The Green Card, Working Towards the Future

For many European countries, migration is a hot topic. The social system is too expensive to handle a society of open migration. That is why it is increasingly difficult to enter European countries legally. The parallel existence of an open migration society and a closed welfare state places too great a financial burden on social security. In several European countries, the cost argument has resulted in the tightening of policy on the admission of immigrants from third countries and even for citizens of new member states.

It is against this backdrop that the Dutch cabinet recently decided to improve admission of highly skilled international migrants. There is to be one office, one procedure and one permit for highly skilled migrants. This is particularly crucial for strengthening the knowledge economy. Without supplemental policy, a shortage of 120,000 skilled workers, including many scientists and technicians, is expected in the medium term. D66, the social-liberal democratic party of the Netherlands, applauds this development but would like this policy to go a step further and would like to attempt to make the subject of migration a European issue.

It is important for a balanced immigration policy to be pursued at the European level so we can work towards the future of Europe and improve conditions in developing countries. A policy aimed at both labor and development. An immigration policy that, on the one hand, targets migrants who will be needed to fill the shortage of educated and uneducated workers due to the aging of the population. A proposal is to create a European Green Card.

An immigration policy that, on the other hand, is beneficial to the immigrants themselves and their countries of origin. A proposal for this would be that holders of Green Cards would be given the opportunity to build up an existence in their own country after a certain period, with the knowledge and capital they have gained in Europe. This would be in the form of a starter loan given them. The combination of attracting temporary migrant workers and encouraging the repatriation of these migrants to their country of origin helps keep the European labour market dynamic and should combat “brain drain” in the countries of origin. This migration policy places the emphasis on a positive approach to migration rather than a restrictive one.

There are different ways for immigrants to come to Europe: as asylum-seekers; students; ex-pats; economic immigrants; and those rejoining their families. The ones rejoining their families come to stay. A special entry policy aimed at their complete assimilation is vital for them. Asylum-seekers can be allowed entry for humanitarian reasons, whether temporarily or permanently. It is important that those of them who do acquire permanent resident permits assimilate and are available to the labor market (if they have a permanent resident permit, they do not need a Green Card). Students and ex-pats stay only for a short time in the EU; their entry is not linked to requirements for assimilation. Economic immigrants come temporarily to Europe for work. Because they must be successful in finding/keeping work, assimilation (and a basic command of the language) is required to some degree. This proposal for the Green Card is aimed only at economic immigrants.

All three countries traditionally known for migration, Australia, Canada and the US, have a similar system for the admission of immigrants. The Green Card exists in the US, where it represents permanent resident permit and the right to become a naturalized citizen after a certain period. Canada and Australia have an admission system specifically geared towards labor. We have opted to base this proposal for a European Green Card on the Canadian System. The Canadian system has a reasonably transparent admission system that is based on
the demand for workers and the stimulation of the Canadian economy. The Canadian system has not been adopted entirely, however, because the European situation is quite different. (Also see Appendix I, American and Canadian immigration policy.)

The Green Card

The Applicant
The definition of ‘the applicant’ in the sense of the Green Card system is the natural legal person originating from outside the territory of the European Union who aims to temporarily reside in the European Union. This person has the aim and obligation to support him/herself by acquiring financial income.

The European labour market is the basis of the Green Card. As soon as there is no (more) work for the individual, one is either excluded from entry on the basis of the Green Card or the period of residence is continued or extended. Bringing in a partner and pre-existing children is permitted when entering. Partners are: spouses, partners with a cohabitation contract or partners in a long-term relationship that can be proven. No distinction is made regarding same-sex partners. Ideally, both partners would apply for the Green Card, but a partner can also come along as a co-applicant.

If, for any reason, whether it be compulsory or voluntary, the holder of a Green Card should leave the EU, his/her family members must also leave the EU at the same time as the Green Card holder if only one of the members of the family has a Green Card. Otherwise, the same conditions apply to these immediate family members as do to the holder of the Green Card. Only the work obligation does not apply to these persons, although the partner is allowed to work on the basis of the application or to do volunteer work, which reinforces the partner’s position as an individual.

