

EMN FOCUSSED STUDY 2013

Attracting Highly Qualified and Qualified Third-Country Nationals

Top-line “Factsheet”

(National Contribution)

Executive Summary

(Synthesis Report)

National contribution (one page only)

Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policy makers.

This report, which was written under assignment from the European Migration Network (EMN), provides a summary of the policy and the practical measures taken by the Netherlands to attract highly qualified and qualified third-country nationals. What is particularly noticeable is that this mainly involves immigration measures. The admissions policy in the Netherlands for highly qualified third-country nationals is inviting. In this respect the Highly Skilled Migrants Scheme in particular is an eye-catching measure, due to its simplicity. Besides this, the Dutch government also has taken specific measures in order to tie foreign talent to the Netherlands. Once they have completed their studies, graduates can make use of the Orientation Year Scheme and the Highly Skilled Migrants Scheme in order to find a job as a highly skilled migrant in the Netherlands during the course of one year. Regarding the other group highlighted in this report, the qualified third-country nationals, the Dutch government has not provided any specific measures. A restrictive admissions policy applies to this group.

Chapter 2 concentrates on the effectiveness of the measures and the methods that are used in order to evaluate the policy. It is difficult to interpret the effects of the measures taken by the Netherlands in order to make our country more attractive for highly qualified and qualified third-country nationals. As previously stated, this mainly concerns immigration measures. The number of highly skilled migrants admitted since the introduction of the Highly Skilled Migrants Scheme has increased over the period from 2004 to 2008. After a decrease in 2009, recent figures show a steady increase. The number of residence permits granted to scientific researchers also shows an increase over the period from 2008 to 2011. The number of residence permits granted for that purpose almost doubled during this period.

Chapter 3 sets out the possible challenges and barriers that can influence the attractiveness of the Netherlands as location for highly qualified and qualified third-country nationals. Previous research shows that the admissions policy, despite its openness and simplicity, does not provide a guarantee that the Netherlands become more attractive as country of choice for the target group in mind. A coherent policy requires greater investment in the collaboration between the various bodies involved in promoting knowledge, in innovation and in the social policy.

The conclusions are set out in Chapter 4 of this report.

Section 1
National Policies and Measures
((Maximum 8 pages))

This section reviews the national policies and measures that Member States employ in order to attract highly qualified and qualified third-country nationals. Reference is made to the International Standard Qualifications as regards education (ISCED) and occupation (ISCO-08) and/or the respective salary threshold when outlining the target group of these policies and measures (see examples above).

1.1 Policies

Q.1. Are there national policies in place for the attraction of highly qualified and qualified third-country nationals?

Yes.

Q1.a. If Yes, please indicate the following:

- ***National definition of highly qualified third-country nationals, including references to relevant international standards such as ISCED/ISCO and/or salary thresholds;***

Insert Response here and please consider whether the following is included:

- Education level;
- Salary;
- Experience;
- Other.

The Netherlands has various different schemes for highly qualified third-country nationals. A national and unambiguous definition, however, is not maintained. Depending on the scheme in question, there are conditions which the migrant must satisfy in order to qualify as a highly qualified third-country national. The most frequently used criteria are the levels of education and of salary. The schemes are discussed in detail in paragraph 1.2.

- ***National definition of highly qualified third-country nationals, including references to relevant international standards such as ISCED/ISCO and/or salary thresholds;***

Insert Response here and please consider whether the following is included:

- Education level;
- Salary;
- Experience;
- Other.

There is virtually no policy that is specifically aimed at attracting qualified labour migrants from third countries. The labour migration policy is restrictive. Partly due to this fact, no unambiguous definition for this category has been formulated in the policy for these labour migrants. A step towards providing a definition can possibly be derived from the pilot project Circular Migration called *Blue Bird* that was carried out

between March 2010 and June 2011. This pilot project was aimed at workers with a "secondary vocational education", particularly in the areas of technical professions, logistics and IT.¹ This subject is discussed in greater detail under Question 6.

Q1.b. If Yes, do the policies distinguish between highly qualified and qualified third-country nationals?

Yes, a distinction is made between highly qualified work (highly skilled migrants who have qualified with a Bachelor's or Master's degree and who will generally speaking satisfy a certain income requirement) and secondary level qualified work (labour migrants who have qualified from a secondary vocational education).

Q1.c. If Yes, please indicate the rationale for their distinction.

The policy is aimed at strengthening the 'knowledge economy' and attracting highly educated persons. For those at the top end of the labour market, who provide an important positive contribution to the Dutch economy and culture, the labour migration policy is inviting. The Dutch policy is restrictive for third-country nationals who are less highly educated and/or who earn a lower salary. These people are required to have a work permit. They are not defined as a separate target group and no specific recruitment policy applies to them. Besides this, the Netherlands is currently concerned with the implementation of Directive 2011/98/EU, the aim of which is to simplify the application procedure for a work permit and a residence permit (Single Permit).

Q1.d. If Yes, what is the main rationale for these policies? What is the objective? Please consider whether this rationale is linked to circular, temporary or permanent migration.

The specifically inviting policy for highly qualified labour migrants came into being approximately 10 years ago after the Lisbon strategy² was also embraced by the Dutch government. The idea started to gain ground in the Netherlands as well that the policy would need to be aimed principally at the realisation of a so-called 'knowledge economy'. An impulse in this direction was provided by the report *Mobility without borders for highly skilled migrants: How can we draw talent to the Netherlands?* published by the Innovation Platform on³ 20 November 2003. Recommendations are set out for the government in this report, to which *contributions* were made by a broad range of governmental organisations as well as stakeholders from the business and scientific sectors, for improving the accessibility of the Netherlands with regard to international highly skilled workers in order to attract and keep the most talented highly skilled migrants, for whom there is stiff competition from other countries. According to the Innovation Platform, the Netherlands was not performing well in this area in comparison with its neighbouring countries.

The government took to heart the recommendations set out in this report. In a letter to the Dutch House of Representatives dated 25 May 2004, the Minister at that time expressed the belief that the admission of highly skilled migrants from outside the European Union represented an absolute condition attached to the Netherlands' ambition in becoming a knowledge economy. This policy objective was subsequently translated into simplified admissions procedures in order to expedite the entry of the required highly skilled workers into the Netherlands.⁴

Subsequent governments have continued in developing this policy further. The policy arose principally because increasing numbers of groups were deemed to be highly

skilled migrants and could be admitted with greater ease to the Netherlands. The Modern Migration Policy (MoMi), which came into force on 1 June 2013 and is explained in greater detail later on, is an example of this.

The Ministers who were previously involved hereby have recently confirmed their ambitions in this area. In a letter to the Dutch House of Representatives dated 11 April 2011 concerning the Revision of the Labour Act for Aliens the Ministers involved confirmed the important role played by highly qualified labour migrants from outside the EU, due to the contribution they provide to the knowledge economy. The Highly Skilled Migrants Scheme therefore needs to continue to be a low-threshold regulation. The Scheme has been tightened up on a number of points, however, in order to prevent its abuse.⁵

Until now, the current government has continued with this policy.⁶ The government wants to stimulate the knowledge economy and has the ambition over the next few years to confirm and strengthen the Netherlands' current position in the top 5 most competitive knowledge economies of the world. The restrictive admissions policy therefore does not apply to people from whom it may be expected that they will contribute to our (knowledge) economy⁷. This does not detract from the fact that shortages in the labour market are predicted in the long term, which will require adjustments and improvements in the labour market. The government has therefore asked for advice from the Social and Economic Council of the Netherlands regarding the future role and possible contribution of labour migration to the Dutch economy, to supplement the input of the unused labour potential in the Netherlands, as well as which social consequences will accompany this labour migration.⁸ In addition to this the government believes it to be important to consider measures that will, in the long term, uphold the Netherlands status as an attractive country for highly qualified third-country nationals.⁹

Permanent, temporary and circular migration

In the policy memorandum *Towards a Modern Migration Policy*¹⁰ dated 1 July 2007 the government clearly indicates that it wants to make a clear distinction between forms of labour migration that could lead to establishment in the Netherlands in the long run and forms of labour migration whereby the temporary nature should be strictly maintained. The objective of permanent establishment is not explicitly described, however, in the highly skilled migration policy. On the other hand, rights are coupled with the residence permits for highly qualified third-country nationals that should make it attractive for these people to establish themselves permanently, or at least for an extended period of time, in the Netherlands. This means for instance that, after three years highly skilled migrants could participate freely in the labour market, and they will not be required to satisfy the civic integration requirement in order to be granted a residence permit and the process of bringing over their family members will be simple. Moreover, highly skilled migrants will not be required to apply for a new residence permit if they change their employer as long as they continue to comply with the conditions for holding the residence permit.

The government is keen to attract highly educated foreign students to the Dutch labour market and keep them there by means of two schemes: the Highly Educated Migrants Scheme and the Orientation Year for students from third countries who have graduated in the Netherlands¹¹. See Question 8b for further details in relation to this.

Q1.e. If Yes, briefly outline the main features of the policies. Please consider whether the following exists:

- *Points-based system (i.e. a system that admits third-country nationals who have a sufficient number of qualifications and experiences from a list that typically includes language skills, work experience, education and age);*

[Yes/No plus brief description]

- *Employer-led system (i.e. a system that allows employers to select the workers they need, subject to government regulations);*

[Yes/No plus brief description]

- *Hybrid system (i.e. combination of points-based and employer-driven model);*

Features of the policy: selectiveness and restriction.

