⁷ This also includes **seasonal workers** and other forms of temporary workers (e.g. for harvesting) moving from third countries to EMN Member and Observer Countries and OECD non-EU Member Countries. **Posting of workers and hiring out of labour**⁷⁸ does not fall under the scope of this EMN study.

Third-country nationals already residing in an EMN Member, Observer or OECD non-EU Country as well as applicants for and beneficiaries of international/temporary protection residing in the country do also not fall under the scope of this study. While the labour market integration of these groups is relevant to alleviate labour shortages, the focus of this EMN study remains on migration from third countries for labour purposes.

Complementary pathways for work-related purposes may be included if part of the overall labour migration policy strategy and/or a substantial labour migration channel.⁷⁹ Whilst **only regular employment** is considered in this study, this study does not exclude the analysis of legal employment pathways for irregular migrants for shortage occupations, if this is a part of the overall labour migration policy strategy and/or a substantial labour migration channel. Apart from that aspect this phenomenon is not be addressed, as unlawful employment of third-country nationals has already been covered in an EMN study in 2023.⁸⁰ **Self-employment does not fall under the scope** of this study, as the EMN has covered this aspect in an EMN study in 2019.⁸¹ The scope of this study does also **not encompass international students**, as their primary motivation for moving to EMN Member and Observer Countries and OECD non-EU Countries is the pursuit of higher education degrees, and not employment.⁸² The findings of a dedicated EMN study in 2019 on international students showed that employment or entry into the labour market is considered a secondary objective for this group.⁸³

4. EU LEGAL AND POLICY CONTEXT

Whilst the EU has no authority to determine volumes of admission of nationals coming from third countries to its Member States in order to seek work, whether employed or self-employed, there are several EU-wide legal pathways in place to **facilitate labour migration**.⁸⁴ These legislative measures cover the conditions of entry and residence for

⁷⁷ For the purpose of analysis, EMN Member and Observer Countries are asked to specify, if their labour migration policies/laws and/or initiatives to attract and recruit talent apply only to third-country nationals or also EU citizens.

⁷⁸ International hiring-out of labour refers to a situation in which an employer wishes to employ foreign labour for one or more periods of less than 183 days and therefore recruits the foreign personnel through an intermediary established abroad who purports to be the employer and hires the personnel out to the user. See Bourguignon, J., 'International Hiring-out of Labour - A Comprehensive Overview' (2017), Jura Falconis, 2017, pp. 103-129.

⁷⁹ European Migration Network (EMN), 'EMN Inform on Exploring Legal Pathways to Fulfil Labour Needs - EMN inform'. 2021, https://home-affairs.ec.europa.eu/system/files/2021-07/oo_eu_legal_pathways_inform_2021_en_0.pdf, last accessed on 11 July 2024.

⁸⁰ European Migration Network (EMN), 'Illegal Employment of Third-Country Nationals'. Forthcoming.

⁸¹ EMN, 'Migratory Pathways for Start-Ups and Innovative Entrepreneurs in the European Union - EMN inform'. 2019, https://www.emn.at/wp-content/uploads/2019/12/emn-synthesis-report-2019_startups.pdf, last accessed on 11 July 2024.

⁸² If an EMN Member or Observer Country categorizes PhD students as young researchers rather than university students and has specific initiatives designed to attract them, these initiatives can be included in their responses.

⁸³ European Migration Network (EMN), 'EMN Study on Attracting and Retaining International Students in the EU'. 2019, p. 6, https://home-affairs.ec.europa.eu/system/files/2021-05/00_eu_international_students_study_2018_en.pdf, last accessed on 11 July 2024.

⁸⁴ Article 79(5) of the Treaty on the Functioning of the European Union (TFEU), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>, last accessed on 11 July 2024.

certain categories of migrants such as highly qualified workers (revised Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment - **EU Blue Card Directive**),⁸⁵ **seasonal workers** (Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers),⁸⁶ intra-corporate transferees (Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transferees);⁸⁷ the establishment of a **single application procedure for a single permit to work and reside** (Directive (EU) 2024/1233 which recast Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 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);⁸⁸ and rules on **temporary residence for irregular migrants** who have been irregularly employed (Directive 2009/52 of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals);⁸⁹ as well as rules on **long-term residence** (Council Directive 2003/109/EG of 25 November 2003 concerning the status of third-country nationals who are long-term residents).⁹⁰

There have also been ongoing discussions on **improving legal pathways**. Already in 2014, for example, the European Commission issued a Communication on the central issues to be tackled over the next years, projected that demographic developments and skill shortages will hinder EU productivity and called for a more coherent approach towards legal migration pathways.⁹¹ In 2020, the new **Pact on Migration and**

⁸⁵Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (EU Blue Card Directive), <https://eur-lex.europa.eu/eli/dir/2021/1883/oj>, last accessed on 15 July 2024.

⁸⁶Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, <https://eur-lex.europa.eu/eli/dir/2014/36/oj>, last accessed on 15 July 2024.

⁸⁷Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, <https://eur-lex.europa.eu/eli/dir/2014/66/oj>, last accessed on 15 July 2024.

⁸⁸ European Parliament, 'Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 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', <https://eur-lex.europa.eu/eli/dir/2011/98/oj>, last accessed on 15 July 2024.

⁸⁹ European Parliament, 'Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals', <https://eur-lex.europa.eu/eli/dir/2009/52/oj>, last accessed on 15 July 2024.

⁹⁰ Council of the European Union, 'Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents', <https://eur-lex.europa.eu/eli/dir/2003/109/oj>, last accessed on 15 July 2024.

⁹¹ European Commission, 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: An open and secure Europe: making it happen', COM (2014) 154 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0154>, last accessed on 15 July 2024.

Asylum⁹² emphasised anew the importance of developing new legal pathways for migration to the EU. Such new pathways are seen as important instruments in the context of addressing labour shortages, but also to prevent irregular employment and labour exploitation. To tackle labour shortages, the EU aims to **attract foreign talent**, which is considered an essential catalyst for future growth, competitiveness, and innovation in the continuing **transition to green**⁹³ and **digital economies**.⁹⁴

The European Skills Agenda for Sustainable Competitiveness, Social Fairness and Resilience calls for a more strategic approach to legal migration that focuses on attracting and retaining talent more effectively to and within the EU.⁹⁵ The imperative for a targeted and effective labour migration policy within the EU is reinforced by the tendency of highly qualified third-country nationals to favour destinations like North America or Oceania over the EU.⁹⁶

To this end, the European Commission published a **Communication on Attracting Skills and Talent to the EU** in 2022.⁹⁷ As part of the comprehensive approach to migration set out in the Pact on Migration and Asylum, the European Commission proposed legal, operational and policy initiatives that will benefit the EU's economy, strengthen cooperation with non-EU countries and improve overall migration management in the long term (including e.g. the recast of the Single Permit and Long-term Residents Directives, the EU Talent Pool and the Talent Partnerships). In November 2023, the European Commission **Skills and Talent Mobility package** put forth different workstreams and policies to increase the EU's attractiveness to workers from third countries.⁹⁸ Since 2023, several initiatives have been advanced:

- In January 2023, the **Labour Migration Platform** was launched to bring together employment and migration experts from EU Member States and the European Commission, as well as European social partners and relevant stakeholders to discuss challenges and solutions and help operationalise EU-level

⁹² European Commission, 'Pact on Migration and Asylum', https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en, last accessed on 15 July 2024.

⁹³ European Commission, 'Green Transition', https://reform-support.ec.europa.eu/what-we-do/green-transition_en, last accessed on 11 July 2024.

⁹⁴ European Commission, 'Digital Transition', https://reform-support.ec.europa.eu/what-we-do/digital-transition_en, last accessed on 11 July 2024.

⁹⁵ European Commission, 'European Skills Agenda for Sustainable Competitiveness, Social Fairness and Resilience'. 2020, p. 9, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0274>, last accessed on 11 July 2024.

⁹⁶ European Commission, 'Communication on Attracting Skills and Talent to the EU'. 2022, p. 6, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022DC0657>, last accessed on 11 July 2024.

⁹⁷ The measures entailed in this communication included three pillars: 1. legislative pillar (revision of Single Permit and Long-term residence Directive), 2. operational pillar (introduction of talent partnerships and talent pool), 3. forward looking measures (long-term care workers, youth mobility, entrepreneurship).

⁹⁸ The initiatives part of the Skills and Talent Mobility package include: making recruitment from outside the EU easier through the EU Talent Pool; achieving easier and faster recognition of professional qualifications and validation of skills gained in third countries; establishing Talent Partnerships to improve cooperation on talent mobility and skills development with partner countries; facilitating the mobility of learners and staff involved in teaching and training through the "Europe on the Move" initiative; enhancing intra-EU mobility; and promoting legal pathways for migration in partnership with third countries.

European Commission, 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Skills and Talent Mobility'. COM (2023) 715 final, https://commission.europa.eu/system/files/2023-11/COM_2023_715_1_EN.pdf, last accessed on 11 July 2024.

initiatives, such as the EU Talent Pool and the EU Talent Partnerships, but also to support fair working conditions for all migrants more broadly.⁹⁹

- The **revised EU Blue Card Directive** (2021/1883) had to be transposed into national legislations until November 2023.¹⁰⁰
- As part of the Skills and Talent Mobility package of November 2023 the European Commission put forward: i) a **recommendation on a renewed learning mobility framework** ("Europe on the Move") which aims to promote cooperation with third countries, and address visa and residence challenges for third-country nationals, leveraging initiatives like Erasmus+ to attract global talent¹⁰¹ ii) a **recommendation on the recognition of qualifications of third-country nationals**,¹⁰² iii) the **EU Talent Pool** proposal: this first EU-wide platform aims at facilitating international recruitment and providing job opportunities for jobseekers from third countries residing outside the EU and having the skills required to work in EU-wide shortage occupations at all skills levels.¹⁰³ In June 2024 the Council agreed on its position on this proposal, which will consequently undergo negotiations in the European Parliament.¹⁰⁴
- The recast of the **Single Permit Directive**, which combines residence and work permit for workers from third countries, was adopted on 12 April 2024. The changes expand the rights to change employer and the protection of single permit holders during unemployment and extended the scope of persons entitled to equal treatment, as well as the scope of actions against employers acting unlawfully. It eventually enables in-country applications for all holders of residence permits, and deadlines to decide on applications were shortened. EU Member States will have two years to implement the changes into national law.¹⁰⁵
- The negotiation for the **recast** of the **Long-term Residence Directive** are ongoing.¹⁰⁶

⁹⁹ European Commission, 'Labour Migration: Commission and Member States Advance Cooperation through New Platform'. 2023, https://home-affairs.ec.europa.eu/news/labour-migration-commission-and-member-states-advance-cooperation-through-new-platform-2023-01-10_en, last accessed on 11 July 2024.

¹⁰⁰ Article 31 para. 1 Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32021L1883>, last accessed on 11 July 2024.

¹⁰¹ European Commission, 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Skills and Talent Mobility'. COM (2023) 715 final, https://commission.europa.eu/system/files/2023-11/COM_2023_715_1_EN.pdf, last accessed on 11 July 2024.

¹⁰² European Commission, 'Recommendation of 15.11.2023 on the Recognition of Qualifications of Third-Country Nationals'. 2023, https://single-market-economy.ec.europa.eu/document/download/01187cba-6407-4afa-add0-296b29f0dcfa_en?filename=C_2023_7700_1_EN_ACT_part1_v9.pdf, last accessed on 11 July 2024.

¹⁰³ European Commission, 'Proposal for a Regulation Establishing an EU Talent Pool'. COM (2023) 716 final, 2023, https://home-affairs.ec.europa.eu/system/files/2023-11/Regulation%20establishing%20an%20EU%20Talent%20Pool_en.pdf, last accessed on 11 July 2024.

¹⁰⁴ European Migration Network (EMN) Belgium, 'The Council of the EU Agrees its Position on the Proposal for an EU Talent Pool'. 2024, <https://emnbelgium.be/news/council-eu-agrees-its-position-proposal-eu-talent-pool>, last accessed on 11 July 2024.

¹⁰⁵ Peers, S., 'Take This Job and Shove It: The Revised EU Law on Non-EU Migrant Workers'. 2023, EU Law Analysis Blog, <https://eulawanalysis.blogspot.com/2023/12/take-this-job-and-shove-it-revised-eu.html> last accessed on 11 July 2024.

¹⁰⁶ Fragomen, 'European Union: Revised EU Long-Term Residence Directive Negotiations Cease'. 2024, <https://www.fragomen.com/insights/european-union-revised-eu-long-term-residence-directive->

- The European Commission is currently steering the development of **Talent Partnerships** with Tunisia, Morocco, Egypt, Bangladesh and Pakistan, with progress for each of them at different stages.¹⁰⁷ Talent Partnerships are one of the key aspects of the external dimension of the New Pact on Migration and Asylum. They provide a framework to strengthen cooperation between Member States and key partner countries and stimulate international labour mobility and development of talent.
- In March 2024 the European Commission published an **Action plan to tackle labour and skills shortages**.¹⁰⁸

5. PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

The EMN study explores the role of labour migration in addressing labour shortages in the EMN Member and Observer Countries and includes also examples from selected non-EU OECD Countries. The study thereby seeks to answer the following key research question: How is labour migration used by EMN Member and Observer Countries and OECD non-EU Countries to tackle current and to prevent future labour shortages?

To answer this question, and to provide the necessary contextual information for its analysis, the following sub-questions are asked:

- What are currently the major labour migration pathways, the main countries of origin of foreign workers, and the sectors in which labour migration plays a key role in EMN Member and Observer Countries and OECD non-EU Countries, i.e. where there is currently a high inflow of foreign workers and/or high need to attract foreign talent?
- Which laws and policies are currently in place regarding labour migration to address labour shortages and what changes thereto were made since 2021?
- What initiatives and practices in implementing laws and policies are currently in place for attracting and recruiting foreign talent from third countries?¹⁰⁹
- What are the synergies between EU instruments (as included in the Skills and Talent Mobility Package) and national instruments, i.e. in which ways do these instruments enhance the capacity of EMN Member Countries to address labour shortages at the national level?

[negotiations-cease.html](#), last accessed on 11 July 2024; European Parliamentary Research Service (EPRS), 'Recast of Directive 2003/109/EC: Status of Third-Country Nationals Who Are Long Term Residents in the EU'. 2024, <https://epthinktank.eu/2024/01/30/recast-of-directive-2003-109-ec-status-of-third-country-nationals-who-are-long-term-residents-in-the-eu-eu-legislation-in-progress/>, last accessed on 15 April 2024.