Like all other children in the EU, children are obligated to attend school, which obligation must be satisfied at the expense of the Green Card holder. Parents are responsible for their children. Children over the age of 18 or who exceed that age during their stay in Europe can apply themselves for their own Green Card or student visa on the basis of their studies. In cases of mistreatment of partners and/or children who have come along, they are entitled to help and protection.

To prevent improper use of the Green Card, a limitation is included that can compel the Green Card holder and his/her family members to leave the EU either together or individually. That is in the event of criminal activities or failure to assimilate, failure to learn the language or repeated non-compliance with financial obligations. The holder of a Green Card has the same rights and obligations as a full-fledged citizen, with the exception of active and passive voting rights.

Conditions for admission
A distinction can be made between two groups that are eligible. Either they are capable themselves, using their own capital, to set up a company: the affluent investor and/or entrepreneur. Or there are those who, because of specific work-related skills, are wanted in Europe because of their added value to the economy. These skilled workers are people who, thanks to their education and work experience, are given the opportunity to temporarily reside in Europe because they are in a position to support themselves economically. This second group can be divided into highly educated and poorly educated persons.
The affluent investor and/or entrepreneur
For the affluent investor, the requirement is that he/she has ample money to support him/herself and his/her family, if applicable. They must invest at least € 45,000 a year of fresh capital in a European company/project.

Entrepreneurs are able to support themselves and set up their own company. In addition, they have to employ at least 1 European employee. This requirement applies for the entire period the company is in the name of the Green Card holder. It is important that the investment or company the person sets up serves the European economy. To the extent that the above rules are not sufficient, European or local legislation in the EU applies.

Educated employees
The skilled workers have to meet some conditions, as well.

Work experience
They must demonstrate that they have at least 1 year of work experience in their designated field. Qualifications can be created for the various professional groups. Divided into:
A) management functions, professionals (academics/researchers);
B) technical personnel and paraprofessionals;
C) clerks, support functions;
D) (un)trained) labourers. Depending on the demands of the labour market of the EU, immigrants can be admitted based on their job qualifications.

Language
In addition, knowledge of the language is a condition. For the immigrant (Green Card holder) to have success in the European labour market, it is important that he/she speak one of the European languages at a certain level. For those who do not need to use Dutch language as much, for example a surgeon or researcher, it is not necessary to have a command of the Dutch language because the work or working environment does not require use of the local language. In those cases, English will suffice.

Knowledge of the language is important for a construction worker, however. His/her co-workers often do not speak any other language besides their own. It is precisely those with a lower level of education for whom speaking the language is important. The range of language courses is important, although immigrants are expected to have a basic knowledge of the language of the country where they arrive. A test is used to determine the level of the Green Card applicant. The higher the level, the higher the chance of admission.

Income.
Since these skilled workers are not entitled to social benefits, the employee must be able to demonstrate that he/she has enough money to support him/herself and his/her family for six months after arriving in Europe. This money cannot be a loan. The required amount depends on the size of the family. This is not required for those who have already been offered a job before arriving in Europe.

Age.
Age also plays a role in the admission requirements. The minimum age for the Green Card applicant and his/her partner is 18 years. The chances of success on the European labour market are taken into consideration.
Partner.
It is possible to bring along one’s partner after one has received the Green Card. The chance of admission is increased depending on the partner’s ability to take care of him/herself in the destination country. The partner must also be at least 18 years old. The better his/her education, knowledge of the language and work experience, the better his/her chances.

Contract.
For those who have already received a job offer before applying for the Green Card, the length of duration of the employment contract is considered when deciding whether to grant the Green Card.

Validity.
Generally, the Green Card will be valid for a maximum period of 5 calendar years. Before the Green Card holder comes to Europe, there must already be prospects of a job by means of a contract or invitation from an employer. In the first 5 years, the Green Card holder must be able to demonstrate that he/she was under contract with a European employer for at least 1044 working days. This means that the Green Card holder must have an employment contract for at least 80% of the period of residence (261*5*0.8= 1044).

If a Green Card holder has been under contract with a European employer for less than 313.2 days in the first 2 years of the first period, the departure procedure immediately goes into effect. This means that one must be under contract at least 60% of the period of residence during the first 2 years (261*2*0.6= 313.2).