In light of the attempts made by the Netherlands to be included in the leading group within the EU as the most dynamic knowledge economy in the world¹² the government subjected the national labour migration policy to a critical review in 2004. Admission became simpler, quicker and more inviting for migrants of whom the Netherlands has need. This form of selectiveness represented a turnaround in the policy. The target group is the segment of highly qualified migrants who provide an impulse to the Dutch knowledge economy through their labour participation. For the middle segment (as well as the lower segment) of the labour market, selectiveness went hand-in-hand with restriction, just as the case is now. This category of labour migrants requires a work permit before a residence permit can be issued¹³. The work permit, which is issued by the Netherlands Employees Insurance Agency (UWV) on the application from the employer, is only issued after a test has been carried out showing that there is no supply of workers available within the Netherlands or the EU who enjoy priority for that job. This allows the government to be flexible in acting quickly when there is a shortage of qualified workers in certain sectors. The labour market test can also be used to determine whether there are structural shortages at any given time, that would highlight the necessity for recruitment of qualified workers from outside the EU¹⁴.

Modern Migration Policy

The Netherlands decided in 2006 to make serious changes to the regular foreign national policy: the Modern Migration Policy Act. The Modern Migration Policy Act came into force on 1 June 2013.

In the policy memorandum *Towards a Modern Migration Policy* the government formulated the selective and inviting policy for highly qualified labour migrants from third countries who can provide an important contribution to the Dutch economy and culture¹⁵. Key words relating to the Modern Migration Policy are selectiveness, simplification and acceleration of procedures, as well as a change to the system of sponsors and effective supervision and visible enforcement.

Simplification of procedures

Selectiveness takes place through the fast and simple admission of the migrants who are needed by the Netherlands. In the first place the separate procedures for acquiring a Regular Provisional Residence Permit and a residence permit are integrated into one single procedure and verification. Collaboration between the various different

agencies within one mutual desk reduces the duration of the application procedures for a residence permit and work permit. By giving more responsibility to the sponsor for a migrant, the procedure involved in the application for a residence permit will also take less time. Finally, the whole system of residence permits will be significantly simplified. The current system of 28 limitations will be reduced to eight clusters.

Changing the system of sponsors

The sponsor did not have an independent position in the former migration system. This changed with the introduction of Modern Migration Policy. The sponsor is given greater responsibility in a system of rights and obligations, which is set out in law. The sponsor is expected to provide correct and full information on time concerning the admission, residence and departure of the migrant. In the case of highly qualified third-country nationals, the sponsor will often be the company or an educational or research establishment. An exception to this only applies to self-employed persons and migrants who are included under both of the orientation year schemes or who are admitted for humanitarian reasons.

Supervision and enforcement

An important tool used for supervision and enforcement is the sponsors obligation to retain information and documents. An administrative fine can be charged to a sponsor for infringement of these obligations. In very serious cases then criminal proceedings can be instigated and the status of recognition as a sponsor can be suspended or withdrawn. It is expected that the combination of advantages for bona fide companies and institutions and sanctions for those who do not abide by the rules will advance compliance with those rules.

Points system, employer-led points system, hybrid points system.

A demand-driven basis is the leading principal in the Dutch labour migration policy. An employer may only recruit a labour migrant from a third-country if the job vacancy in question cannot be filled by someone from the national supply or from another country within the European Economic Area. This restraint is characteristic for the admission of labour migrants from third countries who are only educated to secondary school level or lower. This does not apply to the top segment of the Dutch labour market.

Depending on the scheme for attracting highly skilled workers, either a points system or an employer-led system will be applied. The Highly Skilled Migrants Scheme, the European Blue Card and the policy for scientific researchers is demand-driven and employer-led (there must be an employment contract). The Highly Educated Migrant Scheme and the self-employed persons scheme are supply-driven and a points system is applied. With the development of more schemes since the introduction of the Highly Skilled Migrants Scheme in 2004 there has been a gradual changeover to a system with hybrid characteristics.

Q.2. Are other groups of third-country nationals included in the national policies on attracting (highly) qualified third-country nationals?

Yes

Q2.a. If Yes, please indicate what other groups are included (i.e. investors, entrepreneurs, international graduates, transferred workers etc.)?

Refer whenever possible to existing EMN studies covering relevant information on these groups.

On the basis of the trade treaties with the USA and Japan self-employed persons from these countries are not tested under the points system with which it can be assessed as to whether they actually serve in the interests of the Dutch economy. This also applies to foreign nationals with Turkish nationality on grounds of the standstill stipulation. These treaties are dealt with in greater detail in Question 12.a.

Q.3. Do the policies in your Member State focus on specific areas of occupations?

Yes

If Yes, please briefly indicate the specific areas of occupations and their link with the policies.

Scientific researchers

Within the Dutch highly skilled migrants policy there is a specific policy for the professional group of scientific researchers. Doctors who are training to become specialists are also included under this policy. They are designated as highly skilled migrants. In this way the needs are met of Dutch universities and research institutes for expansion of the possibilities for attracting highly qualified workers from outside the European Economic Area.¹⁶

Admission to the Netherlands of scientific researchers is possible via four different routes:

- Under the Council Directive 2005/71/EC, which dictates an educational condition. The scientific researcher must be selected by a research institution to carry out a project, for which the relevant diploma in question is required.
- Via paid employment for PhD students, the Royal Netherlands Academy of Arts and Sciences (KNAW) researchers and assistants/trainee researchers at a university.
- Under the Highly Skilled Migrants Scheme.
- Unpaid scientific researchers who receive a grant or stipend can also be admitted. As from 1 June 2013 (when the Modern Migration Policy came into force) this group will be admitted under the Council Directive 2005/71/EC.

An amendment to the Decree for Implementing the Labour Act for Aliens is being prepared at the present time. Part of this amendment includes the removal of unnecessary administrative tasks demanded of employers. This includes, for example, dropping the requirement for a work permit for all researchers and teachers from outside the European Economic Area (EEA) if they come to work here for less than a period of three years. This amendment represents a liberalisation in particular for lecturers at universities and higher professional education establishments. An exemption from the requirement for a work permit can be granted to (guest) lecturers and scientific researchers for a maximum period of three years.¹⁷

Musicians and performing artists

There is also a specific policy that applies to musicians and performing artists. Although these professional groups are required to have a work permit, this obligation for a permit is not tested against the presence of a supply enjoying priority and the obligatory reporting of job vacancies for a number of specific groups of artists in a

limited number of sectors, such as dance, classical music, opera, musicals, theatre, acting and cultural workplaces.¹⁸ For a number of specific groups of artists there is a so-called 'cut-off line', which divides all of the jobs in the culture sector into two segments. Above the 'cut-off line' the top segment is defined on the basis of the gross monthly income calculated from the annual income. Under the 'cut-off line' is the segment that is not exempted from the test for supply enjoying priority.¹⁹ Musicians and performing artists whose main residence is outside the Netherlands and who only carry out work incidentally in the Netherlands are exempted from the requirement for a work permit. Their personal accompanists will be exempted under the coming amendment to the Decree for Implementing the Labour Act for Aliens.

Sports players

There is a restrictive admissions policy in relation to employees in the sports sector.²⁰ Filling job vacancies with employees from outside the Netherlands and countries affiliated to the European Economic Area is only possible in exceptional cases. Such exceptions are usually reserved for the top level of competition of the sport in question. In the case of paid soccer, under the framework of the Labour Act for Aliens is not only the Premier Division included, but also the First Division. Soccer players are excluded from the Highly Skilled Migrants Scheme. Professional sports players whose main residence is outside the Netherlands and who only carry out work here incidentally are exempted from the requirement for a work permit.

Q.4. Has the transposition of EU Directives led to more favourable legislation/measures/conditions for specific groups of (highly) qualified third-country nationals?

Yes

Q4.a. If Yes, please indicate the relevant Directives and the more favourable legislation/measures/conditions which were created for these specific groups (i.e. EU Blue Card Directive and Researchers Directive).

Blue Card

The Council Directive 2009/50/EC relating to the European Blue Card was implemented on 20 June 2011 in the Netherlands. This Directive does not add much to the existing national Highly Skilled Migrants Scheme in the Netherlands.²¹ The national Highly Skilled Migrants Scheme has a lower threshold than the European Blue Card because the Highly Skilled Migrants Scheme does not include an educational requirement and has, at the same time, a lower salary criterion. Special conditions under the European Blue Card include the (higher) income requirement (€60,952), the Bachelor's / Master's educational requirement and, by appeal under the scheme, a third-country national must be able to demonstrate that he/she actually does have the professional qualifications necessary for the appeal under the scheme. The Directive offers advantages in relation to the residence position of the foreign national. The national Highly Skilled Migrants Scheme does not comprise these advantages. One advantage of the European Blue Card is that, after 18 months residence as holder of a European Blue Card in another Member State, the obligation of having a Regular Provisional Residence Permit²² lapses when the highly qualified migrant wants to come to the Netherlands. Another advantage is that, after two years

as holder of a European Blue Card in the Netherlands, an application can be made for the status of long-term resident third-country national. Additional conditions demand that there must be proof of five years legal and uninterrupted residence in the territory of an EU Member State and the applicant must have stayed for eighteen months in another Member State with a Blue Card immediately prior to residence in the Netherlands.

Another advantage is that the holder of a Blue Card is granted an orientation period of three months if he/she becomes unemployed within the period of validity of the permit. The highly skilled migrant is only granted the orientation period on the basis of the national Highly Skilled Migrants Scheme if the unemployment is not attributable to him/herself. In addition, the European Blue Card can also offer advantages to the employer, if the employer also has branches in other Member States and wants to deploy the employee flexibly within the EU.