¹⁰⁷ European Commission, 'Commissioner Johansson's Speech at the Online Ministerial Meeting on Talent Partnerships'. 2023, https://ec.europa.eu/commission/presscorner/detail/en/speech_23_6374, last accessed on 11 July 2024. In the context of Operationalization of talent partnerships see also the THAMM+ project in Morocco, Tunisia and Egypt: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, 'THAMM+ Project in Morocco, Tunisia and Egypt'. 2024, <https://www.giz.de/de/downloads/giz-2024-en-THAMM-plus.pdf>, last accessed on 11 July 2024.

¹⁰⁸ European Commission, 'Commission Sets Out Actions to Tackle Labour and Skills Shortages'. 2024, https://ec.europa.eu/commission/presscorner/detail/en/ip_24_1507, last accessed on 11 July 2024. This plan is a broader plan, not limited or specifically targeted on immigration. The action plan is a follow up to the Val Duchesse Social Partners Summit of January 2024. The Action Plan takes stock of existing initiatives by the EU, Member States and social partners, announces new EU initiatives and calls on Member States and social partners to take further actions.

¹⁰⁹ Limited to complement (and to avoid duplicating) the 2024 inform on foreign talent.

- What are good practices, lessons learned, and existing challenges in using labour migration to tackle labour shortages?

6. RELEVANT SOURCES AND LITERATURE

6.1. EMN OUTPUTS

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6.2.EU REPORTS¹¹⁰

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7. AVAILABLE STATISTICS

7.1 EU LEVEL

Key sources:

European Union Labour Force Survey (EU LFS)

Labour market statistics are available through the **European Union Labour Force Survey** (EU LFS).

Eurostat offers limited indicators of labour market statistics that are disaggregated by nationality or national groups, including:

- Employment by sex, age and nationality (**lfsa_ergan**)
- Inactive population by sex, age and nationality (**lfsa_argan**)
- Population by sex, age, nationality and labour status (**lfsa_pganws**)

In addition, there are a number of labour market indicators which cannot be disaggregated by nationality, including:

- Job vacancy statistics by occupation and NUTS 2 regions (**jvs_a_nace2**)
- Participants in labour market policy (LMP) interventions (**imp_particip**)
- Public expenditure on labour market policy (LMP) interventions (**imp_expend**)

Eurostat migration statistics¹¹¹ are another important statistical source in terms of the following indicators:

- First permits by reason (employment, family, education, refugee status, subsidiary protection, other), length of validity and citizenship (**migr_resfirst**)
- First permits issued for remunerated activities by reason (employment, EU blue card, highly skilled, researchers, seasonal workers), length of validity and citizenship (**migr_resocc**)
- First permits by reason, age, sex and citizenship (**migr_resfas**)
- Change of immigration status permits by reason [of relevance: change to employment reasons] and citizenship (**migr_reschange**)
- All valid permits by reason, length of validity and citizenship on 31 December of each year (**migr_resvalid**) (on **stocks**)
- Single permits¹¹² issued by type of decision (change, renew, grant first permit), length of validity (**migr_ressing**)
- EU Blue Cards by type of decision, occupation and citizenship (**migr_resbc1**)
- EU Blue Cards holders and family members by Member State of previous residence (**migr_resbc3**)

¹¹¹ For an detailed overview on permit statistics see Eurostat, 'Residence Permits Statistics', https://ec.europa.eu/eurostat/cache/metadata/en/migr_res_esms.htm, last accessed on 11 July 2024; Eurostat, 'Residence Permits – A Methodological and Analytical Overview', https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Residence_permits_%E2%80%93_a_methodological_and_analytical_overview, last accessed on 11 July 2024.

¹¹² The Single Permit consists of a single application procedure for non-EU citizens, giving them the right to both residence and work.

- Intra-corporate transferee permits issued, renewed and withdrawn by type of permit, length of validity and citizenship (**migr_resict1_1**)
- Intra-corporate transferee permits issued by type of permit, economic sector and citizenship (**migr_resict1_2**)
- Authorisation for the purpose of the seasonal work (**migr_resseaw**)
- Authorisations for the purpose of seasonal work by status, length of validity, economic sector and citizenship (**migr_ressw1_1**)
- Authorisations issued for the purpose of seasonal work by economic sector, sex and citizenship (**migr_ressw2**)

7.2 OTHERS (SURVEYS, FORECASTS ETC.)

- **Eurobarometer** undertakes surveys, including on public opinion on skills, and on company opinions about the need for skills.¹¹³
- **European Business and Consumer Survey** collects quarterly data from employers in manufacturing, services, and construction, investigating whether labour shortages are a major factor limiting their production. The surveys are conducted by the Directorate General for Economic and Financial Affairs for the economies in the European Union (EU) and in the applicant countries.
- **European Centre for the Development of Vocational Training (CEDEFOP)** undertakes a number of activities for identifying skills needs.¹¹⁴ Forecasting skill demand and supply database,¹¹⁵ CEDEFOP produces regular skill supply and demand forecasts for Europe and analyses potential labour market imbalances. The **European Skills Index** is CEDEFOP's indicator measuring the performance of EU skills systems.¹¹⁶
- The **European Employment Services (EURES)** also releases analyses on shortage and surplus occupations.¹¹⁷ EURES is a European cooperation network between the European Commission, the European Labour Authority (ELA), the national public and other admitted employment services in all the EU countries, Iceland, Liechtenstein, Norway, and Switzerland.
- **European Labour Market Barometer**,¹¹⁸ run by the European Network of Public Employment Services (PES) and the Institute for Employment Research (IAB), this monthly indicator reflects the expected short-term development of unemployment and employment in the European labour market. It is based on a

¹¹³ Eurobarometer, 'Home', <https://europa.eu/eurobarometer/screen/home>, last accessed on 11 July 2024.; Eurobarometer, 'European Year of Skills - Skills Shortages, Recruitment and Retention Strategies in Small and Medium-Sized Enterprises', <https://europa.eu/eurobarometer/surveys/detail/2994>, last accessed on 11 July 2024.

¹¹⁴ CEDEFOP, 'Identifying Skills Needs', <http://www.CEDEFOP.europa.eu/en/themes/identifying-skills-needs>, last accessed on 11 July 2024.

¹¹⁵ CEDEFOP, 'Forecasting Skill Demand and Supply: Skills Forecasts Main Results', <http://www.CEDEFOP.europa.eu/en/events-and-projects/projects/forecasting-skill-demand-and-supply/skills-forecasts-main-results>, last accessed on 11 July 2024.

¹¹⁶ CEDEFOP, 'European Skills Index', <https://www.CEDEFOP.europa.eu/en/tools/european-skills-index>, last accessed on 11 July 2024.

¹¹⁷ ELA, 'EURES Publications', <https://www.ela.europa.eu/en/eures-publications>, last accessed on 11 July 2024.

¹¹⁸ Institute for Employment Research (IAB), 'European Labour Market Barometer', <https://iab.de/en/daten/european-labour-market-barometer/>, last accessed on 11 July 2024.

survey of the local and regional employment agencies in 17 PES services. The survey has been carried out jointly by the employment services and the IAB since June 2018. Agencies are asked to assess both the unemployment and employment outlook for the next three months, resulting in two components and one barometer for each PES. The European barometer is then derived from these national scores in the form of a weighted average.

- **DG ECFIN**, produces macroeconomic forecasts.¹¹⁹
- **Interest organisations** like 'Business Europe' also conduct surveys on needs of skills.¹²⁰
- **Labour market policy (LMP)**¹²¹ statistics provide information on labour market interventions which are defined as "public interventions in the labour market aimed at reaching an efficient functioning and correcting disequilibria".

7.3 NATIONAL LEVEL

At the national level, statistics on shortage occupations and estimated unfilled vacancies are likely to be available from Ministries of Labour, employment agencies, national statistical offices (Registry Data and Labour Force Micro-Census), and other competent authorities.

8. DEFINITIONS

Unless otherwise specified, the definitions refer to the **EMN Asylum and Migration Glossary**, online version.¹²²

Employment: The exercise of activities covering whatever form of labour or work regulated under national law or in accordance with established practice for or under the direction and / or supervision of an employer.

Ethical recruitment: International Organization for Migration (IOM) summarises ethical recruitment as hiring workers lawfully and in a fair and transparent manner that respects and protects their dignity and human rights.¹²³ Conventions like the ILO's C181-Private Employment Agencies Convention, from 1997 which establishes clear protections for jobseekers, notably respect for the fundamental principles and rights at work and prohibition of fee charging to jobseekers; and the ILO's General Principles and Operational Guidelines for Fair Recruitment, promoting transparency and fairness for the benefit of both workers and employers are relevant documents in that regard.

Flows (data): Flows estimate the number of people moving into and out of the country for employment reasons.

¹¹⁹ European Commission, 'Economic Forecasts and Surveys: Economic Forecasts', https://economy-finance.ec.europa.eu/economic-forecast-and-surveys/economic-forecasts_en, last accessed on 11 July 2024.

¹²⁰ Business Europe, 'Publications', <https://www.buinesseurope.eu/publications?category%5B%5D=61>, last accessed on 11 July 2024.

¹²¹ European Commission, 'Labour Market Policy', <https://webgate.ec.europa.eu/empl/redisstat/databrowser/explore/all/lmp?lang=en&display=card&sort=category>, last accessed on 11 July 2024.

¹²² European Commission, 'EMN Asylum and Migration Glossary', https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary_en, last accessed on 11 July 2024.

¹²³ IOM, 'Frequently Asked Questions', <https://iris.iom.int/frequently-asked-questions>, last accessed on 11 July 2024.

Immigration quota: A quota established for and by the country, normally for the purposes of labour migration, for the entry of immigrants.

Labour market test: Mechanism that aims to ensure that migrant workers are only admitted after employers have unsuccessfully searched for national workers, EU citizens (in EU Member States this also means EEA workers) or legally residing third-country nationals with access to the labour market according to national legislation.

Labour migration: Movement of persons from one state to another, or within their own country of residence, for the purpose of employment.

Labour shortage: Shortage of labour of a particular type in a particular labour market which may be said to exist when the number of vacancies has been (or is expected to be) above a level considered to represent 'normal' turnover at the prevailing wages and working conditions for an extended period.

Legal pathway: In the EU-context, every legal mechanism and policies that enable lawful migration from a third country to an EU Member State, for both international and humanitarian protection needs and labour market needs (labour migration, family reunification, student migration).

Mobility partnership: A cooperation arrangement, on the basis of political declarations, that provides the bilateral framework for dialogue and practical cooperation to address relevant migration and mobility issues of mutual concern primarily with EU neighbourhood countries, including short and long-term mobility, on a voluntary basis.

Regional labour market imbalances: regional differences in terms of labour demand and supply.¹²⁴

Seasonal worker: A third-country national who retains their principal place of residence in a third country and stays legally and temporarily in the territory of an EU Member State to carry out an activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between that third-country national and the employer established in that EU Member State.¹²⁵

Shortage occupations: Occupations for which employers face a shortage of suitable employees within the resident labour market. The European Labour Authority (ELA) understands the term as those occupations where the demand is greater than the supply of jobseekers with required skills at the required location. ELA differentiates between 'severe shortage' and 'widespread shortage'.¹²⁶

Social dumping: The practice whereby workers are given pay and/or working and living conditions which are sub-standard compared to those specified by law or collective agreements in the relevant labour market, or otherwise prevalent there.

¹²⁴ European Labour Authority, 'EURES Report on Labour Shortages and Surpluses 2022'. 2022, p. 44, <https://www.ela.europa.eu/sites/default/files/2023-09/ELA-eures-shortages-surpluses-report-2022.pdf>, last accessed on 11 July 2024.

¹²⁵ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0036>, last accessed on 11 July 2024.

¹²⁶ European Labour Authority (ELA), 'EURES – Report on Labour Shortages and Surpluses 2022'. 2022, p. 8, <https://www.ela.europa.eu/sites/default/files/2023-03/eures-labour-shortages-report-2022.pdf>, last accessed on 11 July 2024.

Social partners: Bodies representing employers, workers and governments when meeting for the purpose of consultations and negotiations on labour, social and economic practices, policies and legislation.

Stocks (data): Stocks estimate the number of foreign talent born abroad or talent with a foreign citizenship in the country at a given point in time.

(Foreign) Talent: In this study, following the European Commission's Proposal on Establishing an EU Talent Pool and other documents such as Attracting skills and talent to the EU,¹²⁷ Skills and Talent Mobility¹²⁸ and Talent partnerships,¹²⁹ talent is understood as an encompassing term referring to the entire range of skills, including low, medium and high, that might be needed by the Member States' labour market.¹³⁰ Foreign talent in this study refers to talent coming from third countries for employment reasons.

Third-country national: Any person who is not a citizen of the European Union within the meaning of Art. 20(1) of Treaty on the Functioning of the European Union (TFEU) and who is not a person enjoying the European Union right to free movement, as defined in Art. 2(5) of the Regulation (EU) 2016/399 (Schengen Borders Code).

9. ADVISORY GROUP

This is a joint EMN-OECD study. The Advisory Group (AG) for this study is composed of AT (AG Lead - Contact Persons: Leila Hadj Abdou and Prisca Ebner), BE, CY, EE, EL, FR, HR, IE, IT, LT, LU, LV, PL, SE, SK, COM, FRA, OECD and the EMN Service Provider.

10. TIMETABLE

The following tentative timetable has been proposed for the study going forward:

Date	Action	
Study specifications		
Preparatory work	In this phase, the AG lead(s) are encouraged to consult bilaterally with the EMN Service Provider (including the Odysseus network) and may also consider the opportunity to hold a kick-off meeting to brainstorm on the scope of the study with the Advisory Group.	AG Lead(s), EMN Service Provider
18 April 2024	Circulation of the first draft to the AG for written feedback (seven working day-deadline)	AG Lead(s) (NCP/ COM)

¹²⁷ European Commission, 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Attracting Skills and Talent to the EU'. 2022, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A657%3AFIN&qid=1651223944578>, last accessed on 11 July 2024.

¹²⁸ European Commission, 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Skills and Talent Mobility'. 2023, https://commission.europa.eu/system/files/2023-11/COM_2023_715_1_EN.pdf, last accessed on 11 July 2024.