Agencies
To properly guide the process of applying for a Green Card and also for the coordination of the demand from the business community, small and medium-sized business, the medical world, academic world, IT and service industry with the supply of immigrants, a bureau for Citizenship and Immigration EU (CIEU) and for Human Resources Development EU (HRDEU) are required. It is necessary that immigrants from third countries:

- receive a job offer from an employer.
- have confirmation from the HRDEU (which assesses the effect of the foreign worker’s arrival on the EU labour market and whether arrival will cause job losses).
- Once the HRDEU has confirmed the job, a Green Card application can be filed with the CIEU.

This CIEU will determine whether the requirements of admission have been satisfied. It will also take care of professional qualifications. In addition, it is important that there be an organization to accredit diplomas and certificates. To reduce bureaucracy, it makes sense to have CIEU do this, while utilizing the experience of NUFFIC, etc. Given the fact that the Green Card holders are to stay in Europe for only a limited time, verification and accreditation should happen quickly.

It is also important that the CIEU work smoothly with employers’ organizations, small and medium-sized business and the trade unions to evaluate demand. Each of these stakeholders should have a supervisory director in a supervisory board.
Public safety
As for public safety and countering terrorism, it is also necessary that the (domestic) security forces be consulted and, in cases of doubt, Europol.

Social security
The social security we know in Europe must also apply to Green Card holders (principle of equality). However, there is not a sufficient basis of support in European society for the position that Green Card holders can make use of the welfare state as we know it. If a full-fledged migration system is to work, adjustments will have to be made for the social security in the European countries.

Accordingly, D66’s proposal is to ultimately strive in Europe for a simplified social system that places greater responsibility with citizens by establishing nominal health/unemployment insurance that citizens can supplement themselves with private insurance. This is a vision that cannot become reality until the long term because of the complexity of the matter and the many interests that factor in.

The proposal for the situation as it now stands is to have Green Card holders pay a contribution to national health insurance and unemployment benefit (principle of solidarity).

In the event of unemployment, this must be confirmed by the HRDEU. Then in consultation with the CIEU, a new employment contract is sought. During the period of unemployment, the Green Card holder receives a basis amount to pay for primary necessities. If no contract is offered after half a year, the Green Card is revoked.

Residency.

Building up a life
The Green Card allows people to come to Europe temporarily, without extension. This means that Green Card holders basically have an imposed restriction when it comes to building up a long-term existence. Green Card holders opt for this. They know in advance what the conditions of residency are. Upon admission, one must sign an agreement regarding the conditions. One of these conditions is that one may not under any circumstances accrue debt exceeding 15% of accrued assets. All debts must be registered with a central organization that also collects income tax. As soon as the debt burden is in threat of exceeding 15% of the accrued assets, this organization may take steps aimed to bring the Green Card holder’s liquidity back up to an acceptable level.

When the CIEU and the Green Card holder reach a mutual agreement that the period of residency can be extended, this means that people can stay in Europe for 10 years as a Green Card holder.

Length of residency
After 5 calendar years, the CIEU can agree with the Green Card holder, provided he/she has performed well and has been a good citizen, that the Green Card can be extended by 5 calendar years. In these 5 years, the Green Card holder must be under contract with a European employer for at least 1044 working days, just like the first period of 5 calendar years.
After 10 years, if the CIEU and the Green Card holder decide that the stay can be extended, the Green Card expires. This because it is deemed unethical to let people live more than 10 years in a fairly uncertain situation.

Thus, the Netherlands have the “Flexwet” (Flex Act), which prevents people from being hired on a temporary contract for an unlimited time. Such a scheme must also apply to Green Card holders. After 10 years, the Green Card holders have demonstrated that they are capable of serving the European economy.

Then there are two possibilities:
1. The Green Card holder decides to stay
2. The Green Card holder decides to use his/her knowledge and skills in his/her home country.

The Green Card holder decides to stay

When the Green Card holder decides to stay, he/she receives a European passport. This gives the Green Card holder the same rights and obligations as any other European. The new European can then build up an existence in Europe. This also applies to any of the Green Card holder’s children who were registered as co-admittees at the time of admission. After 10 years, the Green Card holder has demonstrated his/her ability to properly care for these children. Also, after 10 years of staying in the EU, the children know the language and are entitled to a valid European passport.