The European Blue Card also holds advantages for family members of the foreign national because the period of validity of the residence permit for the family members is coupled to that of the holder of the European Blue Card, whilst the period of validity of the residence permit for family members of a highly skilled migrant is limited to one year by the first residence permit. Another advantage is that the family members can apply for a 'residence permit for continued residence' after two years of legal residence with a 'holder of a European Blue Card' in the Netherlands. This is only possible after five years legal residence in the Netherlands in case of other purposes of residence. However, the family members must have already stayed legally and uninterrupted for at least five years within the territory of an EU Member State. Finally, the family members must also comply with the other conditions for residence under the framework of 'continued residence'.

In view of the interests of the Dutch knowledge economy the government has chosen to keep the national Highly Skilled Migrants Scheme at the same time as implementing the European Blue Card. The two schemes complement each other.²³

Residence as researcher in the meaning cited in Council Directive 2005/71/EC

The researchers' Directive was implemented on 31 January 2008 in the Netherlands.²⁴ The Directive allows third-country nationals to carry out a research project at a recognised research institute in the Netherlands. The most important advantage of residence as researcher in terms of Directive 2005/71/EC is that a labour market test is not required. The obligation for a work permit does not apply. A legal relationship between the institution and the researcher is also not required. At the same time the researcher is qualified to teach and must be granted the opportunity to carry out part of the research in another Member State for three months at most.

Furthermore, the researcher's family members are exempted from the requirement to have a Regular Provisional Residence Permit. An accelerated procedure applies to the researcher and his/her family members, which is comparable to that of the Highly Skilled Migrants Scheme.

Because of the mobility rights the researcher enjoys within the European Union, a choice has been made not to grant the permit under the Highly Skilled Migrants Scheme, but to arrange hereby a separate limitation.²⁵

Q.5. Are the national policies addressing the aspect of brain drain in the countries of

origin?

No, in the policy that is meant to attract highly qualified third-country nationals no attention is given to the aspect of the brain drain. That attention is given, however, in the context of 'migration and development'.

The public and political discussion about the outflow of highly qualified people from developing countries has traditionally taken place under the framework of the development policy. In the policy document Migration and Development of 4 July 2008²⁶, published by the government at that time, the discouragement and prevention of, or compensation for the outflow of highly qualified people from developing countries was also designated as a policy priority. The government added the comment thereby that the image of the brain drain only having negative consequences for the country of origin should be adjusted. Although emigration of highly qualified people from some countries and in certain sectors can lead to a shortage of workers, the brain drain can also have positive effects (brain gain) in countries with an emerging economy according to the government. In a letter to the Dutch House of Representatives dated 10 February 2009 the government announced measures for combating the risks of the brain drain. However, at the same time it was also stressed that the brain drain caused by the Netherlands is very slight and that the countries of origin are themselves responsible for keeping their own highly qualified citizens in their own countries.²⁷

The Dutch policy was designed to support governments of developing countries in the development and implementation of policy measures for the prevention and combating of the brain drain. A large number of projects have been carried out in several countries and regions over the last few years under this framework. Several of the activities, insofar as they have been completed, have been evaluated. The conclusion in general is that the projects in the area of migration management have been mainly successful and the intended output has been achieved. The actual long-term effect of several projects, however, is unknown.²⁸

The care sector in particular in many developing countries is highly vulnerable. The Netherlands aims to set up a code of conduct for employers in the care sector. The presence of a code of conduct should prevent care sector employers from proactively recruiting care sector staff in developing countries or from countries which themselves have a shortage of²⁹ care sector personnel. However, the trade associations have indicated that they do not need such a code of conduct. The reasons they give for this is the limited number of highly educated people from developing countries together with the existing relevant instruments, such as a quality mark for the sector in question, which should have the desired effect. The government's attempts towards introducing a code of conduct at a European level as well as at the level of the World Health Organisation have also met with difficulties.

Other measures for preventing the brain drain lie in the area of circular migration. This is dealt with in greater detail under Question 6.

Q.6. Are the national policies addressing the aspect of brain circulation with the countries of origin?

Yes, attention is given within the national policy for brain circulation with countries of origin.

Q6.a. If Yes (to either of these questions), please briefly indicate how the national policies address these aspects, supporting your answers with reference to research or any other sources of information.

The Dutch government defines circular migration as ‘migration whereby the migrant stays for a relatively long period of time successively in different countries, including his/her own country of origin’³⁰. The concepts of temporary and circular migration are used more or less synonymously in Dutch policy documents. There are two forms of circular migration: temporary labour migration to the Netherlands and temporary assignment in the country of origin.

With a view to development, the government announced in 2008 that it wanted to stimulate the circular migration from developing countries to the Netherlands³¹. The pilot project called *Blue Birds*, which was set up with this purpose in mind, is described in the EMN study Temporary and Circular Migration from November 2010. This pilot project, which started on 1 March 2010 and was due to last for two years, was stopped on 1 September 2011 due to lack of success. Right from the start there was sense of fear for displacement in the labour market and of whether the return of the labour migrants could be sufficiently safeguarded in the political discussion, as appeared from the evaluation report which followed in 2012. Its failure was also blamed on the economic crisis, diverging interests of the Ministries involved and the reduced political support for the pilot project after the new government came into power in 2010.³² There was little room in the new political climate for discussing the possibility of labour migration from third countries to the Netherlands.³³

It is true that the first Rutte government (2010-2012) did uphold the policy priorities from the 2008 document³⁴. However, it may also be concluded that the government gave little attention to development in the countries of origin of the labour migrants. There is nothing included in policy documents about subjects such as supporting circular migration and brain gain and the consequences of the brain drain in developing countries caused by the emigration of highly skilled migrants. The Netherlands' own interest in attracting highly skilled migrants takes first place.³⁵

In developmental terms, the programme Temporary Return of Qualified Nationals (TRQN) was started in the area of reverse circular migration or the brain gain of qualified nationals. Under the framework of this programme, almost 500 qualified nationals who were living in the Netherlands and who belonged to the diaspora returned temporarily to their country of origin. The reason behind starting this project was the desire to contribute to the transfer of knowledge and development of capacity in post-conflict countries. The countries participating were Afghanistan, Sierra Leone, Sudan, Bosnia and Herzegovina, Georgia and Ethiopia.³⁶

The programme has been evaluated. Generally speaking, TRQN achieved the intended results (both quantitatively as well as qualitatively).³⁷

Q.7. Have your national policies been the subject of public debate?

Yes.

Q7.a. If Yes, please briefly indicate the main features of the policies which were debated as well as the reasons for such debate and the level at which these occurred (e.g. Parliament, society, media). Please support your answer with reference to research or any other sources of information.

The policy designed to stimulate highly qualified third-country nationals is not subject

to intensive public or political debate. The view of successive governments that the Dutch knowledge economy gains from the arrival of greater numbers highly qualified third-country nationals is given little attention in the media and has gone more or less undisputed politically speaking over the last few years. There is a relatively broadly-based political support for the opinion that the Netherlands should join in with the battle for the brains.³⁸ In order to develop the policy for strengthening the knowledge economy the government consults with the social partners (employers' and employees' organisations), the business community and other stakeholders.

On the other hand, the arrival of labour migrants to the Netherlands in the middle and lower segments of the labour market is subject to fierce social and political discussion.³⁹ For the most part, these labour migrants come from other EU Member States. At the same time the Netherlands points out that the population is ageing and fewer young people are joining the workforce, which will lead to shortages in the long term in the workforce. Although the Netherlands does not believe it to be desirable at the present time to attract workers from outside the EU for work that can be carried out by people within the Netherlands or Europe, however the government does consider it to be important to consider measures through which the Netherlands will remain attractive in the long term for people such as the highly educated. Partly for this reason advice was requested from the Social Economic Council about the role and possible contribution of labour migrants to the Dutch economy in the future and, in particular that of highly skilled migrants.

The risk of a brain drain and the pilot project concerning circular migration 'Blue Birds' have also represented prominent themes in the political debate during the last few years.⁴⁰ See Questions 5 and 6 for further details about this.

Q7.b. If Yes, please briefly indicate possible impacts of the debate on the national policies.

The restrictive policy that is in force concerning less well-educated labour migrants from third countries has been maintained and tightened up even further.

1.2 Measures

Refer to the legal framework in case relevant changes to labour migration legislation have occurred as compared to the information contained in the EMN Study on Satisfying Labour Demand through Migration.

Q.8. Does your Member State employ concrete measures in order to satisfy the policy goals?

Yes.

Q8.a. If Yes, please indicate the measures that contribute to the implementation of the national policies and indicate their specific goals.

- *Provision of information including information campaigns;*
- *Attendance of recruitment fairs abroad;*
- *Cooperation with institutions/organisations in third countries;*

Measures that are taken in order to make the Netherlands more attractive for highly

qualified third-country nationals are mainly immigration measures.

The most important measures are as follows:

- Highly Skilled Migrants Scheme
- Pilot project short stay
- The European Blue Card
- Highly Educated Migrants Scheme
- Orientation year for graduates
- Scientific researchers
- Self-employed persons scheme

Highly Skilled Migrants Scheme

Since October 2004 there has been the Highly Skilled Migrants Scheme in operation in the Netherlands. The government at that time wanted to stimulate the knowledge economy through this scheme. By means of a quick and simple procedure it should be more attractive for highly skilled migrants to establish themselves in the Netherlands and it should also be more attractive for employers to recruit highly qualified employees from outside the European Economic Area. The aim of implementing the Highly Skilled Migrants Scheme was to introduce a quick, clear and low-threshold procedure. For this reason the choice was made for an income requirement (coupled with an age category). The great advantage of an income requirement is that is simple to test. An obligatory gross annual income was established for highly skilled third-country nationals of 30 years and older and for highly skilled third-country nationals younger than 30 years old.