¹²⁹ European Commission, 'Talent Partnerships: Commission Launches New Initiative to Address EU Skills Shortages and Improve Migration Cooperation with Partner Countries'. 2023, https://ec.europa.eu/commission/presscorner/detail/en/IP_21_2921, last accessed on 11 July 2024.

¹³⁰ European Commission, 'Proposal for Establishing an EU Talent Pool'. https://eur-lex.europa.eu/resource.html?uri=cellar:a169ec2f-8469-11ee-99ba-01aa75ed71a1.0001.02/DOC_1&format=PDF, last accessed on 11 July 2024.

Date	Action	
	<i>NOTE: the concept note should be circulated no later than 7 working days before the AG. Written comments should be provided no later than two working days before the AG meeting.</i>	
25 April 2024	First AG meeting and discussions on the written feedback. <i>NOTE: the EMN Service Provider can support the AG Lead in compiling comments and start addressing them together with the AG lead in order to facilitate discussions during the AG meeting.</i>	AG members Preparations of the meeting: AG lead and EMN Service Provider
7 – 15 May 2024	Circulation of the second draft to the AG (one-week deadline for review). <i>NOTE: based on the feedback received during the AG meeting, the AG lead and the EMN Service Provider further amend the draft concept note. Written comments should be provided no later than two working days before the AG meeting.</i>	AG lead and EMN Service Provider
21 May 2024	Second AG meeting and discussions on written comments. <i>NOTE: written comments should be provided no later than two working days before the AG meeting.</i>	AG members Preparations of the meeting: AG lead and EMN Service Provider
04 June 2024	Circulation of the third draft to the <u>AG lead</u> (three days for review).	EMN Service Provider, AG lead
18 June – 01 July 2024	Circulation of the final draft to NCPs (two week-deadline).	EMN NCPs +COM
18 July 2024	Launch of the study.	
National reports (extended due to the summer break)		
4 November 2024	Submission of national reports by EMN NCPs	
Drafting of study		
15 - 29 November 2024	Drafting of the first draft of the study.	EMN Service Provider
20 – 27 November 2024	OECD to provide input to the first draft of the study	OECD
02 - 10 December 2024	Circulation of the first study draft to COM and AG members (one week-deadline for review).	EMN Service Provider
10 December 2024	Deadline for comments.	COM and AG members

Date	Action	
20 December - 16 January 2025	Circulation of the second draft to all NCPs (two week-deadline for review).	EMN Service Provider
16 January 2025	Deadline for comments.	EMN NCPs and OECD
17 January – 13 February 2025	Review and circulation of the third draft to COM and all NCPs (two week-deadline for review).	EMN Service Provider
13 February 2025	Deadline for comments.	EMN NCPs and OECD
14 February – 6 March 2025	Review and circulation of the final draft to COM and all NCPs (two week-deadline for review).	EMN Service Provider
6 March 2025	Deadline for comments.	COM, all NCPs, and OECD
8 – 16 April 2025	Final validation by COM.	COM
17 April 2025	Publication	EMN Service Provider

11.TEMPLATE FOR NATIONAL CONTRIBUTIONS

Common template of a 2024 EMN study

Labour migration in times of labour shortages

NATIONAL CONTRIBUTION FROM EMN MEMBER OR OBSERVER COUNTRY

Disclaimer: The following information has been provided primarily for the purpose of contributing to this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective, and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Country.

TOP-LINE FACTSHEET [MAX. 1 PAGE]

*The top-line factsheet will serve as an overview of the **National Contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policymakers. Please add any innovative or visual presentations that can carry through into the study as possible infographics and visual elements.*

Please provide a concise summary of the main findings of Sections 1-4:

Each country adopts a different approach to labour migration, tailored to its needs. Latvia is no exception. Latvia considers that, in line with labour market conditions, the objective of the labour migration policy has also been defined, which states that employers are primarily motivated to attract labour from Latvia's internal labour market reserves to fill vacancies, including through the development and implementation of mechanisms for up-skilling and re-skilling of the labour force. Thinking about attracting foreign labour to alleviate acute labour shortages is secondary. In this context, we note that Latvia adopts a human capital-oriented approach to migration policy.

In the first nine months of 2024, the focus continued to be on introducing legislative changes to facilitate the attraction of foreign labour, as well as looking at possible ways to reduce labour imbalances.

Looking ahead, we note that employment is expected to decline in the period of 2025-2030 in the public services sectors, mainly in public administration and education, given both the planned reduction in the number of public administration employees and the continued streamlining of the school network.

The number of people employed in public administration could fall by around 6,000 by 2030, and by 5,900 in the education sector, compared to 2024. However, we note that the number of people in employment is likely to continue to grow in the health and social care sector. The number of people employed in the health and social care sector is expected to grow by 4,500 over the period of 2025-2030.

Changes in labour demand by industry in thousands						
	2020	2021	2022	2023	Difference 2030-2021	Difference 2040-2021
Agriculture, forestry, fishing	64	59	59	55	0	-4
Manufacturing industry	115	109	111	109	1	0
Other industry	20	22	23	22	1	-1
Construction	77	72	83	79	10	7
Trade and accommodation	160	158	150	138	-8	-20
Transport and storage	69	67	67	67	0	1
Other commercial services	185	172	203	217	31	45
Public services	201	204	195	191	-9	-13
Total	893	864	890	879	26	15

Figure – 1; Changes in labour demand by industry¹³¹

Motivating people to take up new challenges is essential to encourage them to develop their skills, including through the design and implementation of a workforce up-skilling and re-skilling mechanism that fosters a culture of adult learning and skills development in society.

SECTION 1: OVERVIEW OF LABOUR SHORTAGES DEBATE AND CONCEPTUALISATION

Kindly note that this aspect has been discussed extensively in the EMN 2015 study. If there have been no changes in your country since 2015, please summarise the information here and refer back to the 2015 study for details.

1. Does your country have a definition of the terms '**labour shortage**' and '**shortage occupation**'? YES/NO. If YES, please provide these definitions.

No, Latvian legislation and policy documents do not define labour shortages, but the understanding of the problem is in line with the definition in the European Migration Network's Glossary of Asylum and Migration Terms¹³².

¹³¹ Informative report on medium- and long-term labour market forecasts. 2022. - Available at: <https://www.em.gov.lv/lv/media/14720/download?attachment>.

¹³² Labour shortage – a shortage of a particular type of labour in a particular labour market, which can be said to exist if the number of vacancies has been (or is expected to be) above what is considered a 'normal' turnover relative to prevailing wages and working conditions over an extended period of time. -

2. Based on a **summary of statistical data** provided in the [annex 1a and b](#), please describe briefly in two paragraphs, which sectors are most affected by labour shortages in your country?

Between 2021 and the first quarter of 2024, the largest shortages were in the public administration and defence; compulsory social security sectors.

3. Has there been any **discussion or public debate** regarding labour migration in the context of labour shortages, as well as alternatives to labour migration (e.g. paying local workforce higher wages to motivate them to take on jobs considered as unattractive) in your country since 2021? YES/NO. If YES, please briefly describe what the key points were (possible sources: secondary literature, interviews, or media analysis of a centre newspaper)?¹³³

Yes

Since the beginning of 2021, there have been several public discussions and debates on labour migration in the context of labour shortages. The main focus of the debate in 2021 is how to boost labour attraction and what can be done to alleviate labour shortages? Both employers¹³⁴ and policy makers have expressed their views. Employers mainly point to the need for smart migration policies, as attracting third-country workers is costly and time-consuming, and does not address labour shortages quickly enough.¹³⁵

European Migration Network's Glossary of Asylum and Migration Terms. – Available at: https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/labour-shortage_en)

¹³³ To avoid biases in reporting, NCPs are encouraged to select a newspaper that can be categorised as centre newspaper. In Austria this would be e.g. the Kurier.

¹³⁴ The topics of discussions or public debates held in 2021:

Workforce, attracting it:

- <https://ibizness.lv/raksti/fakti-un-dati/petijumi/biz-new-ekonomika-augs-tapat-ka-darbaspeka-trukums/20303>
 - https://www.lsm.lv/raksts/zinas/ekonomika/karins-letais-darbaspeks-vairs-nav-galvenais-iemesls-investoru-ienaksanai-latvija.a403682/?utm_source=lsm&utm_medium=theme&utm_campaign=theme
 - https://www.lsm.lv/raksts/zinas/ekonomika/restoranu-ipasniekiem-vasaras-sakums-izversas-par-viesmilu-un-pavaru-medibam.a408370/?utm_source=lsm&utm_medium=theme&utm_campaign=theme
 - https://www.lsm.lv/raksts/zinas/ekonomika/darba-deveji-cilvekus-ar-ipasam-vajadzibam-darba-nenem-likumdosanas-ipatnibu-del.a417534/?utm_source=lsm&utm_medium=theme&utm_campaign=theme
 - https://www.lsm.lv/raksts/zinas/ekonomika/jauniesi-un-darba-deveji-tiksies-cetru-minusu-asajas-darba-intervijas.a422344/?utm_source=lsm&utm_medium=theme&utm_campaign=theme
- https://www.lsm.lv/raksts/zinas/latvija/tiesibsarga-birojs-latvija-darba-tirgu-medz-diskriminet-vecuma-del.a423860/?utm_source=lsm&utm_medium=theme&utm_campaign=theme

¹³⁵ **Labour shortages:**

- https://www.lsm.lv/raksts/zinas/ekonomika/kvalificetu-stradnieku-trukums-latgale-liek-tos-meklet-arzemes.a425537/?utm_source=lsm&utm_medium=theme&utm_campaign=theme
- https://www.lsm.lv/raksts/zinas/ekonomika/talantu-piesaiste--ari-eksportejoso-uznemumu-izaicinajums.a421218/?utm_source=lsm&utm_medium=theme&utm_campaign=theme
- https://www.lsm.lv/raksts/zinas/ekonomika/metalapstrades-sia-latstab-darbinieku-trukuma-del-doma-par-robotizaciju.a434924/?utm_source=lsm&utm_medium=theme&utm_campaign=theme

In 2022 (as in 2021) the focus was on attracting labour¹³⁶, attracting foreign investors¹³⁷ and preventing the exploitation of workers¹³⁸. Employers' organisations propose that the government should develop a sound immigration policy that at the same time ensures "quick and easy access to third-country workers for the needs of Latvian companies". Labour exploitation remains the most common form of trafficking in human beings in Latvia – in the construction, agriculture, manufacturing and hospitality sectors. Recent statistics show that the number of victims of trafficking in human beings is increasing and new forms of trafficking are emerging.

In 2023, public debate and discussion focused on issues such as labour shortages¹³⁹, labour surpluses and possible solutions to improve the situation¹⁴⁰. Also ways to reduce labour imbalances¹⁴¹. Amendments to the legislation¹⁴² have been

¹³⁶ The topics of discussions or public debates held in 2022:

Workforce, attracting it:

- <https://www.em.gov.lv/lv/jaunums/em-lielakais-jaunu-darbavietu-pieaugums-sagaidams-augstakas-kvalifikacijas-profesijas-bet-butiskakais-darbaspeka-trukums-veidosies-pec-specialistiem-ar-profesionalo-izglitiba>

- <https://www.lsm.lv/raksts/kas-notiek-latvija/raksti/gateri-strada-kvalificeti-darbinieki-lddk-prezidents-bite-opone-ekonomikas-ministrei-par-letu-darbaspeku-no-arzemem.a486284/>

¹³⁷ Attracting foreign investors: https://www.lsm.lv/raksts/zinas/ekonomika/arvalstu-investori-satraukti-par-darbaroku-trukumu.a473059/?utm_source=lsm&utm_medium=theme&utm_campaign=theme

¹³⁸ Preventing labour exploitation:

- https://www.lsm.lv/raksts/zinas/latvija/latvija-joprojam-izplatitakais-cilvektirdzniecibas-veids--darbaspeka-ekspluatacija.a478437/?utm_source=lsm&utm_medium=theme&utm_campaign=theme

¹³⁹ Labour shortages:

- <https://ir.lv/2023/09/15/ka-atrast-labus-darbiniekus-vispareja-darbaspeka-trukuma-apstaklos/>

- <https://www.tvnet.lv/7905549/vni-darbaspeka-trukums-un-dzives-dardziba-lauss-buvnieciba-stradajosajiem-prasit-arvien-lielakas-algas>

- https://www.lsm.lv/raksts/zinas/ekonomika/03.08.2023-bez-birokratijas-ar-videjo-algu-nozare-un-ierobezotu-terminu-uznemeju-priekslikumi-viesstradnieku-piesaistei.a518519/?utm_source=lsm&utm_medium=theme&utm_campaign=theme

- https://www.lsm.lv/raksts/zinas/ekonomika/04.08.2023-javeido-zalais-koridor-noteiktiem-uznemumiem-viesstradnieku-piesaistei-intervija-ar-ekonomikas-ministri-ilzi-indriksoni.a518845/?utm_source=lsm&utm_medium=theme&utm_campaign=theme

- <https://saliedetiba.saeima.lv/853-komisija-uzklausa%C4%ABja-uzklausa%C4%ABtu-inform%C4%81ciju-par-%C4%81rvalstnieku-nodarbin%C4%81t%C4%ABbu-latvij%C4%81>

- https://www.lsm.lv/raksts/zinas/ekonomika/23.11.2023-regionos-arvien-vairak-piesaista-stradniekus-no-tresajam-valstim.a532748/?utm_source=lsm&utm_medium=theme&utm_campaign=theme

- https://www.lsm.lv/raksts/zinas/ekonomika/28.11.2023-baltijas-uznemumi-mekles-it-specialistus-nigerija-kenija-un-armenija.a533215/?utm_source=lsm&utm_medium=theme&utm_campaign=theme

- https://www.lsm.lv/raksts/zinas/ekonomika/14.12.2023-ministrs-kvalificeta-darbaspeka-pieejamiba-ir-potencialo-vacu-investoru-pirmais-jautajums.a535335/?utm_source=lsm&utm_medium=theme&utm_campaign=theme

¹⁴⁰ Labour surplus, solutions to improve the situation:

- https://www.lsm.lv/raksts/zinas/ekonomika/prognoze-mazkvalificeta-darbaspeka-parpalikumu-2030-gada.a490187/?utm_source=lsm&utm_medium=theme&utm_campaign=theme

¹⁴¹ Reducing labour imbalances:

- https://www.lsm.lv/raksts/zinas/ekonomika/01.08.2023-em-reemigracija-labaka-alternativa-darbaspeka-piesaistisana.a518532/?utm_source=lsm&utm_medium=theme&utm_campaign=theme

- https://www.lsm.lv/raksts/zinas/ekonomika/25.08.2023-latvija-vairak-neka-10-000-ilgstosi-neaizpilditu-vakancu-vai-palidzetu-viesstradnieku-piesaiste.a521461/?utm_source=lsm&utm_medium=theme&utm_campaign=theme

¹⁴² Legislative changes to make it easier to attract foreign workers:

- <https://lvportals.lv/dienaskartiba/358544-atvieglotas-prasibas-arzemju-darbinieku-piesaistisanai-darbam-latvija-nereglamentetajas-profesijas-2023>

adopted, easing the requirements for economic operators planning to employ foreign workers in professions not regulated in Latvia.