The Green Card holder decides to use his/her knowledge and skills in his/her home country.

When the Green Card holder wants to go to his/her home country to use the knowledge gained in Europe, this is a good opportunity for the European Union to invest. Besides the fact that the local economy of the ex-Green Card holder is stimulated by his/her using his/her knowledge in his/her home country, the European Union can benefit from this “termination of employment” if the person goes to work as a self-employed.

Entrepreneurship should be encouraged by means of a starter loan. This starter loan is converted into a gift as soon as one has had a long-term relationship with the European business community for 5 years. This measure works to stimulate trade between the European Union and other countries in the world. This is good for both the economy in the European Union and the economy of other countries in the world. Another possibility is that the migrant returns to his/her country of origin, taking along the premiums he/she has accrued.

Departure
The Green Card holder has to comply with the set period of residency. As soon as this period expires and if the period is not extended, the Green Card holder must leave the European Union within 3 months of notification at his/her own expense. Prior to departure, all outstanding financial obligations must be paid.

Conclusion
D66 is favourable to demand-driven migration that also gives realistic consideration to the development of the labour market in the long term. Concretely, this means an admission policy via a Green Card linked to the number of people needed in certain industries and thus
targeted recruitment of workers. This applies to all types of work. Workers are recruited for a short time with the emphasis on repatriation to their own country as soon as the employment contract expires.

D66 would like to place extra emphasis on the importance of a migration policy that works both ways. Strengthening the European labour market and ultimately strengthening the knowledge and capital of the migrants after they return to their country of origin. This is to be achieved by giving those migrants who decide to build up a life in their own country after having worked for a period in the EU a starter loan. After all, the West cannot simply drain expertise from the rest of the world without giving something in exchange. Requirements are connected to both admission and return with a loan and the emphasis is on the migrant’s own responsibility to make his/her stay a success.

D66 understands that introducing such a migration policy evokes many complicated questions, particularly the fact that pressure on the welfare state will still be inherent to this proposal. That is why D66 would welcome a discussion on European social security in conjunction with the discussion on a common migration policy.

In the interests of the future of a dynamic Europe, it would be fitting to propose a social policy that shifts more responsibility to citizens themselves, in the form of a simplified social system. In this way, the Netherlands would keep their competitive position and it would be easy to temporarily include migrants in European society. In addition, questions remain on issues such as legal equality, safety, integration, etc. As we already said, the aim is not to supply a ready-made answer. This report is just an inventory of possibilities. There is currently hardly any debate about a rational European migration policy. This report could serve as a starting point.

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Annexes: 1 (6 pages)
Annex I

The U.S. immigration policy
Because U.S. immigration policy is very broad and extensive, we will provide a brief explanation of how one can immigrate to the United States. The Green Card policy will be discussed in greater depth.

What are the ways in which one can immigrate to the U.S.?
As a non-immigrant, you can come to the US and apply for a visa; as an immigrant, you can apply for a Green Card; and as an immigrant you can apply to become a naturalized citizen. The latter is only possible if you have lived in the US longer than 5 years consecutively with a Green Card. (Three years if you are married to a US citizen during these three years.)

- A non-immigrant is someone coming to the US to stay temporarily or who may only stay temporarily in the US (who is not entitled to immigrant status).

- An immigrant is someone who comes to the US to stay there permanently or who is to make the US their permanent home base for an unspecified period of time. An immigrant is a lawful permanent resident of the US. This permanent resident has the right to stay in the US, to travel in and out of the country without a visa, to work, and to accrue years for eligibility to become a naturalized citizen. The Green Card represents the status of lawful permanent resident.