The level of income is set annually on 1 January. At the moment the standard amount for people of 30 years and older amounts to € 52,010. For people younger than 30 years old the standard amount is set at € 38,141. A highly skilled migrant is not required to have a work permit. Third-country nationals are eligible if they want to stay for longer than three months in the Netherlands and they are employed by an employer that is established in the Netherlands. Family members of the highly skilled migrant are also able to appeal to the scheme if their application for a residence permit is submitted at the same time as that of the highly skilled migrant him/herself. A residence permit can be issued immediately for five years and the procedure runs via the employer, who must be admitted to the scheme as covenant holder.

An additional standard has applied since 19 June 2011, which demands that the salary must be in line with market conditions (comparable with what Dutch citizens would earn thereby under normal working conditions). This standard was introduced in order to prevent the Highly Skilled Migrants Scheme from being misused.⁴¹ Following the amendments to the Labour Act for Aliens and the Decree implementing the Labour Act for Aliens, the Highly Skilled Migrants Scheme was further tightened up. This included the demand that the salary must be paid regularly in equal payments throughout the year.

Pilot project short stay

A trial was started in January 2012 for highly skilled workers who want to come to the Netherlands to work for less than two months. This group is not able to make use of the Highly Skilled Migrants Scheme because that only applies to foreign nationals whose aim is to stay for longer than three months in the Netherlands. In order to gain admission on grounds of this pilot project, the following requirements were set:

- The employer has been admitted to the Highly Skilled Migrants Scheme.
- The salary must be at least proportionally equivalent to the salary as demanded for highly skilled migrants of 30 years and older.
- It must be apparent that the job relates to one that can be deemed to be that of a highly qualified worker.⁴²

The obligation to have a work permit without a labour market test applies to these highly qualified migrants.

The Blue Card

This scheme was explained under Question 4a.

The Highly Educated Migrants Scheme

The Highly Educated Migrants Scheme started on 1 January 2009. This occurred ahead of the implementation of the Modern Migration Policy (see Question 1.e). The aim of the scheme is to attract foreign top talent for the benefit of the Dutch knowledge economy. The basic principle involves making the Netherlands an attractive country in which highly educated foreign nationals, who are wanted by other countries as well, can establish themselves. The Highly Educated Migrants Scheme also represents an experiment with demand-driven labour migration. Highly educated foreign nationals can be granted a residence permit for one orientation year under the framework of the Highly Skilled Migrants Scheme in order to be able to find a job in the Netherlands within that orientation year as highly skilled migrant or to start up a business as self-employed person. In terms of the Highly Educated Migrants Scheme, the initiative to come to the Netherlands lies wholly with the foreign national.⁴³ The Highly Educated Migrants Scheme was evaluated in 2011. The scheme was then extended by two years and a new evaluation will take place in 2013.

What is important is that for the highly educated foreign national who finds a job as highly skilled migrant the normal income requirement does not apply as does apply to highly skilled migrants, but an income requirement that is noticeably lower and is, moreover, not related to age (€27,336).

Every foreign national who has completed a Master's or PhD degree course at one of the top 200 universities in the following ranking lists is designated as a 'highly educated person': the Times Higher Education World University Rankings, the QS World University Rankings and the Academic Ranking of World Universities. (also referred to as the Shanghai Jiao Tong Universities). Also foreign nationals who have successfully completed a recognised higher profession education at a Dutch institution and who within the following three years apply for admission under the framework of the scheme will be eligible. The scheme was further expanded from 1 April 2012 by allowing more universities to become eligible. It now involves the top 200 universities

(previously the top 150 universities) and three ranking lists are now accepted (previously two).

In order to be eligible for a residence permit under the framework of this scheme, the foreign national must furthermore have gained at least 35 points according to a system that awards points for a number of factors in the area of education, age and according to indicators for successful stay in the Netherlands.

The Orientation Year for Graduates Scheme

Students from outside the EU who have successfully completed a higher professional education or university education in the Netherlands have the possibility of finding a job as highly skilled migrant within one year from the date of completion of that study. A salary criterion of at least €27,336 applies. With regard to the target group and the objectives, the scheme appears in the first instance to be very similar to the above-mentioned Highly Educated Migrants Scheme. However, there are fundamental differences. The scheme was established in 2004 in order to keep foreign nationals who had studied in the Netherlands for the Dutch labour market.⁴⁴

The most important differences are:

- the foreign national who makes use of the orientation year for graduates only has the possibility for one year immediately following completion of the study to look for work as a highly skilled migrant and the highly educated person has this possibility for up to three years after their graduation date;
- the foreign national with ‘residence during an orientation year for graduates’ and his/her family members can move freely in the labour market and the highly educated person and his/her family members need a work permit;
- PhD graduates are not eligible for the orientation year for graduates, but they are eligible for the orientation year for highly educated persons; foreign nationals with a Bachelor's degree are eligible for the orientation year for graduates, but not for the orientation year for highly educated persons;
- no points system is applied to the orientation year for graduates.

Scientific researchers

This scheme was explained under Question 4a.

Self-employed persons scheme

Work carried out other than as a paid employee can be divided into two categories, namely working in a particular profession (such as medicine, physiotherapy, pharmaceutical, visual arts or sports teaching) and practising in a particular business (such as a butcher's, retail sector or a restaurant).

The basic principle is that residence as a self-employed person is only permitted if essential interests of the Netherlands are thereby served. These interests may lie in the area of public health, the economy, culture or in the social economic terrain. In order to answer the question as to whether the presence of the foreign national represents the

essential interests of the Netherlands, in many cases the opinion of various different Ministries will play important roles. In the case of an artist, for example, the advice from the Ministry of Education, Culture and Science will be required, and in the case of a sports teacher then advice will be required from the Ministry of Health, Welfare and Sport. If it involves the self-employed practice of a profession or business activities then usually advice will be requested from the Minister of Economic Affairs.

With a view to recruiting highly qualified foreign nationals who can provide a necessary high value contribution of knowledge to our economy in the form of self-employed business, a points system has been developed that facilitates the admission better for this category. The points system forms the basis for the advice from the Minister of Economic Affairs to the Immigration and Naturalisation Service (IND) about the actual economic interests of the Netherlands that would be served by the residence of the foreign national in the Netherlands. The three criteria on which points are awarded are successively personal experience, the business plan and added value for the Dutch economy. A maximum of 300 points can be awarded for all these criteria together. A minimum of 90 points are required for a positive advice, with at least 30 points per criterion.⁴⁵ What also applies is that a highly educated foreign national with a sound business plan who scores at least 45 points in the first two criteria, will be exempted from the third criterion.

No testing will be applied with the points system for a number of nationalities: Community nationals, citizens from the EU/EEA and Switzerland, EC long-term residents, Turkish nationals (as from 1 April 2011), citizens from the USA and Japan (as from 1 April 2010).

Orange and blue carpet policy

Since 2008 the Dutch embassies and consulates abroad have had the possibility of accelerating the procedure for being granted a visa for the Netherlands in certain cases (orange carpet policy). Visas that are valid for more than one journey (multiple entry or circulation visa) can often be granted more quickly to scientists, for example, or business people. Besides the orange carpet policy, there is also a similar blue carpet policy for seamen.⁴⁶

Provision of information

The Expat Centres play an important role in the provision of information in the Netherlands. The first Expat Centre was opened in May 2008 and is a collaboration between the municipality of Amsterdam, the municipality of Amstelveen and the Immigration and Naturalisation Service (IND) (the Expat Centre Amsterdam Area). The Expat Centres make it easy for highly skilled migrants and their family members and businesses to arrange admission to the Netherlands. The method of working is that the employer is given the opportunity to apply for a residence permit while the employee is still outside the Netherlands. The aim of the accelerated method of working is to facilitate the highly skilled migrant and his/her accompanying family members both to register with the Municipal Personal Records Database as well as receiving the residence document from one desk only. Therefore the highly skilled migrant does not need to visit two separate government agencies for these purposes. In addition to this form of service provision, the highly skilled migrant can also gain information from the Expat Centre about living accommodation, parking, moving

house, healthcare services, education for the children and many other topics.

The Expat Centre Amsterdam Area was followed by more or less the same services on 5 January 2009 in Rotterdam, on 21 January 2010 in Leiden, on 1 February 2010 in The Hague and on 25 February 2010 in Eindhoven and Tilburg (Expat Centre Brabant) for the Brabant region. Since 9 February 2010 businesses established in Almere and in the municipality of Haarlemmermeer can also make use of the services of the Expat Centre Amsterdam. The municipality of Maastricht made a start in November 2009 with the physical welcoming of international workers through the opening of the International Service Desk. As from 1 January 2012 there is one Expat Centre South Netherlands only, with front office branches in Eindhoven and Tilburg. The front office branch in Maastricht was formally included with the South Netherlands Expat Centre as from 1 April 2012.

The Immigration and Naturalisation Service (IND) regularly organises information meetings for businesses that have little or no experience with the applications for highly skilled migrants. The schemes are explained and practical information is given regarding the submission of applications. Workshops are organised for businesses that already have experience with the Highly Skilled Migrants Scheme. There is the opportunity for businesses to suggest topics for the workshops, which are then gone into in detail. The IND asks businesses for their experiences with the Highly Skilled Migrants Scheme in order to highlight any problems that crop up.⁴⁷

Q8.b. If Yes, are there any measures aimed at facilitating the integration of (highly) qualified third-country nationals?

No specific measures have been taken by the authorities which are aimed at the integration of (highly) qualified third-country nationals. There is no obligation for civic integration involved in labour migration, which is different in the case of family migration for example. The reason for this is that the Civic Integration for Newcomers Act does not apply to people who come to the Netherlands for a temporary purpose. Carrying out work under the framework of the Civic Integration for Newcomers Act is considered to be a temporary purpose, on grounds of which people are not under the obligation of civic integration⁴⁸. This also applies to highly skilled migrants.