In the first nine months of 2024, the focus was on labour shortages¹⁴³ and possible solutions to improve the quality of the workforce. Work continued on legislative changes¹⁴⁴ to facilitate the attraction of foreign workers and on possible ways to reduce labour imbalances¹⁴⁵.

SECTION 2: LEGAL AND POLICY FRAMEWORKS REGARDING LABOUR MIGRATION

4. What is your country's current **labour migration policy approach**? (Demand-driven i.e. employment-based¹⁴⁶ or supply-based i.e. occupation driven approach,¹⁴⁷ or a human capital-oriented strategy¹⁴⁸ or a mix) on the basis of its

¹⁴³ Labour shortages, improving the quality of the workforce:

- <https://www.delfi.lv/bizness/56234200/eiropas-zinas/120004694/darbinieku-trukst-gan-eiropa-gan-latvija-kuras-profesijas-vislielakais-vakancu-skaitis>
- <https://www.lsm.lv/raksts/zinas/ekonomika/23.02.2024-ekonomists-uznemumiem-mazak-rup-darbaroku-trukums-lielakas-bazas-par-tirgiem.a544149/>
- <https://www.delfi.lv/video/56413078/virziens/120030444/darbaspeka-trukums-latvija-vai-maksligais-intelektis-ir-risinajums>
- <https://www.ntz.lv/redakcijas-sleja/vai-darbaspeka-trukums-nav-likumsakarigs/>
- <https://www.facebook.com/TV24.lv/videos/darbaspc4%93ka-tr%5%ABkums-imigr%4%81cija-kur-m%4%93s-esam/1290395081926120/>
- https://www.facebook.com/story.php?story_fbid=953590036772763&id=100063653274697
- <https://www.tvnet.lv/7973194/lddk-latvijas-uznemejiem-akuti-trukst-augsti-kvalificeta-darbaspeka>
- <https://www.ecobaltivide.lv/blog/uznemeji-un-jomas-eksperti-darba-tirgus-piedzivo-krizi/>
- https://www.lsm.lv/raksts/zinas/ekonomika/02.05.2024-laukos-trukst-darbaroku-mekle-stradniekus-sezonas-darbam.a552649/?utm_source=lsm&utm_medium=theme&utm_campaign=theme
- https://www.lsm.lv/raksts/zinas/ekonomika/16.05.2024-latvijas-privata-sektora-konkuretspeja-rupnieciba-ekonomikas-dzinejspeks-bet-izaicinajumi-ar-produktivitati.a553842/?utm_source=lsm&utm_medium=theme&utm_campaign=theme
- https://www.lsm.lv/raksts/zinas/ekonomika/13.06.2024-ekonomikas-ministrija-darba-tirgu-jakapina-kvalitate-nevis-kvantitate.a557971/?utm_source=lsm&utm_medium=theme&utm_campaign=theme
- https://www.lsm.lv/raksts/zinas/ekonomika/05.07.2024-mezsaimniecibas-un-lauksaimniecibas-nozares-trukst-augsti-kvalificetu-specialistu-kapec.a560378/?utm_source=lsm&utm_medium=theme&utm_campaign=theme

¹⁴⁴ Legislative changes to make it easier to attract foreign workers:

- https://www.lsm.lv/raksts/zinas/ekonomika/10.04.2024-efektu-no-viesstradnieku-samaksas-izmainam-vel-nejut-dala-uznemeju-nemaz-nezina-par-jauninajumiem.a549784/?utm_source=lsm&utm_medium=theme&utm_campaign=theme
- <https://lvportals.lv/skaidrojumi/359981-atvieglos-viesstradnieku-piesaisti-bet-stingrak-sodis-par-imigracijas-parkapumiem-2024>

¹⁴⁵ Reducing labour imbalances:

- https://www.lsm.lv/raksts/zinas/ekonomika/21.01.2024-viesstradnieki-un-pensionari-kur-latvija-mekles-darbarokas.a539770/?utm_source=lsm&utm_medium=theme&utm_campaign=theme
- https://www.lsm.lv/raksts/zinas/ekonomika/12.08.2024-kops-2015-gada-arvalstu-darbaspeks-latvija-vairak-neka-dubultojies.a564786/?utm_source=lsm&utm_medium=theme&utm_campaign=theme
- <https://ir.lv/2024/08/16/no-imigracijas-temas-neaizbegsim/>

¹⁴⁶ Employment based approaches accept foreign workers who have been selected by an employer, i.e. the admission is predominantly dependent on employment offered (e.g. European Union Blue Card, or H-1B Visa in the U.S.), which grant temporary residence first, and then allow for transition into permanent residence.

¹⁴⁷ Occupation driven approaches grant access to people who are qualified in occupations that are decided by government to be in short supply, without necessarily requiring a work contract. Skilled Occupation lists would be a key policy instrument in such approaches.

¹⁴⁸ A human capital-oriented approach is not based on arranged employment nor limits admission to specific occupations, instead it focuses on the observable qualifications/characteristics of the applicant.

key characteristics? If the policy approach has any components that have been introduced during the study period (January 2021 - June 2024) please identify them and describe them in more detail.

Note: For a description of these different approaches, please see background section 1 of this concept note.

Latvia's labour migration policy is primarily aimed at motivating employers to attract labour from Latvia's internal labour market, including by developing and implementing mechanisms for up-skilling and re-skilling the labour force. Thinking about attracting foreign workers is secondary. In this context, Latvia has chosen a human capital-oriented approach to migration policy as confirmed by the Cabinet Order No. 200 of 20 April 2023 "On the Government Action Plan for the Implementation of the Declaration on the Intended Actions of the Cabinet of Ministers headed by Arturs Krišjānis Kariņš"¹⁴⁹, IV. section "Competitiveness, Human Capital and Employment", paragraph 170.1. The document also sets out an output – a Human Capital Development Strategy by the Ministry of Economics. As the Ministry of Economics has taken the lead in human capital management since 2024 to ensure coordinated management of human capital issues, to facilitate the adaptation of labour supply to future labour market needs, and to build public procurement for labour market needs, one of its key tasks in 2023 was to start work on development of the action plan "Human Capital Development Strategy 2024 – 2027"¹⁵⁰. The overarching objective of the strategy is to ensure coordinated management of human capital issues, facilitating the adaptation of labour supply to future labour market needs, and the following sub-objectives are identified:

- Retraining 50,000 low-skilled workers with general secondary and basic education.
- Attracting an additional 6,000 graduates with STEM skills.
- Attracting an additional 10,000 ICT professionals.
- Increase the share of the population with basic digital skills from 45.3% (849,000) in 2023 to 70% (1,300,000) in 2027.
- Increase the share of high achievers in mathematics from 6% (2022) to 11% (2027).
- Increase the economically active population from 64.2% (2023) to 72.5% (2027). The economically active population is expected to increase by 23,500 persons.
- Achieve a 50/50 split between vocational and general secondary education by 2027.

Point systems that provide points for desirable characteristics, as was used by Canada in the past, would be a key policy instrument of such an approach. These systems would usually grant permanent residence from the beginning. Regarding these typologies, see also Kolb, H., 'Labor Migration Policies: A Typology'. 2023, in Bean, F. and Brown, K. (eds.), *Selected Topics in Migration Studies*, Springer.

¹⁴⁹ Cabinet Order No 274 of 22 May 2023 "Amendment to Cabinet Order No. 200 of 20 April 2023 "On the Government Action Plan for the Implementation of the Declaration on the Intended Actions of the Cabinet of Ministers headed by Arturs Krišjānis Kariņš"". – *Latvijas Vēstnesis*, No. 99, 24.05.2023. - [entered into force on 22.05.2023. expires on 20.01.2024.]

¹⁵⁰ Draft Action Plan "Human Capital Development Strategy 2024-2027". – Available at: https://tapportals.mk.gov.lv/legal_acts/2d477536-f88c-439c-a768-7f9cb025f7d9

- Encourage the attraction of skilled labour by lessening bureaucracy, coordinating the process and thus boosting tax compliance in Latvia
- A sustainable funding model and shared responsibility for adult learning is developed.

The Strategy identifies 5 main lines of action: (1) STEM education and skills; (2) broadening the labour market; (3) attracting skilled workers; (4) supply and quality of adult education, skills; (5) supporting entrepreneurship.

5. Which type(s) of **labour shortages** (long/medium/acute shortages) does your country's current labour migration approach **address**?

Latvia is already facing acute labour shortages. There is a shortage of both low-skilled and highly skilled workers. According to the medium and long-term labour market forecasts of the Ministry of the Economics¹⁵¹, these trends will continue in the medium and long term. For example, the economically active population aged 15-74 in Q3 2023 fell by 13.5 thousand. – to 952.4 thousand compared to the same period in 2022. This has been due to both a decline in economic activity and a decline in the working-age population.

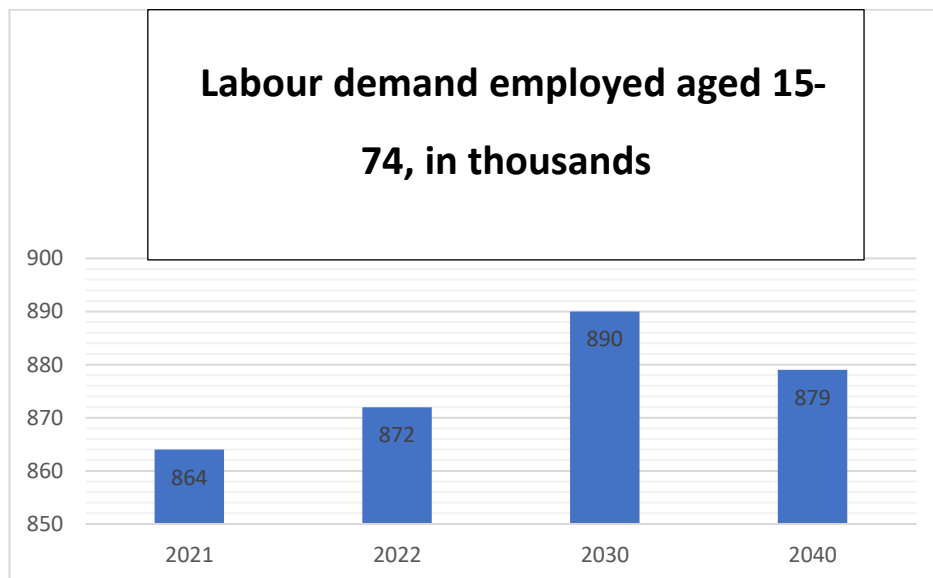


Image – 2. Labour demand employed persons aged 15-74, in thousands¹⁵²

6. What are the main national labour migration **policy instruments** in addressing shortages (e.g. labour market tests, shortage occupation lists, streamlined procedures) in your country? Please briefly describe them.

The following tools are used to forecast the labour market situation in the short, medium and long term:

¹⁵¹ Informative report on medium- and long-term labour market forecasts. 2022. — Available: <https://www.em.gov.lv/lv/media/14720/download?attachment>.

¹⁵² Informative report on medium- and long-term labour market forecasts. 2022. — Available: <https://www.em.gov.lv/lv/media/14720/download?attachment>.

- The National Employment Agency (NEA) forecasts labour demand in the short term¹⁵³ (up to one year). The methodology for short-term labour demand forecasts provides information on the short-term trends in changes of demand in labour market, which can be used for planning unemployment training programmes, career counselling and other labour market related activities.
- The Ministry of the Economics produces medium and long-term labour market forecasts¹⁵⁴. Medium and long-term labour market forecasts¹⁵⁵ are the information that drives the policy changes that affect economic development. They are one of the tools that allow to anticipate future labour market mismatches, showing labour market trends and potential risks under the current education system and education supply structure.

7. Have there been any **legal and/or policy changes since 2021** to your country's labour migration framework that are related to labour shortages? YES/NO? If YES, please highlight the main changes and indicate in which ways these changes were related to labour shortages.

Yes.

In order to coordinate inter-ministerial cooperation in the planning, design, implementation and monitoring of labour market reforms, thereby reducing mismatches in the Latvian labour market, Latvia established an Employment Council in 2016, composed of three ministers – the Ministers for Economy, Education and Science, and Welfare. In 2023, a decision was taken to transform the Employment Council into a Human Capital Development Council, in order to create a closer link with the functions assigned to the Ministry of Economics in the Government Declaration regarding the management of workforce issues and tasks in the field of human capital development. The Council's Regulations set out its functions, tasks, rights, composition and decision-making principles. The Regulations were approved by the Cabinet of Ministers on 6 June 2023.¹⁵⁶

The main functions of the Human Capital Development Council are to assess the labour market situation, develop labour market scenarios and forecasts, and take decisions on human capital development based on data and forecasts. The Council also sets strategic objectives and action lines for human capital development and monitors progress towards these objectives.¹⁵⁷ Also, from 20 August 2024, representatives of Latvia's largest and most influential business associations and trade union federations will be involved in the work of the Council in an advisory capacity.¹⁵⁸

¹⁵³ Labour market forecasts. — Available: <https://www.nva.gov.lv/lv/darba-tirgus-prognozes>

¹⁵⁴ Labour market forecasts. — Available: <https://prognozes.em.gov.lv/lv>

¹⁵⁵ Informative report on medium- and long-term labour market forecasts. 2022. — Available: <https://www.em.gov.lv/lv/media/14720/download?attachment>.