Applying for a visa as a non-immigrant if one falls into the following categories:

1) Temporary visitor. One can apply for the following visa:
   a) Visa for business or pleasure (tourist)
   b) Visa for temporary work
   c) Visa for students who are studying temporarily at an American university or school
   d) Visa for exchange programme participants
   e) Visa for a foreign fiancé of a US citizen who is entering the US
   f) Visa for NAFTA workers
   g) A K non-immigrant visa for spouses or children of US citizens who are waiting for a Green Card
   h) A T non-immigrant visa for victims of human trafficking and violence
   i) A V non-immigrant visa for spouses or children of US Lawful Permanent Residents waiting for a Green Card

2) With what is known as Temporary Protected Status.
   This is temporary status granted people from special countries specified by the Attorney General. They get a visa because they temporarily cannot return to their country because of war violence, natural disasters or other extraordinary temporary circumstances.

3) With a Deferred Enforced Departure.
   A temporary status granted by the President himself to citizens of a certain country that is unsafe due to war violence, natural disasters or other extraordinary temporary circumstances. This has only occurred five times since its introduction in 1990.

4) As an asylum-seeker
5) As a refugee

6) Due to Humanitarian Parole
   The Department of Homeland Security can designate people who are allowed to stay
temporarily for no longer than 1 year for humanitarian reasons.

7) Due to adoption
   If adoptive parents do not immediately apply for a Green Card or receive naturalization
   for their adopted child.

One can apply for a Green card (Lawful Permanent Residency) if one falls within the
following groups:

1) Immigration through a family member
   If a family member is a US citizen or has a Green Card him/herself, and if this person
   sponsors the immigrant.

2) Immigration through work
   If one has prospects of a permanent job in the US.

3) Immigration through private investment
   If one takes part in a private company.

4) Immigration through winning the Diversity Lottery
   Winning a Green Card in the Diversity Lottery (50,000 / 55,000 entries each year).

5) Immigration as a refugee or asylum-seeker
   If one ahs the status of refugee or asylum-seeker longer than a year.

6) Immigration through adoption
   If an application for a Green Card is filed before the orphan’s 16th birthday.

7) Immigration as a battered wife or battered child
   If someone who is the child or wife of a US citizen or Green Card holder is severely battered
   by him, there is the right to apply for a Green Card.

8) Immigration for illegal immigrants who had already entered the US before 1
    January 1972.

9) Immigration for citizens from Cuba, Haiti, Iraq, Nicaragua, Syria, Vietnam,
    Cambodia and Laos.
   Various treaties and laws give (or have given) people from these countries the possibility to
   apply (temporarily) for a Green Card directly without the mediation of embassies, customs,
   etc.

Canadian immigration policy

Canadian immigration policy has many possibilities, as the US policy does. One can stay
permanently or not.
a) one can come to Canada as a non-immigrant and apply for a Temporary Resident Visa, a Temporary Work Visa or a Student Permit (e.g. tourists, students, exchange programs, au pairs, temporary work, etc.);
b) apply for Permanent Resident Status as an immigrant;
c) apply for Canadian citizenship as an immigrant. This is only possible if someone has lived in Canada longer than three years consecutively as an immigrant with Permanent Resident Status. There are various avenues to obtaining Permanent Resident Status. These correspond more or less with those of the US. One can apply for Permanent Status through adoption, family reunification, as refugee or as an asylum-seeker, but also because one wants to immigrate for economic reasons.

The most interesting aspect of this inventory is the admission policy for temporary workers and people who want to stay permanently on the basis of their work (skills, experience, capital, etc.). These two possibilities are discussed in greater depth below.

**Working as a temporary worker in Canada**

Every year, some 90,000 foreign workers enter Canada to fill the shortage in the labour market. The bureau for Citizenship and Immigration Canada (CIC) and Human Resources Development Canada (HRDC) make sure these workers contribute towards the economic growth of Canada and they create greater possibilities for all Canadian job-seekers. To qualify to live in Canada as a temporary worker, one must apply for a work permit. The following steps must be completed:

a) An employer must offer the person a job.
b) HRDC must verify the offered job. This is done after examining the effect of the arrival of the foreign worker on the Canadian labour market and whether the job can be filled by a Canadian or whether the foreign work has added value.
c) After HRDC verifies the job, a work permit can be applied for from CIC.

In addition, the foreign worker must have a medical report, no criminal past, his/her own health insurance policy from his/her home country and have enough money to support him/herself and his/her family.