However, it is expected of labour migrants and highly skilled migrants, as well as their family members, that they have successfully taken the civic integration examination if, after a number of years, they decide that they want to stay permanently in the Netherlands and apply for a permanent residence permit for that reason.⁴⁹

There are a large number of initiatives offered by employer, municipalities and also commercial agencies for facilitating and tying highly qualified migrants. This is also known as the 'hospitality policy'. The Expat Centres previously mentioned play an important role in quickly pointing out the right way for highly educated workers. The reason for this is that expats who move here especially from their own country for the purpose of their job are often seen to be included under a separate category of foreigners. However, just as with 'classical' migrants, they often have difficulty in really feeling at home in the Netherlands.⁵⁰ Because they "do not learn the Dutch language, stick together in the same neighbourhoods and keep to their own national clubs" this often leads to a form of segregation.⁵¹ The above-mentioned initiatives support highly qualified migrants in their integration.

Q.9. Do public policies exist in your Member State that specifically aim at positively influencing the immigration decision of (highly) qualified third-country nationals?

Yes

Q9.a. If Yes, please also indicate such incentives.

The aim of the following policy measures is to encourage potential highly qualified migrants to positively choose to move to the Netherlands.

Right to family reunification

The Highly Skilled Migrants Scheme described above offers the possibility for (accelerated) family reunification if the application of the highly skilled migrant and his/her family members are submitted at the same time. Moreover, the family members then have a completely free entry to the Dutch labour market.

Tax measures

The so-called 30% rule exists in the Netherlands for a particular category of labour migrants.⁵² This is a tax measure that contributes to making the Netherlands an attractive and competitive country for the establishment of migrants. Employees who are temporarily sent abroad or to the Netherlands are often provided with payments for the extra costs of that stay outside their country of origin, which are referred to as extraterritorial costs. These costs can be paid by the employer untaxed up to a maximum of 30% of the salary or the employer can pay the actual territorial costs untaxed.

The 30% rule has been adjusted as from 1 January 2012 and the criterion that the arriving employee must have a specific expertise is tested in terms of the salary to be paid. The rule has also been opened up for young PhD graduates.

Expatriate Centre

The Expatriate centres described above can also be seen as an extra facility for highly qualified third-country nationals.

Treaty with India

The Dutch government signed a social security treaty with the Minister of Overseas Indian Affairs on 22 October 2009. The treaty was signed in the Indian capital city of Delhi.⁵³

This treaty provides for a closer collaboration between the Netherlands and India and its aim is to make the migration of highly qualified migrants and experts to move more easily between the two countries. Employees of companies who are seconded from one country to work in the other country are exempted for a maximum period of 60 months from paying social security payments in the guest country. They are insured during this period through their country of origin and there is no need to pay double premiums. Employees or self-employed workers who are not seconded are included under the system of the guest country and not under the system of the country from which they were sent. Therefore they are also not required to pay double premiums.

The treaty makes it more attractive for Indian businesses to set themselves up in the Netherlands and vice versa.

Self-employed business people from the USA and Japan.

It is simpler for US citizens and Japanese citizens to start up as self-employed business people in the Netherlands than for business people from other non-EU countries. The Dutch American Friendship Treaty (1956) and the Treaty of Trade and Navigation between the Netherlands and Japan (1913) make it possible for respectively American and Japanese business people to set up, to develop or to lead a business in the Netherlands, without them being required to demonstrate that the proposed business activity is innovative or of actual added value to the Dutch economy. For this reason they are not included under the points system that was developed by the Ministry of Economic Affairs. A condition is that the business person invests capital in the Dutch business. An investment of € 4,500 is sufficient in most cases.

Agreement creating an Association between the European Union and Turkey.

Under the framework of the Agreement creating an Association between the European Union and Turkey, agreements have been made about the free circulation of Turkish employees.⁵⁴

1.3 Relations with third countries and labour migration agreements

Q.10. Do the policies in your Member State focus on specific third countries?

Yes

Q10.a. If Yes, please list these third countries, providing a brief indication of the reasons for focusing on specific third countries.

The pilot project Mobility Partnerships and visa facilitation

The pilot project Mobility Partnerships was launched by the European Commission as an instrument in the collaboration between Member States and third countries in the area of migration. The Netherlands is a party in the Mobility Partnerships with Cape Verde Islands, Georgia and Armenia. The Dutch contribution is limited to projects in the areas of repatriation and reintegration and increasing the capacity of migration authorities. No agreements have been reached so far concerning the labour migration of (highly) qualified third-country nationals to the Netherlands. However, agreements have been reached by the Netherlands about visa facilitation for certain groups, such as business people, scientists, students and NGO employees. The aim of the visa facilitation is to strengthen the Dutch knowledge economy through making it attractive for such *bona fide* groups to come to the Netherlands for a short stay. The visa requirement remains in the case of visa facilitation (as opposed to in the case of visa liberalisation), but it is made easier for members of these groups to be granted a visa.

Besides the pilot project Mobility Partnerships, the Netherlands has also reached visa facilitation agreements with Ukraine (2008) and Russia (2006).⁵⁵

The Netherlands is also involved in discussions with Azerbaijan about a future Mobility Partnership.

Q.11. Has your Member State entered into labour migration agreements relating to attracting qualified and/or highly qualified third-country nationals to the national territory?

Yes, see also under Question 9a.

Q11.a. If Yes, what role do these labour migration agreements play in executing your Member State's policies?

India is an important country of origin of highly qualified labour migrants. The treaty between India and the Netherlands about the payment of social security premiums is intended to make establishment more attractive to highly skilled migrants and businesses as well.

Q11.b. If Yes, please fill out the following:

- Agreement No.1

Third country: India

Date of agreement: 22 October 2009

Purpose of agreement: The aim of the treaty is to make it easier to establish businesses and for the migration of highly qualified workers and experts between the both countries.

Number of third-country nationals who have benefited from this measure: Not available

Was the agreement adopted in the framework of Mobility Partnerships?

No

Q.12. Has your Member State adopted legislations facilitating labour migration from specific third countries ('country-specific legislation')?

Yes

Q12.a. If yes, please elaborate concisely.

The Dutch-American Friendship Treaty (1956) and the Treaty of Trade and Navigation between the Netherlands and Japan (1913) and the Agreement creating an Association between the European Union and Turkey. See further under Question 9a.

Q.13. Has your Member State entered into other more favourable arrangements with non-EU/EEA countries and/or regions relating to attracting qualified and/or highly qualified third-country nationals to the national territory?

Yes

Q13.a. If yes, please elaborate concisely.

Agreement creating an Association between the European Union and Turkey.

Under the framework of the Agreement creating an Association between the European Union and Turkey, agreements have been made about the free circulation of Turkish employees.⁵⁶

Section 2 Evaluation and Effectiveness of Measures

((Maximum 4 pages))

This section reflects on the effectiveness of national measures as described in Section 1 and the methods used for evaluation. This analysis shall help to identify good practices and lessons learnt in Section 4.

2.1 Evidence of effectiveness based on statistics

A template table for statistics will be provided.

Please provide statistics that reflect the scale and scope of highly qualified and qualified labour immigration of third-country nationals using statistics provided by Eurostat and other relevant national statistics that are available⁵⁷. Please present the following:

- The number of third-country nationals employed and self-employed in the respective Member State in the relevant ISCO groups (i.e. those related to qualified and highly qualified employment according to national definitions) over the last 5 years aggregated by gender and age group.
- The number of third-country nationals employed and self-employed in the respective Member State over the last 5 years aggregated by relevant ISCED level of education (i.e. those associated with qualified and highly qualified employment according to national definitions), gender and age group.
- The number of first residence permits issued for relevant reasons (e.g. highly skilled workers, EU Blue Card) over the past 5 years aggregated by gender and age group.

Conclusions by the tables.

The statistical data comes from the EU Labour Force Survey and is based on a random sample taken from the population. The results can therefore be subject to the usual level of deviation of the actual situation resulting from a random sample. Some of the data may be statistically unreliable as a result of the size of the random sample. Such data is indicated in the accompanying tables by ":". Data that were *flagged* up with a "u" have been removed from the table below. This applies to the Dutch data in the following cases:

- The number of third-country nationals working in the Netherlands in highly qualified professions in the age group of 45 years and older in one or more years (Table 2.3).
- The number of highly qualified third-country nationals in the age group of 45 years and older in one or more years (Table 3.3).
- The data about the number of highly educated self-employed third-country nationals in the Netherlands in the years 2008-2009 have not been used due to statistical unreliability (Table 4.3).
- In addition to this, the working populations of highly educated third-country nationals ISCED 6 between 2008-2012 are not shown because they are too small.

The data relating to the number of first residence permits issued to third-country

nationals with a purpose of residence in connection with 'work' is Eurostat data. The data relating to the year 2012 was not available (NA) at the time of compiling this report due to the conversion to a new computer system.

The tables are given below together with the most important observations per table.

Table 1.1: Overall trend of First permits issued to third-country nationals for remunerated activities.

	2008	2009	2010	2011	2012
Total number of first permits issued for remunerated activities	11,613	10,433	10,448	10,961	NA

Source: Eurostat Report 3 Netherlands. Data that is not available is indicated by NA.

- The data in Table 1.1 relates to all first residence permits issued with a purpose of residence connected with paid activities. This includes the group of highly skilled migrant (see Table 1.2) and the group of researchers (not illustrated).
- The number of first residence permits issued with a purpose of residence connected with 'work' decreased slightly between 2008 and 2009 and has since increased again to almost 11,000 in 2011.

Table 1.2: First permits issued to third-country nationals for remunerated activities by reason.⁵⁸

	2008	2009	2010	2011	2012
Remunerated activity reasons: Highly skilled workers	6,411	4,895	5,531	5,594	NA
Remunerated activity reasons: EU Blue Card	NA	NA	<10	<10	NA

Source: Eurostat Report 3 Netherlands. Data that is not available is indicated by NA.