¹⁵⁶ Cabinet Regulation No. 290 of 6 June 2023 "[Regulations of the Human Capital Development Council](#)". — *Latvijas Vēstnesis*, No. 112, 12.06.2023. — [entered into force on 13.06.2023]

¹⁵⁷ Cabinet Regulation of 6 June 2023 No. 290 "Regulations of the Human Capital Development Council". — *Latvijas Vēstnesis*, No. 112, 12.06.2023. — [entered into force on 13.06.2023]

¹⁵⁸ Latvia's largest business associations and trade unions will also be involved in the work of the Human Capital Development Council. — Available at: <https://lvportals.lv/dienaskartiba/366684-cilvekkapitala-attistibas-padomes-darba-turpmak-tiks-iesaistitas-ari-latvijas-lielakas-uznemeju-biedribas-un-arodbiedribu-apvieniba-2024>

At the moment, work is also in progress on amendments to the Cabinet Regulation No. 55 of 28 January 2014 "Regulations Regarding Employment of Foreigners", which aims to reduce the risks of unfair use of the labour immigration system by imposing an obligation on employers to cooperate with the SEA, thus facilitating cooperation between employers and state institutions in support of attracting labour needed for the Latvian labour market. The solution foresees improved cooperation in the selection process. The changes under development will provide that the employer will initially consider applications from Latvian local jobseekers, which will facilitate the involvement of Latvia's internal reserves in the labour market, while only if there are no suitable candidates on the Latvian labour market will the employer be entitled to invite a foreigner to fill a particular vacancy.

8. Has your Member States designed a labour migration policy approach to attract foreign talent? YES/NO. If YES, please describe it by filling out the table below:

No

What?	Yes/No/No information available – N.i.a)
Stakeholder involvement in design of policy approach and in implementation (i.e. social partners, private sector, migrant organisations, cross-government coordination, cooperation/exchange with countries of origin).	
<i>If yes, please elaborate how, and if this is a novel aspect introduced in/after 2021? Please also explain here, how stakeholders are involved in implementation (in addition to policy design). [...]</i>	
Assessment of labour shortages (for instance: monitoring of present labour shortages, forecasting/anticipation of future labour shortages, analysis of underlying drivers of shortages in a specific occupation/sector, regional perspectives regarding intra-country differences, gender perspective e.g. regarding labour market segmentation)	
<i>If yes, please elaborate how, and if this is a novel aspect introduced in/after 2021?</i> [...]	
Differentiation between occupational sectors and/or skill levels	
<i>If yes, please elaborate how, and if this is a novel aspect introduced in/after 2021?</i> [...]	
Facilitation of recognition of foreign qualifications regarding shortage occupations/sectors	
<i>If yes, please elaborate how, and if this is a novel aspect introduced in/after 2021?</i> [...]	
Measures to prevent to prevent/mitigate brain drain in countries of origin	
<i>If yes, please elaborate how, and if this is a novel aspect introduced in/after 2021?</i>	

What?	Yes/No/No information available – N.i.a)
[...]	
Safeguards to protect (vulnerable) migrant workers to counterbalance policy measures that expedite/facilitate admission of workers in shortage occupations/sectors ¹⁵⁹	
<i>If yes, please elaborate how, and if this is a novel aspect introduced in/after 2021?</i> [...]	
Agreements (or other similar arrangements) to achieve (mutual) beneficial effects of labour migration for countries of destination and origin [to enhance the country's leverage for recruitment from abroad ¹⁶⁰ , e.g. measures or bilateral agreements/compensation/training schemes, other than mitigating brain drain- see question above].	
<i>If yes, please elaborate how, and if this is a novel aspect introduced in/after 2021?</i> [...]	
Any other additional aspect incorporated in the policy approach increasing your country's competitive advantage to attract foreign talent and tackle labour shortages	
<i>If yes, please elaborate how, and if this is a novel aspect introduced in/after 2021?</i> [...]	

9. Does your country have different types of legal entry pathways for work? YES/NO? If YES, what are the most important (in terms of numbers of arrivals) **legal entry pathways** currently available for foreign workforce in your country? Notes: -Please list a maximum of five (in case there are many different important ones, otherwise you can limit it to three) and provide key characteristics by filling out the table below.
- In case your country applies a single permit procedure, please mention this in the third column and focus on the work-related requirements.

¹⁵⁹In the literature countries that have especially good systems of safeguards in protecting vulnerable migrants (e.g. domestic female workers) are seen as being more competitive, hence the question. An example would be the ratification of C-189 the Domestic Workers Convention: ILO, 'C189 - Domestic Workers Convention, 2011 (No. 189)', https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189, last accessed on 11 July 2024.

A more practical country example would be the "Fair Recruitment Nursing Germany" seal of approval in Germany, which sets standards to ensure a high ethical standard for the recruitment of nursing staff from third countries: Bundesgesundheitsministerium, 'Faire Anwerbung Pflege Deutschland Gütesiegel', <https://www.bundesgesundheitsministerium.de/service/begriffe-von-a-z/f/faire-anwerbung-pflege-deutschland-guetesiegel>, last accessed on 11 July 2024.

¹⁶⁰ This question is asked since the inclusion of such considerations can expand the possibility of bilateral labour agreements. These considerations are also important in terms of policy coherence, and not undermining development agendas of EMN countries.

Legal pathway (focusing on the entry on labour migration grounds)	Skill level(s) targeted (high/medium/low/or combination of them)	Key admission conditions (describe using bullet points - e.g. separate or joint residence and work permits, minimum income; minimum language level,...)
<i>Legal pathway 1- EU Blue Card</i>	Designed to attract highly skilled workers from third countries to the labour market.	<ul style="list-style-type: none"> • higher education (at least 3 years of study in the specialisation or field specified in the contract) or at least 5 years of professional experience in a relevant field (3 years in IT); • a salary of at least the average gross monthly salary of workers in Latvia in the previous year, with a coefficient of 1.5, or 1.2 if the person is employed in an occupation where there is an identified labour shortage; • granted for a period of two years. • no need to submit education documents if you have already been granted the right to work in Latvia and the field of employment is not changing; • the duration of the contract must be at least six months; • EU Blue Cards are issued under the single permit procedure.¹⁶¹
<i>Legal pathway 2 temporary residence permit</i>	Combination	<ul style="list-style-type: none"> • required if the third-country national wishes to stay in Latvia for more than 90 days within six months from the date of first entry; • the right to obtain it when first arriving in Latvia; • depending on the reason for the stay, it can be issued for a

¹⁶¹ Cabinet Regulation No. 244 of 23 April 2024 "Amendments to the Cabinet Regulation No. 564 of 21 June 2010 "Regulations Regarding Residence Permits"". — *Latvijas Vēstnesis*, No. 80, 24.04.2024. — [entering into force on 25.04.2024.]

Legal pathway (focusing on the entry on labour migration grounds)	Skill level(s) targeted (high/medium/low/or combination of them)	Key admission conditions (describe using bullet points - e.g. separate or joint residence and work permits, minimum income; minimum language level,....)
		<p>period of six months to 5 years;</p> <ul style="list-style-type: none"> the amount of financial resources required is determined in the Cabinet Regulation No. 225 of 25 April 2017 "Regulations Regarding the Amount of Financial Means Necessary for a Foreigner and the Determination of the Existence of Financial Means"¹⁶²; education or at least 3 years of experience relevant to the area of intended employment; there must be a published vacancy for which local workers can initially apply within 10 working days; the permit shall be issued under the single permit procedure.¹⁶³
<i>Legal pathway 3 – short-term or long-term visa</i>	Combination	<ul style="list-style-type: none"> required if the third-country national wishes to be employed in the Republic of Latvia; entitled to obtain by applying for a visa at the embassy; can be issued for up to one year (in the case of a long-stay visa) or for up to 90 days in any 180-day period (short-stay visa); the amount of financial resources required is determined in the Cabinet

¹⁶² Cabinet Regulation No. 225 of 25 April 2017 "Regulations Regarding the Amount of Financial Means Necessary for a Foreigner and the Determination of the Existence of Financial Means". – *Latvijas Vēstnesis*, No. 97, 18.05.2017. – [entered into force on 19.05.2017.]

¹⁶³ Residence permit. – Available at: <https://www.pmlp.gov.lv/lv/uzturesanas-atlauja>

Legal pathway (focusing on the entry on labour migration grounds)	Skill level(s) targeted (high/medium/low/or combination of them)	Key admission conditions (describe using bullet points - e.g. separate or joint residence and work permits, minimum income; minimum language level,....)
		<p>Regulation No. 225 of 25 April 2017 "Regulations Regarding the Amount of Financial Means Necessary for a Foreigner and the Determination of the Existence of Financial Means"¹⁶⁴;</p> <ul style="list-style-type: none"> • it is not necessary to prove education or professional experience, unless they are employed in a regulated profession; • there must be a published vacancy for which local workers can initially apply within 10 working days.

10. Are there currently any changes foreseen to the legal framework and the labour migration policy approach **pertaining to labour shortages in progress?**¹⁶⁵
YES/NO. If YES, please elaborate briefly.

Yes.

Latvia is currently developing a "Green Corridor" to attract third-country workers, with the aim of implementing a sound and coherent immigration policy, at the same time ensuring quick and easy access to third-country labour for importance to the Latvian economy, while controlling security risks. "The Green Corridor" will speed up the processing of documents and the production of residence permits.¹⁶⁶

11. Does your country use indicators for monitoring, or does it conduct other evaluations (for instance collecting feedback from employers or migrants or other tools) to assess the outcomes of labour migration policies in terms of attracting and retaining foreign workforce? YES/NO. If YES, please provide examples if available.

No.

¹⁶⁴ Cabinet Regulation No. 225 of 25 April 2017 "Regulations Regarding the Amount of Financial Means Necessary for a Foreigner and the Determination of the Existence of Financial Means". — *Latvijas Vēstnesis*, No. 97, 18.05.2017. — [entered into force on 19.05.2017.]

¹⁶⁵ i.e. ongoing but not adopted yet

¹⁶⁶ Valainis: increasing control mechanisms should reduce administrative barriers to attracting third-country workers. — Available at: <https://www.em.gov.lv/lv/jaunums/valainis-palielinot-kontroles-mehanismus-jamazina-administrativie-skersli-treso-valstu-darba-speka-piesaistei>

The Office of Citizenship and Migration Affairs (hereinafter – the OCMA) regularly collects information on residence permits issued, which helps to assess the current situation.

Information collected by the OCMA on the employment rights granted to foreign workers – aggregated by country and occupation in which the right to employment was granted. For example, in 2023, a total of 18,983 employment rights were issued.

Every year, the OCMA conducts a customer satisfaction survey,¹⁶⁷ but it covers all services provided by the OCMA, not only migration, so no unambiguous conclusions about the quality of the labour migration service can be drawn from the survey results.

12. Has your country implemented policies intended to positively influence the duration of stay of foreign talent in your country (i.e. measures to retain workers).¹⁶⁸ YES/NO. If YES, please provide an example, if available?

Yes.

Under the "[Law on the Society Integration Foundation](#)," The Society Integration Fund (hereinafter – SIF) has been established in Latvia since 2001. SIF is a public foundation that ensures the effective implementation of community cohesion policies and provides important support to the non-governmental sector to strengthen statehood and democracy by supporting a civically literate, active, responsible, inclusive and cohesive society. The Fund implements programmes financed by the state budget, European Union instruments and foreign financial assistance. Main areas of activity: support to the non-governmental sector, minorities, families, diaspora, socially vulnerable and media. The SIF support programme also provides support to the media and non-governmental organisations (NGOs), as well as support for Latvian language learning for re-emigrants and their family members.

The SIF has also set up the Integration and Inclusion Agency (hereinafter – IIA), which provides advice to third-country nationals and beneficiaries of international protection. The task of the IIA is to provide timely support to third-country nationals who have received the right to reside in the territory of Latvia and persons in need of international protection (refugees, persons who have been granted an alternative status, and asylum seekers) and who are legally residing in the territory of Latvia during the initial integration phase, in order to promote the integration of third-country nationals and the development of a cohesive society by establishing a systematic and unified national approach, providing the necessary information and advisory support in one place in the Integration and Inclusion Agency and at the same time improving cooperation with representatives of different sectors. The project will run from 1 January 2023 to 31 December 2025.

¹⁶⁷ Customer survey summary, 2021. — Available: <https://www.pmlp.gov.lv/lv/2021>; Customer survey summary, 2022. — Available: <https://www.pmlp.gov.lv/lv/2022>; Customer survey summary, 2023. — Available: <https://www.pmlp.gov.lv/lv/2023>.

¹⁶⁸ The insertion of question has been called for by a policy stakeholder, since policy actors are interested to learn, which policies do not only attract but also make retention of workers more likely.

13. What are lessons learned– if any- in your MS about labour migration policy and legal pathways, regarding the objective of reducing labour shortages.¹⁶⁹

According to the medium and long-term labour market forecasts developed by the Ministry of the Economics¹⁷⁰, overall demand will grow in the medium and long term, mainly for highly skilled occupations. The sharpest fall in labour demand will be in low-skilled occupations. All sectors will be affected.

It can be concluded that Latvia is not in a unique situation, the European Union has also achieved a record high level of employment and the historically lowest level of unemployment. However, almost every sector is experiencing staff shortages – some less acute, others so critical that it is impossible to do a full job because there is no one to do it.¹⁷¹

That is why new and innovative ways to attract the best people are now being sought to reduce labour shortages.

In the light of the above, Latvia has started work on improving the existing processes (amending the Immigration Law, developing the "Green Corridor") to make it easier for highly skilled professionals to start working in Latvia.

14. Please highlight the main challenges - if any- faced in your country regarding your labour migration policy and legal pathways, regarding the objective of reducing labour shortages.¹⁷²

Currently, there is no accurate information on the prevalence of immigration violations in Latvia, when bringing in foreign labour force. However, the Latvian authorities have identified cases where Latvia has been used as a labour transit country, i.e., a third-country national is registered as an employee in Latvia but is actually sent to work in another EU country. As a result, the number of applicants for visas and residence permits is on the rise, largely aimed at taking unfair advantage of Latvia's immigration system. This results in a large amount of resources being spent on issuing work permits/visas, which is an additional burden for both the OCMA and the Ministry of Foreign Affairs. In addition, local jobseekers are also misled about the availability of such vacancies, thus prolonging their job search time.