**Immigrating to Canada as a Skilled Worker**

Canada also has the possibility for permanent residence on the basis of work. These “skilled workers” are people who, due to their education and work experience, are given the possibility to stay in Canada permanently because they are able to support themselves economically.

These skilled workers must meet a number of conditions:

a) At least one year of work experience in a paid full-time job in one of the positions deemed acceptable by the National Occupational Classification (NOC). There are five classifications;

0) Management Positions
   A) Professional Occupations
   B) Technical Trades and Paraprofessional Occupations
   C) Intermediate Level, Clerical or Supportive Functions
   E) Elemental Sales or Primary Labourer Occupations.
Only people with Skill Type 0 or Skill Level A and B are eligible to apply for Permanent Residency Status in Canada as a Skilled Workers Class.

b) The Canadian government does not give new immigrants who are skilled workers any financial support. That is why the worker must demonstrate that he/she has enough money to support him/herself and his/her family for six months after they arrive in Canada. This money may not be borrowed. The required amount depends on the size of the family.

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<thead>
<tr>
<th>Number of family members</th>
<th>Money required (Canadian $)</th>
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<tbody>
<tr>
<td>1</td>
<td>$9,420</td>
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<tr>
<td>2</td>
<td>$11,775</td>
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<tr>
<td>3</td>
<td>$14,645</td>
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<tr>
<td>5</td>
<td>$19,816</td>
</tr>
<tr>
<td>6</td>
<td>$21,905</td>
</tr>
<tr>
<td>7 or more</td>
<td>$23,994</td>
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This is not necessary if one already has a job in Canada before arriving in Canada.

c) An important factor in the selection process is speaking one of the two Canadian languages (English or French). The level of speaking, listening, writing and reading skills is considered. Points are given for each skill and level that count towards the selection process point system.

d) Besides the above requirements, there are six selection criteria that require receiving adequate points to be admitted at all. One must get a score of at least 75 out of 100 to be able to apply for Permanent Resident Status as a Skilled Worker.

<table>
<thead>
<tr>
<th>Factor</th>
<th>Maximum number of points</th>
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<tbody>
<tr>
<td>Education</td>
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<tr>
<td>Language</td>
<td>24</td>
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<tr>
<td>Work experience</td>
<td>21</td>
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<td>Age</td>
<td>10</td>
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<tr>
<td>Work</td>
<td>10</td>
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<tr>
<td>Possibility to adapt</td>
<td>10</td>
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The higher the education the more points one gets, the better one’s speaking, listening, writing and reading skills in both languages the more points one gets, the more relevant work experience the better, if one is between 21-49 years this is worth 10 points, while two points are deducted for each year younger or older, if you have work via the HRDC or a job approved by the HRDC, it is worth 10 points. Points are awarded for adaptation depending on the length of the employment contract, the level of education of the partner, the presence of family ties in Canada.
Those who meet these conditions can apply for Permanent Resident Status based on the Skilled Worker programme. After three years, the person can apply to become a naturalized citizen.

In addition to Skilled Workers, it is also possible to apply for Permanent Resident Status in Canada as a business immigrant.

**Immigrating as a Business Immigrant**

This is for people who can invest in or start up a company in Canada and who are expected to contribute towards the development of a powerful Canadian economy. The Business Immigration Programs aim to attract people who have broad experience in the business community. There are three types of business immigrants:

a) Investors
   The Immigrant Investor Program wants to attract experienced people and capital to Canada. Investors must possess at least CDN $ 800,000 and make an investment of CDN $ 400,000. This investment is made with the Receiver General of Canada. The participating provinces will then use the investment to create jobs and to stimulate the economy. The CIC will pay back the investment, without interest, five years after a person has received permanent resident status.

b) Entrepreneurs
   The Entrepreneur Program wants to attract people who own a business or who want to set one up in Canada. Someone who wants to qualify as an entrepreneur must have experience with a company. They must possess at least CDN $300,000 and have hired at least 1 full-time Canadian employee within one year.

c) Self employed persons
   As a self employed person, one must have relevant experience in the cultural, sports or agricultural industry. One must have the intention of and capability of creating one’s own job. One must make a contribution to the cultural and sports life of Canada or start one’s own farm. The only requirement is that the person can support him-/herself and his/her family.