- The number of first residence permits issued to highly qualified migrants decreased between 2008 and 2009 and has since then increased once again. The issue of almost 5,600 residence permits in 2011 had not yet returned to the level of more than 6,400 residence permits issued in 2008. Since the figures for 2012 have not yet been published, it is not yet known whether this increase continued in 2012. See also under Question 14a.
- The Blue Card can be applied for in the Netherlands since 2010. In the years 2010 and 2011 the Blue Card was only issued sporadically.

Table 1.2: First permits issued to third-country nationals for remunerated activities by gender and age group.

Age breakdown	2008			2009			2010			2011			2012		
	Male	Female	Total	Male	Female	Total									
25-29	2,614	1,175	3,789	2,202	1,064	3,266	2,175	1,120	3,295	2,384	1,172	3,556	NA	NA	NA

30-34	1,738	517	2,255	1,585	414	1,999	1,600	448	2,048	1,769	501	2,270	NA	NA	NA
35-39	1,024	288	1,312	968	230	1,198	964	244	1,208	985	248	1,233	NA	NA	NA
40-44	543	137	680	538	111	649	579	138	717	586	128	714	NA	NA	NA
45-49	330	83	413	351	67	418	325	74	399	320	88	408	NA	NA	NA
50-54	222	44	266	219	40	259	200	35	235	214	38	252	NA	NA	NA
55-59	113	28	141	104	17	121	83	23	106	107	25	132	NA	NA	NA
60-64	41	10	51	49	8	57	45	14	59	31	9	40	NA	NA	NA

Source: Eurostat Report 3 Netherlands. Data that is not available is indicated by NA.

- Most of the third-country nationals who were issued with a residence permit between 2008 to 2011 with the purpose of work fell into the age category of 25 to 39 years old.
- Within this number, the age group of 25-29 years is the largest. This applies more to women than to men.
- Men form the largest proportion of all labour migrants. The gender relationship is approximately 3:1, although the share of women in the whole population increased slightly in 2010 and 2011.

Table 2.1: Employment of Third-Country Nationals in high-skilled occupations and gender (x1000) (on the target date of the random check).

Occupation according to ISCO categorisation	2008	2009	2010	2011	2012
OC1 Legislators, senior officials and managers	8.4	8.8	7.3	6.2	6.6
OC 2 Professionals	15.0	12.6	12.5	14.9	16.3
OC 3 Technicians and associate professionals	13.4	9.8	12.2	12.4	12.8
Total	36.7	31.2	32.0	33.4	35.7

Source: EU Labour Force Survey

- After a reduction in 2009, the number of highly qualified third-country nationals (ISCO 1-3) in 2012 had almost recovered to the level of 2008. This trend is in line with the observations of the number of first residence permits issued for the purpose of work (Table 1). It could be concluded that the number of highly qualified migrants and the share that they form in the total of the Dutch professional population has not increased in number between 2008 and 2012, despite the flexible immigration policy. When argued in another light it could be concluded that the economic crisis which has affected the Netherlands for the last few years has not led to a substantial reduction in the number of highly qualified third-country nationals working in the Netherlands. On balance, the situation does appear to have stabilised.
- In real figures, the group of professionals *is* the largest. Professionals *are* highly qualified professionals who work in a wide variety of areas, such as IT advisers, economists, legal experts, medical and financial experts, teachers and dancers. The *number of* professionals has increased once again after a reduction in 2009 and 2010. In 2012 this category amounted to more than 16,000, almost 10 per cent more than in 2008.
- The number of *technicians and associated professionals* follows the same line as that for the total number of highly qualified workers: a reduction from more than 13,000 to just under 10,000 and thereafter a recovery back to almost 13,000 in 2012. *Technicians and associated professionals* are professional specialists in the area of technology, such as process operators, laboratory technicians, medical technicians, IT technicians, chefs, as well as social security officials and police inspectors.

- Examples of *legislators, senior officials* and managers include managers in the business community, administrators (of NGOs and other interest groups), members of legislative agencies and senior officials. The number of *legislators, senior officials and managers* is much smaller than that of both other categories. The quantitative decline between 2008 and 2012 gives an atypical image for this group. Contrary to both other categories, there was a small increase in the number of labour migrants between 2008 and 2009. In the two following years the number fell by around 30 per cent. The number increased slightly in 2012.
- In short: the share of the professionals in the total number of highly qualified third-country nationals increased relatively on balance in the period from 2008 to 2012 and the number of *legislators, senior officials and managers decreased* in the same period on balance. The number of technicians and *associated professionals remained more or less the same* on balance.

Table 2.2: Employment of Third-Country Nationals in high-skilled occupations and gender (x1000).

Age breakdown	2008	2009	2010	2011	2012
Male	19.5	16.8	17.4	19.1	20.1
Female	17.3	14.4	14.6	14.3	15.6
Total	36.7	31.2	32.0	33.4	35.7

Source: EU Labour Force Survey

- The number of male highly qualified labour migrants continued to be slightly higher than the number of their female counterparts during the whole investigation period.
- The total number of labour migrants has increased since 2010. Relatively speaking, these were slightly more men than women.

Table 2.3: Employment of Third-Country Nationals in high-skilled occupations and age (x1000).

Age breakdown	2008	2009	2010	2011	2012
25-34	14.6	12.4	13	12.8	14.4
35-44	15	12.4	11	12.3	12.2
45-54	:	:	5.4	6	6.4
55-64	:	:	:	:	:
Total	36.7	31.2	32	33.4	35.7

Source: EU Labour Force Survey Statistically unreliable in connection with size of random sample is indicated by a :

- The number of highly qualified third-country nationals in age group of 25 to 45 years forms the greatest proportion of the measured population.
- Furthermore, it is noteworthy that the growth in the number of highly qualified migrants in 2012 comprised mainly young migrants in the age group of 25-34 years. However, the number of labour migrants in the age group of 45-54 years also showed a slight increase relatively speaking.

Table 3.1: Employment of highly educated Third-Country Nationals (x1000).

Level of education according to ISCED categorisation	2008	2009	2010	2011	2012
First stage of tertiary education (ISCED level 5)	34.0	31.2	32.5	32.3	35.6

Second stage of tertiary education (ISCED level 6)	:	:	:	:	:
Total	34.3	31.3	32.6	32.4	36.0

Source: EU Labour Force Survey Statistically unreliable in connection with size of random sample is indicated by a :

- There are no reliable figures for the number of labour migrants with ISCED level 6.
- The number of highly educated persons with ISCED level 5 has risen to almost 36,000 in 2012, following a reduction of 3,000 to 31,000 during the years 2008, 2009 and 2010. It may be concluded that the number of highly educated third-country nationals remained reasonably stable during the period 2008-2012 on balance. The admissions instruments and the flexible admissions policy have not led to a significant increase in the number of highly educated third-country nationals.

Table 3.2: Employment of highly educated Third-Country Nationals by gender (x1000).

Age breakdown	2008	2009	2010	2011	2012
Male	17.4	14.7	16.3	17.1	16.7
Female	16.8	16.6	16.2	15.4	19.3
Total	34.3	31.3	32.6	32.4	36

Source: EU Labour Force Survey

- The numbers of highly educated men and women do not differ much over the course of years.
- However, it is worth mentioning that the number of highly educated women from third countries who are employed in the Netherlands has shown a relatively strong increase during 2012. The total growth of the number of people with an educational level of ISCED 5 is therefore represented completely by women in 2012.

Table 3.3: Employment of highly educated Third-Country Nationals by age (x1000).

Age breakdown	2008	2009	2010	2011	2012
25-34	14	13.9	14.3	11.9	14.4
35-44	12.7	11.6	9.5	12.8	13.6
45-54	5.3	:	6.7	5.9	5.9
55-64	:	:	:	:	:
Total	34.3	31.3	32.6	32.4	36

Source: EU Labour Force Survey Statistically unreliable in connection with size of random sample is indicated by a :

- In the measured population of highly qualified third-country nationals with the educational level of ISCED 5 the greatest proportion during the investigation period is represented by the age group of 25 to 45 years.
- The data relating to the age group categories above 45 years fluctuate around or just under the statistical reliability standard.
- The group of young labour migrants with an educational level of ISCED 5 in the age group of 25-34 years remained reasonably constant during the period of 2008 to 2012, except for a small reduction in 2011.
- The size of the group of labour migrants with an educational level of ISCED 5 in the age group of 35-44 years is less constant. Their numbers fell by 25% during the period of 2008 to 2010 to 9,500. There then followed an increase of 30% in their numbers to almost 14,000 in 2012.

Table 4.1 was not supplied by Brussels.

Table 4.2: Self-employment of Third-Country Nationals in high-skilled professions (ISCO categories 1-3) by Member State (x1000).

Country	2008	2009	2010	2011	2012
NL	8.7	8.2	8.9	8.2	8.2

Source: EU Labour Force Survey

- The number of self-employed third-country nationals in highly qualified professions fluctuated from 2008 to 2012 between the 8,000 and 9,000 and has stabilised during the last two years at just over 8,000 people. Their numbers did not increase or decrease appreciably on balance during the survey period.

Table 4.3: Self-Employment of highly educated Third-Country Nationals (ISCED 5-6), by Member State (x1000).