The German responsible authorities are also often providing information on employment irregularities. This is why the Ministry of Welfare and the State Social Insurance Agency (SSIA) often cooperate with the German law enforcement authorities in relation to the issue of A1 certificates – by cancelling them. In practice, this tends to be the case where the German authorities have identified potential slavery risks. A recent ruling by the CJEU, following an application by Lithuania and other Member States to declare the Mobility Package legislation and its requirements (including rules on drivers' rest places, cabotage, dispatch of workers, regular return home, etc.) null and void.

¹⁶⁹ Based on expert opinions or official reports. Please clarify the sources.

¹⁷⁰ Informative report on medium- and long-term labour market forecasts. 2022, available at: <https://www.em.gov.lv/lv/media/14720/download?attachment>

¹⁷¹ There is a shortage of workers both in Europe and Latvia. Which occupations have the most vacancies? – Available at: <https://www.delfi.lv/bizness/56234200/eiropas-zinas/120004694/darbinieku-trukst-gan-eiropa-gan-latvija-kuras-profesijas-vislielakais-vakancu-skaitis>

¹⁷² Based on expert opinions or official reports. Please clarify the sources.

Latvia also supported this request. The Court decided to annul only the provisions relating to the return of the vehicle every 8 weeks¹⁷³.

On a daily basis, the State Border Guard also frequently detects various document forgeries, such as forged study contracts, driving licences and other documents¹⁷⁴.

15. Please highlight good practices of your labour migration policy and legal pathways, regarding the objective of reducing labour shortages.¹⁷⁵

Since the end of 2023, a number of laws and regulations have been amended to help businesses avoid losing productivity due to a shortage of workers. The package of amendments, in addition to the above-mentioned amendments to the Cabinet Regulation No. 55 of 28 January 2014 "Regulations Regarding the Employment of Foreigners", includes:

- Cabinet Regulation No. 225 of 25 April 2017 "Regulations Regarding the Amount of Financial Means Necessary for a Foreigner and the Determination of the Existence of Financial Means"¹⁷⁶ – provides that if a foreigner obtains a visa and the right to employment, the salary shall not be less than the average monthly gross salary of Latvian workers in the sector in the previous year or the minimum salary established by the sectoral general agreement concluded in accordance with the fourth paragraph of Section 18 of the Labour Law¹⁷⁷ – amendments adopted on 30 January 2024. The changes will make the conditions for employing foreigners the same for all labour market players – with a single set of rules defining the amount of financial resources needed for each sector. By recruiting a foreigner for the current vacancy, the employer is clear about the financial resources needed to employ the foreigner.
- On 21 June 2010, Cabinet Regulation No. 552 "Procedures for Approval of Invitations and Drawing up of Written Requests"¹⁷⁸ – provides for waiving the requirement for the inviter to submit a copy of a document certifying the foreigner's education/experience. Replaced by self-certification of a job interview or a commitment to training – adopted on 19 December 2023. The changes ease the conditions for employing foreigners, while at the same time making employers more responsible for the foreigners they invite.

¹⁷³ Judgment of the Court in Joined Cases C-541/20 to C-555/20 | Lithuania and Others v Parliament and Council (Mobility Package). – Available at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-10/cp240173en.pdf>

¹⁷⁴ Makes it easier to attract migrant workers, but penalises immigration offences more severely. – Available at: <https://lvportals.lv/skaidrojumi/359981-atvieglos-viesstradnieku-piesaisti-bet-stingrak-sodis-par-imigracijas-parkapumiem-2024>

¹⁷⁵ Based on expert opinions or official reports. Please clarify the sources.

¹⁷⁶ Cabinet Regulation No. 74 of 30 January 2024 "[Amendments to Cabinet Regulation No. 225 of 25 April 2017 'Regulations Regarding the Amount of Financial Means Necessary for a Foreigner and the Determination of the Existence of Financial Means'](#)". – *Latvijas Vēstnesis*, No. 27, 07.02.2024. – [entered into force on 08.02.2024.]

¹⁷⁷ [Labour Law](#). – *Latvijas Vēstnesis* No 105, 06.07.2001. – [entered into force on 01.06.2002.]

¹⁷⁸ Cabinet Regulation No. 143 of 5 March 2024 "[Cabinet Regulation No. 552 of 21 June 2010 'Procedures for Approval of Invitations and Drawing up of Written Requests'](#)". – *Latvijas Vēstnesis*, No. 48, 07.03.2024. – [entered into force on 08.03.2024.]

SECTION 3: PRACTICES AND INITIATIVES TO ATTRACT AND RECRUIT FOREIGN TALENT TO TACKLE LABOUR SHORTAGES¹⁷⁹

*This section is meant to add aspects that are **not** covered by the 2024 Inform on foreign talent, **such as mid- and low-skilled initiatives** and recruitment practices as well as initiatives tackling internal regional imbalances, safeguards in place and synergies with EU instruments.*

16. Has your country institutionalised/coordinated a national recruitment mechanism for foreign talent in shortage occupations (e.g. via a public/state-related agency¹⁸⁰ offices, strategy)? YES/NO.
- If YES, please use the list below, briefly describing the mechanisms that are in place.
 - If NO (e.g. recruitment agencies operating **independently** without institutionalised/coordinated initiatives in place), please, if possible, explain why and how national authorities can steer recruitment (if at all) in that case (e.g. regarding safeguards for foreign talent in place and measures in place to ensure labour and social rights are upheld in the recruitment process etc., e.g. German state seal of quality, 'Fair Recruitment Healthcare Germany').

What?	Yes/No/No information available – N.i.a)
List of specific occupations and/or mechanism to identify occupations (e.g. occupational list)	Yes, the Cabinet of Ministers has identified Specialities (occupations) where a significant shortage of labour is forecast ¹⁸¹ .
<p>If yes, please describe briefly</p> <p>The inclusion of occupations in the list is aimed at addressing labour market mismatches in the short and medium term, as well as not limiting the supply of highly skilled labour in certain occupations important for economic growth, such as scientists and researchers (only those working in the private sphere will benefit from the easing; academics are already exempt from these restrictions).</p> <p>The Regulations define the professions for which the requirements for obtaining employment rights will be eased, thus speeding up the process of obtaining work permits for foreigners and increasing the availability of highly skilled labour for employers in Latvia</p>	
Stakeholders involved	Yes
<p>If yes, please describe briefly</p> <p>Employers and recruitment agencies for whom the requirements for obtaining employment rights are eased. The procedure also involves state institutions – the Ministry of the Interior and the Office of Citizenship and Migration Affairs.</p>	
Initiatives and venues to advertise open positions	No

¹⁷⁹ In your response to the questions in section 3, please refer to the shortage occupations you have identified in section 1/question 1.

¹⁸⁰ An example here would be the German Agency for International Healthcare Professionals.

¹⁸¹ Cabinet Regulation No. 108 of 20 February 2018 "Specialities (Professions) in Which a Significant Shortage of Workforce is Forecast and in Which Foreigners May Be Invited to Work in the Republic of Latvia". — *Latvijas Vēstnesis*, No. 47, 06.03.2018. — [entered into force on 07.03.2018.]

What?	Yes/No/No information available – N.i.a)
<i>If yes, please describe briefly [...]</i>	
Matching procedure for employers and employees	No
<i>If yes, please describe briefly [...]</i>	
Facilitation of migration process (e.g. visa, travel)	Yes
<i>If yes, please describe briefly [...]</i> The legislation was designed to have a positive impact on the economy by reducing the time needed for employers to attract highly skilled foreign specialists in occupations that are in short supply in Latvia. If the applicant applies for the EU Blue Card, he or she does not need to register the vacancy with the SEA.	
Cost distribution for recruitment (incl. recruitment fees, visa, travel, translation of documents) between employers/government/migrants	Yes
<i>If yes, please describe briefly [...]</i> Latvian employers who decide to invite a foreigner to work for them pay the costs of his/her arrival. Similarly, Section 40(10) of the Labour Law ¹⁸² states that the employment contract must be concluded in the official language. If the employee is a foreigner who does not speak the official language to a sufficient level, the employer is obliged to inform the employee in writing, in a language he or she understands, of the terms of the employment contract.	
Information and/or practical guidelines about labour and social rights for foreign workers	No
<i>If yes, please describe briefly [...]</i> The Ministry of Economics, in cooperation with the involved public authorities, is currently working on the concept of a single service agency for attracting highly skilled foreign talent, based on the model of the <i>Internation House</i> Vilnius single customer service centre, where representatives of the public authorities involved in migration issues will be located on site to provide all necessary services in one place – residence permit processing, tax advice, job search support, advice on employment and Labour Law issues, and other services. ¹⁸³	
Provisions ensuring that recruitment from abroad does not substitute but complement other necessary measures to address labour shortages (i.e. a provision in recruitment strategy that this strategy has to be combined with measures regarding e.g. labour conditions and/or ongoing productivity investments in sectors)	Yes
<i>If yes, please describe briefly [...]</i> Separate rules have not been developed. Latvia's labour migration policy is primarily aimed at motivating employers to attract labour from Latvia's internal labour market to fill vacancies, including by developing and implementing mechanisms for up-skilling and re-skilling the labour force. Thinking about attracting foreign workers is secondary.	

17. Does your country have other initiatives (programmes, projects, information campaigns or other actions) in place designed to attract mid- and low-skilled

¹⁸² Labour Law. — *Latvijas Vēstnesis*, No. 105, 06.07.2001. — [entered into force on 01.06.2002.]

¹⁸³ Source: Ministry of Economics

workers from third countries, i.e. not yet reported under Q16? If yes, please describe up to three initiatives.¹⁸⁴

Latvia's policy is primarily focused on the use of local labour, and attracting foreign labour is only a short-term solution for those businesses that cannot find local labour in Latvia to meet their needs. To help employers address the current labour shortages in the short term, the Ministry of Economics is implementing the following initiatives:

- a concept is being developed for a single service agency to attract highly qualified foreign talent, thereby boosting the competitiveness of Latvian domestic companies and ensuring faster growth of the Latvian economy.¹⁸⁵
 - the Baltic States, with the support of the European Union, have launched a pilot project with Nigeria, Kenya and Armenia to attract the information technology (IT) professionals they need. The pilot project is expected to lead to an influx of highly educated professionals who will help the Baltic companies, especially start-ups, to grow faster. Talented Nigerians, Kenyans and Armenians will be able to demonstrate their professional skills.¹⁸⁶
18. Does your country offer structured legal employment pathways for irregular migrants for shortage occupations? If yes, to what extent this is a part of the overall labour migration policy strategy and a substantial labour migration channel.

Latvia does not offer structured, legal employment pathways for irregular migrants.

19. Does your country encounter regional imbalances,¹⁸⁷ i.e. regional differences regarding the ability to attract foreign talent **within** your country. YES/NO and if YES, are there any initiatives to mitigate those?

Yes.

There are regional differences in Latvia. It is more difficult for employers to attract foreign talent and highly skilled workers for vacancies outside the Latvian capital, especially in the eastern Latgale region, for example.

20. Are EU instruments on labour migration designed from 2021 onwards (e.g. Talent Partnerships, Migration Partnership Facility, and the proposed Talent Pool) used in your country to attract foreign talent? YES/NO. If YES, please refer to any insights thereto by your Member State, if available.

No.

¹⁸⁴ Please base your answer on expert' opinions or objective/empirical evaluation reports and include the perspective of social partners, and other critical stakeholders, in your evaluation.

¹⁸⁵ The Human Capital Development Council decides to set up a single commission to coordinate adult education. - Available at: <https://www.em.gov.lv/lv/jaunums/cilvekkapitala-attistibas-padome-nolemj-izveidot-vienotu-komisiju-pieauguso-izglitibas-koordinacijai>

¹⁸⁶ Baltic companies will look for IT professionals in Nigeria, Kenya and Armenia. - Available at: <https://www.lsm.lv/raksts/zinas/ekonomika/28.11.2023-baltijas-uznemumi-mekles-it-specialistus-nigerija-kenija-un-armenija.a533215/>

¹⁸⁷ For country specific examples see section 4.4. of: European Labour Authority (ELA), 'EURES Report on Labour Shortages and Surpluses 2022'. 2022, <https://www.ela.europa.eu/sites/default/files/2023-09/ELA-eures-shortages-surpluses-report-2022.pdf>, p. 39-43, last accessed on 11 July 2024.

Latvia appreciates the EU's mobility initiatives, but has not yet made use of these instruments. The Ministry of Foreign Affairs and the Ministry of Welfare of the Republic of Latvia receive and, in cooperation with other institutions, evaluate migration and mobility partnership agreements. However, significant risks and potential costs are evaluated before easing of migration conditions. For example, this year partnership agreements have been received and are being evaluated from countries such as India, Kazakhstan and El Salvador, but there has been insufficient support for such agreements, both because of employers' lack of interest and because, for example, the draft agreement proposed by India would create parallel schemes to those already established within the EU (for highly skilled workers, students, researchers). Latvia also believes that such agreements with non-EU or non-EEA countries should include aspects of the prevention of irregular migration and trafficking in human beings.

Partnership agreements that facilitate the mobility of highly skilled workers are an essential aspect of the Latvian economy's transition to higher productivity and added value, but no such agreements have been concluded so far.¹⁸⁸

SECTION 4: CONCLUSIONS

*Please draw an analysis of section 1-3 regarding your country's approach towards labour migration in times of labour shortages. **The questions proposed below shall support NCPs to reflect the main topics of the study template (they shall not be answered by stakeholders, but aim to stimulate NCPs concluding summary in synthesising/linking the main points already mentioned in the template, if relevant and useful for NCPs):***

- Is labour migration used by your country to tackle current and to prevent future labour shortages (in terms legislative/policy framework and/or by practical initiatives to attract and recruit foreign talent) and if so, how?

Latvia considers quality human capital to be the most important resource for economic transformation and growth. To reduce possible labour market imbalances in the future, a comprehensive approach is needed, emphasising labour migration as one of the methods to reduce labour shortages in the domestic labour market.

To overcome human capital challenges and to facilitate the transition of the economy to the future labour market, a "Human Capital Development Strategy 2024-2027" is being developed¹⁸⁹. It involved a wide range of experts from sectoral ministries and non-governmental organisations to find comprehensive and integrated solutions for human capital development. Five thematic action lines for workforce development and productivity were identified:

1. The thematic priorities of the STEM Education and Skills Action Line are to increase employers' participation in human capital development, especially in STEM fields, strengthen quality and governance, improve the financial support system for students, especially in STEM fields, and provide learning materials, especially in STEM fields.
2. Action line's "Broadening the labour market" thematic objective priorities are labour mobility and access to housing, motivation and labour market participation of economically inactive groups, ageing trends in the workforce and a healthy working environment.

¹⁸⁸ Source: Experts from the Ministry of Economics and the OCMA.

¹⁸⁹ Draft Action Plan "Human Capital Development Strategy 2024-2027". – Available at: https://tapportals.mk.gov.lv/legal_acts/2d477536-f88c-439c-a768-7f9cb025f7d9

3. The thematic priorities of the action line "Attracting skilled workers" are the improvement of labour immigration processes and the attraction of Latvian and foreign students studying abroad.
4. The thematic priorities of the Action Line "Supply and quality of adult learning, skills" are the promotion of a culture of adult learning in society and the development of workers' skills and the provision and quality of support for re-skilling.
5. The thematic priorities of the Action Line "Support for entrepreneurship" are to ensure access to support for entrepreneurs for retraining, knowledge capacity building.

The sub-objectives discussed above were also identified during the development of the Strategy; if the sub-objectives are not achieved through the measures included in the Strategy, the difference will be covered through migration. Apart from attracting foreign students, migration is not currently encouraged or discouraged. Employers already have opportunities to actively attract foreign workers, which are being used. However, in Latvia's view, the focus should be on highly skilled specialists, while ensuring quick and easy access to third-country labour for the needs of companies of good reputation and importance to the Latvian economy – by applying the "Green Corridor" mechanism.

- Which additional value do EU instruments bring to national instruments in addressing labour shortages at national level?

In addition to the benefits of the EU instruments, we would like to highlight:

- The EU Blue Card – entry and residence of highly qualified workers (after 2023) – sets out the conditions (as well as the rights) under which highly qualified third-country nationals and their family members can enter and reside in the EU¹⁹⁰.
- *DIRECTIVE (EU) 2016/801 of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing*¹⁹¹ – applies to third-country nationals who apply for admission or who are admitted to the territory of a Member State for the purposes of research, studies, traineeships or voluntary work with the European Voluntary Service.

The above-mentioned instruments contribute to attracting highly skilled foreign workers, thus contributing to Latvia's economic growth and international competitiveness, as well as to the country's prosperity.

- What are your country's lessons learned, good practices, and challenges from using labour migration to tackle labour shortages?

¹⁹⁰ EU Blue Card – entry and residence of highly skilled workers (after 2023) – Available at: <https://eur-lex.europa.eu/legal-content/LV/TXT/?uri=LEGISUM:4559508>

¹⁹¹ Directive (EU) of the European Parliament and of the Council [2016/801 \(11 May 2016\)](#) on the conditions of entry and residence of third-country nationals for the purposes of research, studies, traineeships, voluntary service, pupil exchange schemes or educational projects and au pairing (reworked edition). – Official Journal L, 21.05.2016.

Attracting foreign workers allows employers to respond flexibly to labour shortages, enabling them to take on contractual commitments and develop their business activities. Latvia does not currently restrict the admission of workers by allowing the entry of employees with any qualifications, but this practice does pose some problems:

- 1) When employers take on large numbers of low-skilled workers, they often take advantage of the workers' low level of education and lack of familiarity with the laws and regulations of the Republic of Latvia by failing to pay the promised wages or provide decent working conditions;
- 2) the possibility to invite employees of any qualification and not setting such restrictive criteria as in other EU/Schengen countries, it can be observed that not all invited guest workers are to be employed in the territory of Latvia, but they are sent to work in other EU/Schengen countries, sometimes in violation of the conditions for sending workers and circumventing the employment rules of other countries.¹⁹²

To address labour shortages and improve the Latvian labour market, we would like to highlight:

Lessons learned:

- ✓ Maximising the labour market participation of the existing labour force is crucial. The Latvian authorities have been actively cooperating in the context of tax policy on how to improve it and what measures to take to do so. One of the key findings was that it is possible to bring more than 23,000 additional people into the labour market over the next 3 years¹⁹³;
- ✓ It is essential not only to increase the regional mobility of the workforce, i.e., the ability to move between jobs and places of residence quickly, but also to ensure a regional restructuring of investment and job opportunities and to promote the quality of jobs.

Problems:

- ✓ It is also important to think about the health of the workforce – Latvia's public health indicators lag far behind those of other EU Member States;
- ✓ Reducing workplace accidents is also key. Latvia has therefore also developed a Labour Protection Development Plan 2024 - 2027, which sets out concrete measures to further develop the field of occupational safety and health. The aim is to ensure a safe and healthy working environment, thus contributing to prolonging the working lives of employees and reducing accidents and fatalities at work.

¹⁹² Source: OCMA expert

¹⁹³ Draft Action Plan "Human Capital Development Strategy 2024-2027". – Available at: https://tapportals.mk.gov.lv/legal_acts/2d477536-f88c-439c-a768-7f9cb025f7d9

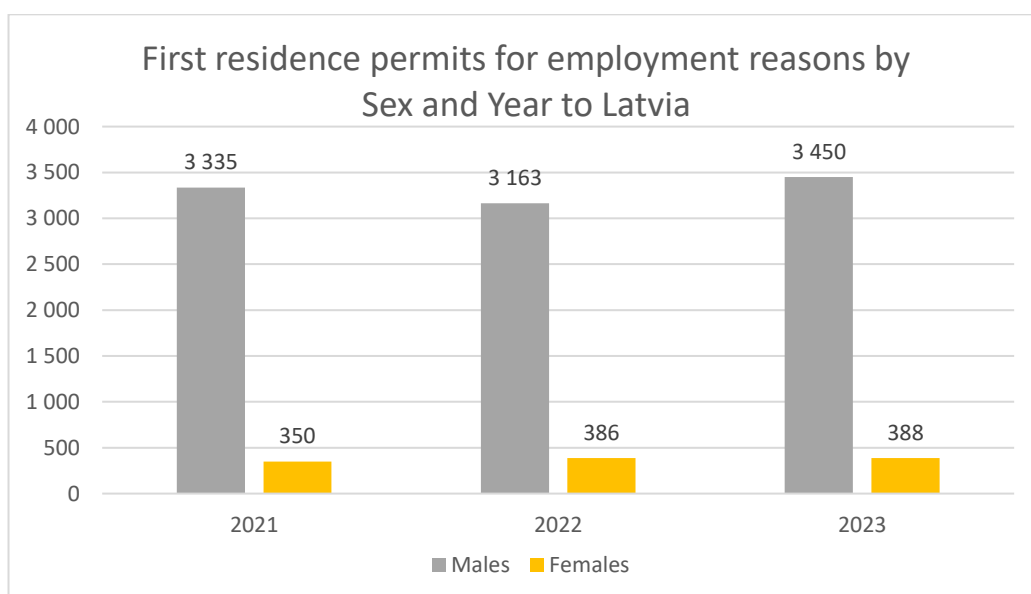
ANNEX: STATISTICAL DATA ON LABOUR MIGRATION

(Annex 1 a provided by ICF & ANNEX B provided by NCPs)

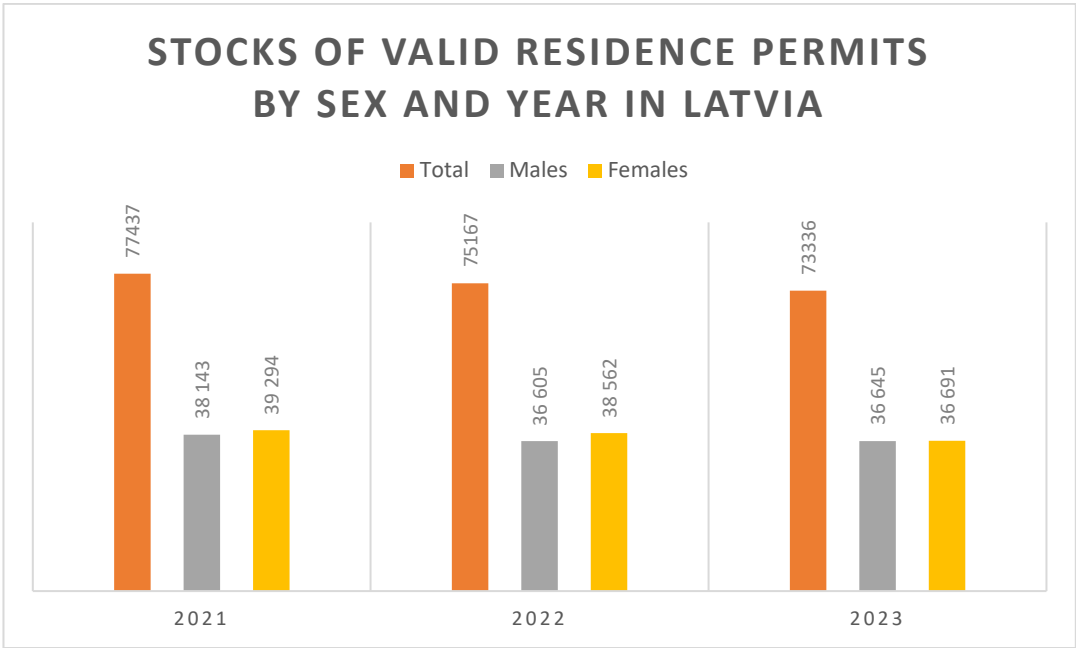
Annex 1 a: BASED ON EUROSTAT DATA (PROVIDED BY ICF)

All data based on Eurostat sources will be centrally collected and used for the synthesis report. It can be hence disregarded as part of the national template, but we inserted it here for your information as it will be sent to you at the launch of the study. This data will be complemented by you when conducting this study with national statistics as requested in Annex 1b.

1. ICF please provide a separate table for each EMN Member and Observer country, in which the data on the **flows** (i.e. **first employment residence permits issued** [migr_resfas]) and **stocks** (**residence permits at end of year** [migr_resvalid]) for 2021-23. Please disaggregate by sex.

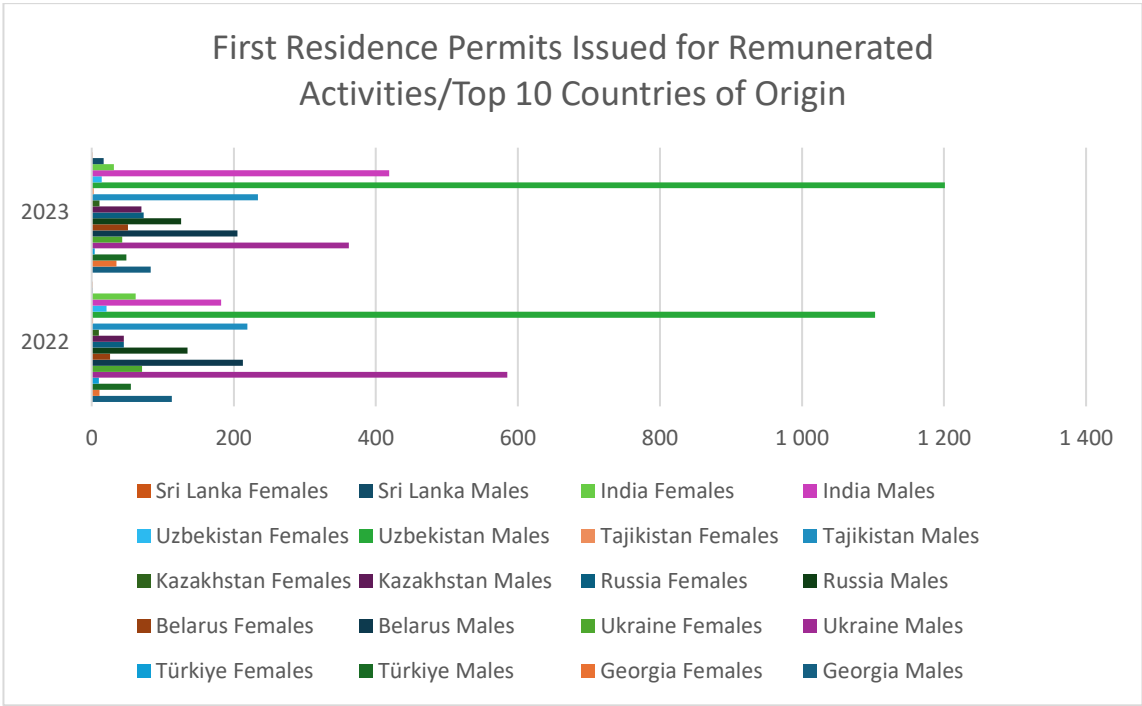


Source: First permits by reason, age, sex and citizenship. – Eurostat [migr_resfas]



Source: All valid permits by age, sex and citizenship on 31 December of each year. - Eurostat [migr_resvalid]

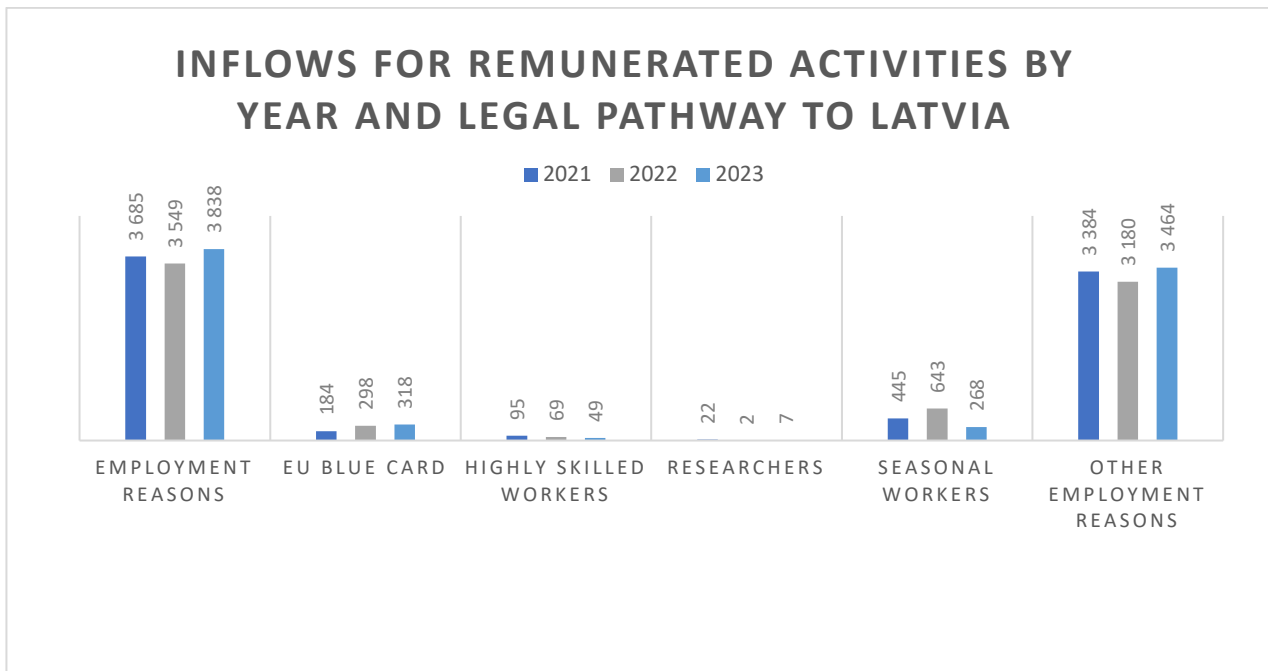
2. ICF please provide a separate table for each EMN country, in which the data on the **flows** (i.e. **first employment residence permits issued** [migr_resfas]) is broken down for the **top 10 countries of origin** (citizenship). Please disaggregate by sex.