Country	2008	2009	2010	2011	2012
NL	:	:	5.5	5.1	6.4

Source: EU Labour Force Survey Statistically unreliable in connection with size of random sample is indicated by a :

- The data relating to the number of self-employed people with an educational level of ISCED 5 (and 6) for the years 2008 and 2009 is not reliable and has therefore not been included.
- The number of self-employed people with an educational level of ISCED 5 (and 6) increased on balance in the period from 2010 to 2012 from 5,500 to 6,400.
- It is striking that there are on average more self-employed people working in highly qualified profession (Table 4.2) than there are self-employed people with an educational level of ISCED 5 (and 6). It appears that several thousand self-employed people practice a highly qualified profession with an educational level lower than ISCED 5 (and 6).

Q.14. Is there any evidence (quantitative and/or qualitative) of a link existing between the measures outlined in Section 1 and the immigration of highly qualified and qualified third-country nationals?

Yes

Q14.a. If yes, please elaborate concisely.

A summary is given below of the various different measures and the possible relationship with the immigration of highly qualified and qualified third-country nationals.⁵⁹

Highly Skilled Migrants Scheme

Since the introduction of the Highly Skilled Migrants Scheme in 2004 through to 2008 there has been an increasing line observed annually in the number of highly skilled migrants admitted by the Netherlands. There was a decrease in 2009 (around 4,900), possibly as a result of the worsening economic situation in the Netherlands.⁶⁰

More recent figures show that after 2009 there was an increase in the number of residence permits issued to highly skilled migrants to around 5,590 in 2011. However, the level of the number of residence permits that were issued in 2008 (around 6,410) has not been achieved.⁶¹

The question as to whether a new target group will be attracted through the Highly Skilled Migrants Scheme cannot be answered simply. The number of permits granted on grounds of this scheme showed a clearly increasing line up to 2009. However, it cannot be said that these highly skilled migrants would not have chosen to come to the Netherlands without the existence of the Highly Skilled Migrants Scheme. One indicator could be the number of work permits issued. This category was previously obliged to have a work permit. The number of work permits issued for a senior job level decreased in the period 2004-2007.⁶²

This could point to the fact that a shift has occurred and not necessarily that a new target group has been reached. However, other causes can also be indicated for the decrease in the number of work permits issued, such as the expansion of the number of new Member States and the economic crisis. Through the expansion of the EU the number of work permits issued decreased over the last few years from almost 75,000 in 2006 to less than 14,000 in 2011.⁶³

Scientific researchers

The total number of residence permits granted to scientific researchers shows an increase over the period from 2008 to 2011. The number of residence permits granted for that purpose almost doubled during this period.

In total 2,270 researchers were admitted during this period.⁶⁴

The implementation of Council Directive 2005/71/EC is cited as the possible reason for this increase. The Dutch government has embraced the Lisbon Strategy as well as the Europe 2020 strategy, which was launched in 2010, and wishes to give more attention to research and development. This includes attracting top talent from abroad.⁶⁵ The scheme therefore appears to be successful.

The orientation year for graduates scheme and the Highly Educated Migrants Scheme

Almost 5,050 residence permits in total were issued for the purpose of 'orientation year for graduates' in the period 2008-2011. During the same period 1,110 foreign nationals in total transferred from the orientation year for graduates to a residence permit on grounds of the Highly Skilled Migrants Scheme.

The supply-led Highly Educated Migrants Scheme appears to be used less often. A total of 110 applications were granted during the period 2009-2011. 37% of the foreign nationals who were granted a residence permit in 2009 under the framework of the Highly Skilled Migrants Scheme, moved on to having a residence permit as highly skilled migrant.⁶⁶

It can be concluded more clearly with the orientation year for graduates than by the above-mentioned Highly Skilled Migrants Scheme that a new target group is being attracted.

Work on a self-employed basis

The number of residence permits issued under the condition of work on a self-employed basis, whereby this is tested by a points system, is limited. However, this does show an increasing line. During the period 2008-2011 the number of permits granted rose from almost 20 in 2008 to almost 50 in 2011. Only 11% of the applications for work on a self-employed basis were granted, whereby the application was tested under the points system.

Transferring to permanent residence

During the period 2005-2011 almost 1,020 highly qualified people were issued with a permanent residence permit. Over 520 highly qualified people took up Dutch citizenship during the period 2004-2011. These people have chosen to stay in the Netherlands for a longer period of time.

The listings below can be used as examples. Please support your answers with reference to statistics or any other sources of information.

- *Increase in the number of residence permits for the purpose of highly qualified employment since implementation of the measure(s);*
- *Faster filling of job vacancies corresponding to the domestic demand according to employer response survey;*
- *Qualification and occupation match (over/under-qualification).*

Q.15. Is there a quota for highly qualified and qualified third-country nationals?

No

Q15.a. If Yes, is the quota exhausted?

Not applicable

Q.16. Is there any evidence (quantitative and/or qualitative) of a link existing between the labour migration agreements (also in the framework of Mobility Partnerships) outlined in Section 1 and the immigration of highly qualified and qualified third-country nationals?

No

Q16.a. If yes, please elaborate concisely.

Not applicable

If (statistical) evidence as requested above regarding concrete measures and labour migration agreements is not available, please outline and analyse any other statistics which may provide indications of the effectiveness of the national policies and measures.

Not applicable

2.2 National methods of evaluation

Q.17. Does primary research (using any methods) exist in your Member State evaluating

the national policies, related practical measures and labour migration agreements (also in the framework of Mobility Partnerships) implemented to attract highly qualified and qualified third-country nationals?

Yes

Q17.a. If Yes, which methods have been used?

A number of the measures cited in Chapter 1 have been evaluated.

Highly Skilled Migrants Scheme

In order to gain insight into the development, the implementation and the effects of the Highly Skilled Migrants Scheme, a monitor was carried out in 2005⁶⁷ and 2009⁶⁸ (on the basis of figures from 2008). The findings from 2009 are the most relevant for this report.

The central question in the Monitor of highly skilled migrants 2008 is: How has the Highly Skilled Migrants Scheme developed since halfway through 2005 and what are the consequences of these developments for the implementation and effects of the Scheme?

In order to answer this question, use was made of various different research methods. Besides desk research and a quantitative analysis, a web survey was also carried out in companies and institutions that participated in the highly skilled migrant procedure. Interviews were also held with the relevant stakeholders.

Highly Educated Migrants Scheme

The Highly Educated Migrants Scheme was also evaluated in 2011. Apart from desk research, use was also made of quantitative research, file research and interviews with experts during this evaluation.

Q17.b. If Yes, what is the outcome regarding the effectiveness of these measures and labour migration agreements?

Highly Skilled Migrants Scheme

The conclusion from the above-mentioned Monitor of Highly Skilled Migrants is that 'a group of migrants are attracted through the Highly Skilled Migrants Scheme who provide a positive influence to the Dutch knowledge economy'. It also appears from the web survey that the greater proportion of the highly skilled migrants (77.4%) has had a university education, followed by the group with a higher professional education (17.3%).

76% of the businesses indicate that the expansion of the possibilities for admission of foreign workers contributes to the strengthening of the Dutch economy.

Furthermore, it appears from the division into different business sectors that the leading sector is 'IT and business services' followed by 'Industry, Trade and Education and Research'.

Investigations were carried out in 2010 into abuse of the Highly Skilled Migrants Scheme. The main conclusion is that the Highly Skilled Migrants Scheme does not need to be structurally adjusted because it does not appear to be subject to large-scale abuse. The survey did however lead to adjustment of the scheme on a number of

points in order to prevent the future basis from being impaired under the scheme. The adjustments are being prepared in the Decree for implementing the Labour Act for Aliens. One of the adjustments is that the salary criterion is coupled with the demand that the salary must be paid regularly in equal payments throughout the year.

A new monitor will be carried out in 2013. The outcome of this monitor was not known at the time of writing this report.

Highly Educated Migrants Scheme

Prior to the implementation of the Highly Educated Persons Scheme in 2009, the ambition was formulated to admit 500 highly educated foreign nationals under the scheme over a period of two years. The evaluation shows that this ambition was not realised.⁶⁹

Less than half of the proposed number of foreign nationals were issued with a residence permit under the framework of the Highly Skilled Migrants Scheme and less than half of the foreign nationals who were issued with a residence permit found work during the orientation year as highly skilled migrant or self-employed business person. Despite the fact that the proposed figures were not achieved, seven of the eight organisations that were interviewed showed an average to very positive reaction to the scheme. This opinion is based on the expectation that the number of participants in the scheme will increase in the future. Seven of the eight experts supported the continuation of the scheme.

The scheme will be evaluated again in 2013. The outcome of this evaluation was not known at the time of writing this report.

2.3 Policy makers' or other stakeholders' (i.e. academics, non-governmental or private sector representatives) experience

Q.18. If evidence (see 2.1 and 2.2) is not available, what is then the national policies makers' or other stakeholders' experience and assessment regarding the (perceived) effectiveness of measures (see also questions under 2.2)?

Not applicable

Section 3 **Challenges and Barriers** *((Maximum 4 pages))*

This section reflects on possible challenges and barriers that may affect the attractiveness of a Member State for highly qualified and qualified third-country nationals' immigration.

3.1 Possible challenges and barriers

Q.19. Have challenges and barriers in your country been identified based on previous research which affect the attractiveness of your Member State for (highly) qualified third-country nationals?

Yes

Q19.a. If Yes, please indicate these factors.

[Insert response here]

The listing below can be used as an example. Please support your answers with reference to statistics, research or any other sources of information (e.g. media debates, case-law, policy documents, practitioners' views, private sector and other stakeholders):

- *Salaries/Wages;*
- *Economic crisis;*
- *Language;*
- *Formal/Informal discrimination;*
- *Public discourse / debate;*
- *Bureaucracy;*
- *Monetary and non-monetary (time) costs;*
- *Lack of information;*
- *Working conditions;*
- *Small/weak academic/scientific community;*
- *Waiting time to process visa applications in the Member State*

A few studies relating to knowledge migration have recently been published in the Netherlands. These studies and the information from the consultative group, which is made up of experts in this area, have produced a number of points of interest and policy proposals. These are described here.