First Residence Permits Issued for Remunerated Activities
/Top 10 Countries of Origin

Country of Origin	Sex	2022	2023
Georgia	Males	113	83
Georgia	Females	11	35
Türkiye	Males	55	49
Türkiye	Females	10	4
Ukraine	Males	585	362
Ukraine	Females	71	43
Belarus	Males	213	205
Belarus	Females	26	51
Russia	Males	135	126
Russia	Females	45	73
Kazakhstan	Males	45	70
Kazakhstan	Females	10	11
Tajikistan	Males	219	234
Tajikistan	Females	2	3
Uzbekistan	Males	1103	1201
Uzbekistan	Females	21	14
India	Males	182	419
India	Females	62	31
Sri Lanka	Males	1	17
Sri Lanka	Females	1	1

3. ICF, please add data on foreign arrival flows (first residence permits) broken down by **legal pathway** (based on migr_resocc; migr_ressw1_1) for all EMN Member and Observer Countries. Please disaggregate by sex.



4. ICF please provide a table on shortages for each EMN Member and Observer country using Eurostat Data on Job Vacancies by economic activities (NACE).

Job Vacancy Rate by Sector in Latvia. Average for 2021-2024 1Q.



Annex 1 b: BASED ON NATIONAL DATA (PROVIDED BY NCPs, IF AVAILABLE)

Please complement Eurostat data from Annex 1 a with national data. National data may be substituted (if not available) or contextualised by referencing national reports and/or expert input. If NCPs wish e.g. because of stark regional variation, they may also add information on regional data in addition to national data.

1. Which occupations does your country believe are most in need of migrant workers and how are those needs identified (e.g. based on national migration occupation shortage lists or other appropriate, objective empirical sources? In case your country also has regional shortage lists, you may also add them here.

To forecast the labour market situation, the Ministry of Economics uses the Labour Market Forecasts, which are prepared for the medium-term period up to 2030 and the long-term period up to 2040.

In Latvia, 882.4 thousand or 64.3% of the population aged 15-74 were employed in Q2 2024. In 2023, 884.2 thousand people aged 15-74, or 64.2% of the population, were employed.

The most significant employment growth in 2023 was in health and social work, transport and storage, agriculture and logging. The most significant decline in labour demand was in the trade sector. In Latvia, as shown in Figure 1 "Registered unemployment rate in the country as of 30 September 2024", regional differences can be observed.

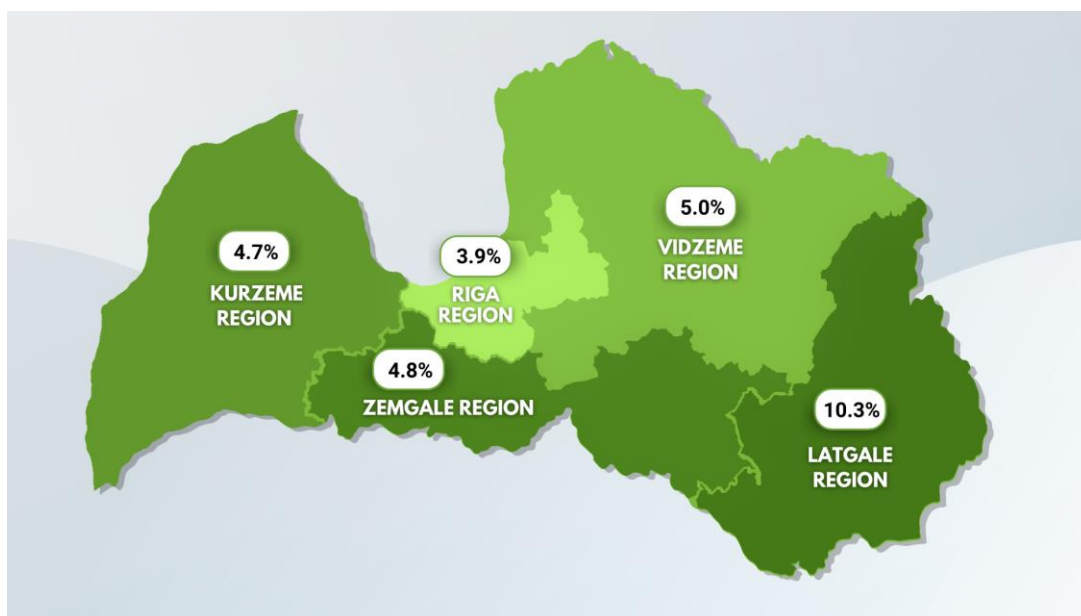


Image – 3. Registered unemployment rate in the country as of 30 September 2024¹⁹⁴

The registered unemployment rate on 30 September 2024 was 5.1%. The unemployment rate varies across all regions of Latvia – the lowest unemployment rate was in the Riga region, while the highest was in the Latgale region – 10.3%.

According to the Economic Survey of Latvia by the Ministry of Economics, and taking into account the trend of an ageing workforce, the main job opportunities in the coming years will come from replacement labour demand. Almost 2/3 of all vacancies in

¹⁹⁴ Unemployment statistics. — Available: <https://www.nva.gov.lv/lv/bezdarba-statistika>

Latvia in the period up to 2030 are expected to be in replacement demand, as shown in Figure 2 "Changes in labour force characteristics and employment in sectors".

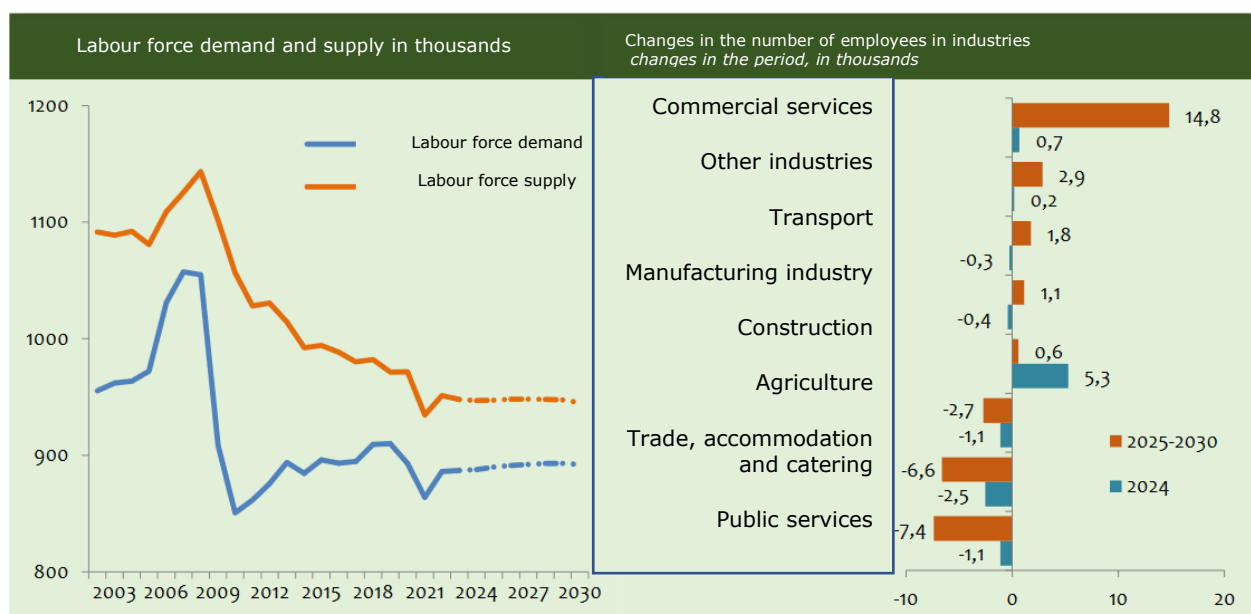


Image – 4. Changes in labour force characteristics and employment in sectors¹⁹⁵

The largest increase in labour demand is expected in the business services sector up to 2030, especially in IT services and professional, scientific and technical services. Overall, the number of people employed in the business services sector could increase by 15,000 by 2030 compared to 2024. Similarly, a significant increase in labour demand is expected in the medium term in the industrial sectors of mining and quarrying, electricity, gas, heating and air conditioning; water supply; waste water, waste management and remediation, which is associated with both an increase in demand for raw materials in the construction sector and the transformation of the energy sectors and the implementation of the EU Green Deal.

Overall, the number of people employed in other industries is expected to grow by almost 3,000 between 2025 and 2030.

Employment in transport services will also continue to grow in the medium term, but given that the structure of the sector has changed significantly during the crisis (large drops in labour demand for air and water passenger transport and rail services), employment in the sector may not return to 2019 levels by 2030.

The most significant employment reductions over the 2025-2030 period are expected in the public services sectors, mainly in public administration and education, given both the planned downsizing of public administration and the continued streamlining of the school network. The number of people employed in public administration could fall by around 6,000 by 2030, and by 5,900 in the education sector, compared to 2024.

¹⁹⁵ Latvian Economic Development Review. Riga 2023. Page 110. – Available at: <https://www.em.gov.lv/lv/media/18864/download?attachment>

At the same time, the number of people employed in health and social care is likely to continue to grow. The number of people employed in the health and social care sector could grow by 4.5 thousand between 2025 and 2030.¹⁹⁶

- Based on national statistics please report data on **stock** (permits for employment at the end of the year) and **flows** (first permits for employment) of foreign workforce broken down by **sector**.¹⁹⁷

Please provide the information in the tables below. If no data is available, insert that this information is not available (n.i.a.).

Foreign talent 2021-2023 broken down by economic sector (flow)

Economic Sectors ¹⁹⁸	2021 flows	2021 stocks	2022 flows	2022 stocks	2023 flows	2023 stocks
Agriculture, Forestry and Fishing	427	106	493	143	337	143
Mining and Quarrying	164	55	224	72	132	41
Manufacturing	2017	1285	2300	1805	1998	1621
Electricity, Gas, Steam and Air Conditioning Supply	24	12	9	6	6	6
Water Supply; Sewerage, Waste Management and Remediation Activities	5	3	20	19	51	23
Construction	3184	1972	3702	2655	3131	2243
Wholesale and Retail Trade; Repair of Motor Vehicles and Motorcycles	407	272	478	391	381	314
Transportation and Storage	6481	3903	7399	5981	7632	5939
Accommodation and Food Service Activities	425	245	638	508	595	525
Information and Communication	1368	850	1624	1412	1664	1414

¹⁹⁶ Latvian Economic Development Review. Riga 2023. – Available at: <https://www.em.gov.lv/lv/media/18864/download?attachment>

¹⁹⁷ Regarding differentiation by sectors, see: European Commission, 'Employment and Social Developments in Europe 2023. Addressing Labour Shortages and Skills Gaps in the EU'. 2023, Luxembourg: Publications Office of the European Union, <https://ec.europa.eu/social/BlobServlet?docId=26989&langId=en>, last accessed on 11 July 2024.

¹⁹⁸ If possible, please use the NACE rev. 2 classifications: Agriculture, forestry and fishing; Mining and quarrying; Manufacturing; Electricity, gas, steam and air conditioning supply; Water supply, sewerage, waste management and remediation activities; Construction; Wholesale and retail trade, repair of motor vehicles and motorcycles; Transportation and storage; Accommodation and food service activities; Information and communication; Financial and insurance activities; Real estate activities; Professional, scientific and technical activities; Administrative and support service activities; Public administration and defence, compulsory social security; Education; Human health and social work activities; Arts, entertainment and recreation; Other service activities; Activities as households as employers, undifferentiated goods- and services-producing activities of households for own use; Activities of extraterritorial organisations and bodies.

Financial and Insurance Activities	128	81	127	114	139	115
Real Estate Activities	73	47	89	60	47	44
Professional, Scientific and Technical Activities	567	373	628	553	665	541
Administrative and Support Service Activities	634	346	1464	914	1689	1180
Public Administration and Defence; Compulsory Social Security	4	4	3	1	1	1
Education	134	108	163	155	186	173
Human Health and Social Work Activities	14	13	15	17	12	14
Arts, Entertainment and Recreation	307	150	303	198	266	199
Other Service Activities	37	25	52	45	50	46
Activities of Households as Employers; Undifferentiated Goods and Services Producing Activities of Households for Own Use						
Activities of Extraterritorial Organisations and Bodies					1	1
Total	16400	9850	19731	15049	18983	14583

Source: Office of Citizenship and Migration Affairs

3. Please report data on incoming foreign workers (flows) broken down by **legal pathways, which are not covered by Eurostat** (i.e. not covered by the data provided by ICF at the launch of the study in Annex 1a). For example, foreign workforce to whom national-specific short-term visas are issued, for instance in Austria so called 'project staff'.¹⁹⁹ Please provide the information in the table below. If no data is available, insert that this information is not available (n.i.a.).

Foreign talent flows not covered by Eurostat, based on national data (indicate source)

¹⁹⁹ See Austrian Government, 'Project Staff - Fixed-term Employment', <https://www.migration.gv.at/en/types-of-immigration/fixed-term-employment/project-staff/>, last accessed on 11 July 2024.

Name of the legal pathway	2021	2022	2023
Legal pathway 1: work visa²⁰⁰	5572	8970	7590

Source: Office of Citizenship and Migration Affairs

²⁰⁰ Work visa: long-stay visa can be issued for up to one year.

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