Admissions policy provides insufficient guarantee for success.

The Dutch admissions policy for highly skilled migrants is relatively open and simple, but this does not mean that the Netherlands is immediately more attractive for highly skilled migrants or that it can increase the size of this group. The role of the admissions policy in the attraction of highly skilled migrants is limited. The employer is very often responsible for organising the residence permit. The admissions policy is therefore not so important for these highly skilled migrants.⁷⁰ Knowledge infrastructure, innovation and social policy all play an important role, as well as career opportunities and living conditions.⁷¹

Various different studies have shown that the Netherlands is a desirable country amongst international talent.⁷² Despite this, the share of highly qualified immigrants in the total professional population remains far behind the average for the OECD countries, according to the Boston Consulting Group.⁷³ The Netherlands achieves a lower score than the OECD average. The Boston Consulting Group argues that this concerns a paradox: highly qualified immigrants find the Netherlands to be attractive and the Netherlands opens its arms to them, and yet they do not come.

It should be commented that the conclusion that the Netherlands achieves a lower score than the OECD average is based on figures from up to 2008 and this is not supported by a comparison with the number of highly skilled migrants in the EU between 2008 and 2011. Between 2008 and 2011 the Netherlands admitted more than

22,000 highly skilled migrants. This puts the Netherlands in second place behind the United Kingdom.⁷⁴

Policy aiming at the recruitment and keeping highly qualified people in the Netherlands.

Various different reports point to the need for policy that is not only aimed at attracting more highly qualified labour migrants, but is also aimed at keeping them here. If this group can be kept in the Dutch labour market by means of a targeted policy, that would be a relatively efficient way of increasing the number highly skilled migrants.⁷⁵ It should not be forgotten thereby, however, that the expected increase in emigration of (Dutch) highly qualified people is a factor that works as a disadvantage for the Netherlands in the *Battle for Brains* with competing countries.⁷⁶ Through the emigration the increased immigration of highly qualified third-country nationals would be cancelled out on balance.

The structural introduction of exit interviews with emigrants and returning immigrants could provide greater insight into how the present talent can be retained better.⁷⁷

Recruitment and commitment of highly skilled migrants by businesses and research institutes.

In the opinion of some experts, businesses and universities do not always respond sufficiently to the scarcity of talent. This means that highly qualified workers attracted from elsewhere by universities and research institutes often leave again after a couple of years and little effort is made in order to keep them here. Businesses also make increasing use of specialists deployed for short periods of time. The experts point to the important role played by employers and universities in attracting and keeping highly qualified third-country nationals. To an important extent they determine the public and the private demand in the Dutch labour market for highly skilled migrants. The efforts made by businesses and universities should therefore be aimed at attractive and sustainable jobs, by offering good propositions and career opportunities to top talent from elsewhere, according to these experts.

However, it is important to recognise hereby that the group of highly skilled migrants is not homogeneous and comprises various different groups. Some of these make a conscious choice for the Netherlands and others by chance. Some come here for an extended period of time, others only stay for a short time. The reputation of research institutes plays an important role for scientists and students, and labour market factors are important for other workers. The policy should recognise these differences and provide tailor-made solutions per target group.⁷⁸

Various experts point out the importance of selection within the group of highly skilled migrants. In order to overcome shortages in certain economic sectors, or in other cases to counteract surpluses, specific target groups could be deterred or attracted.

Recruitment and commitment of foreign students.

According to the Social and Economic Council of the Netherlands (SER), fewer foreign students are attracted to the Netherlands than to other prosperous countries.⁷⁹ Moreover, approximately three quarters of them return to the own country once their study has been completed. Amongst those who do stay, there are few graduates in areas of study for which there is a shortage in the labour market.

The challenge for the Netherlands, in the interests of the Dutch economy and higher education, is to recruit more international talent and to keep them here once they have completed their study, according to the SER. The SER argues thereby for recruitment and retention that is better suited to the labour market with regard to those foreign students in particular who have graduated in an area in which there is a shortage of candidates in the labour market. In order to achieve this, interested agencies such as businesses, educational institutions, governmental and non-profit organisations should mount a joint effort. Instruments to be used include: financial incentives, a sharply-profiled educational selection with space for excellence, as well as a *career centre* that can help graduates with finding a job. One example of a policy that is more acutely aimed at the labour market is the intention of the Netherlands to attract foreign students more actively in the scientific and technical subjects.⁸⁰

Greater attention for excellence in education.

The Dutch educational system is set up at the highest possible level for as many pupils/students as possible. According to the Boston Consulting Group, this educational system offers insufficient space for excellence. Within the existing educational institutions more space and attention for excellent students should be realised. The Netherlands should offer educational courses at a top level for the real top talent. There is a call for the formation of a Dutch top university, a 'Harvard on the North Sea'. By offering educational courses at a top level, the top talent would be attracted that would then remain in the Netherlands after the end of the⁸¹ study period. According to SEO economic research, the reputation of many Dutch universities is good.⁸²

Performances of the knowledge economy are moderate.

The government has expressed the ambition of making the Netherlands a dynamic knowledge economy that ranks amongst the top 5. However, the performances of the Netherlands as a knowledge economy are only moderate, according to the SEO, and remain behind those of competing countries.⁸³ The investments in R&D are the lowest of all selected countries, the Netherlands has the lowest number of researchers per 1000 workers and, in comparison with the other selected countries, the Netherlands scores an average to moderate on the knowledge and innovation indexes according to the *Global Innovation Scoreboard* and the *European Innovation Scoreboard*.

If the Netherlands invested more in knowledge and innovation the strength of competition of the Netherlands would increase in the recruitment of highly skilled migrants. Moreover, a more knowledge intensive economy is attractive to highly skilled migrants.⁸⁴

Demand-driven and supply-driven immigration policy.

The authors of the WRR report 'In Betere Banen' pose the question as to whether labour market shortages in the future as a result of demographic developments could be filled through labour migration. They point to the complicating factor that the attraction of both highly educated migrants as well as European labour migrants lies mainly in the hands of employers that want to fill job vacancies quickly. The labour market policy is thereby mainly given over to the ad hoc decisions of employers, whilst the demographic developments appear to demand a policy that is based on a long-term vision.⁸⁵

It appears from the Boston Consulting Group's report that the policy should be aimed more at the growing international reservoir of unattached and mobile highly skilled migrants themselves and less at the employers.⁸⁶ This group of highly skilled migrants mainly chooses their place of residence and country of preference firstly and, after that, the employer.

In the evaluation of the Highly Educated Migrants Scheme in 2011, reference was also made to this group. The researchers noted that there was 'less than the desired interest in the Highly Educated Migrants Scheme'. Experts see the requirement of a work permit to be an explanation for this.⁸⁷ Particularly foreign nationals who studied abroad and who have little or no attachment to the Netherlands see the requirement for a work permit as an important barrier for participating in the scheme. The foreign national is thereby required to provide for their own upkeep and work during this period under strict conditions, over which they have no influence themselves. The financial risk of taking up this orientation year can pose too great a risk for these graduates in choosing to come to the Netherlands.

The obligation to have a work permit also excludes the possibility of taking up an internship during the orientation year or of working on the basis of secondment. Particularly in this current economic climate employers are less inclined to take on new employees on the basis of a permanent contract. On grounds of these objections, most experts support the abolition of the obligation to have a work permit for participants in the Highly Educated Migrants Scheme. The potential risks of an attractive effect and displacement in the labour market are not seen by them to be genuine points, since this concerns highly qualified, ambitious foreign nationals who come from top universities.⁸⁸

Noises have also been made that both a system that is demand-led as well as a system that is supply-led have both strong and weak points and that it does not appear to be clear that the one system leads to an increased competition more than the other.

The need for branding.

The *branding* of the Netherlands by potential highly skilled migrants is a weak point, according to SEO. The score on the *Nation Branding Index*⁸⁹ is low. The Netherlands' reputation abroad as a 'free and tolerant' country is not sufficient. The level of prices in the Netherlands is relatively high and the healthcare sector scores an average within the indicators.

Familiarity with the Netherlands appears to play a role in the choice of highly skilled migrants in wanting to migrate here. Approximately 60% of all highly skilled migrants who have come to the Netherlands to work have been here previously. Policy makers should therefore bear in mind what the perception is of the Netherlands that is held by foreigners (acquaintance and reputation). The government should do more in

the area of promoting the Netherlands as an attractive land for highly qualified foreigners to establish themselves.⁹⁰

Work and career: financial considerations.

Highly skilled migrants in the Netherlands are less positive about their financial situation than about other aspects in their lives in the Netherlands. The pressure of taxes (apart from the 30% rule) is relatively high. That is important in the 'Battle for the Brains' since in the considerations that a highly skilled migrant makes in choosing a country in which to establish him/herself, the financial considerations and career perspectives play an important role. Many highly skilled migrants make the consideration to move to the USA or the United Kingdom. Germany is also often named as a 'competing' country compared with the Netherlands.⁹¹

Economic conjecture.

The factor relating to the 'economic crisis' can also be of influence in the attraction of highly skilled migrants. There are less high-level jobs available due to the crisis and the career possibilities for international labour migrants are more limited. This can influence the influx of highly educated third-country nationals to the Netherlands.⁹²

The property market and top provisions of the metropolis.

The property market is rigid and makes the Netherlands less attractive as cities such as Brussels, Berlin and London in terms of this point for international knowledge workers who are considering a temporary stay. The lack of middle and higher class residential properties for rent in many Dutch cities and regions can deter highly skilled migrants from moving here.

The Randstad conurbation must become further integrated as a metropolis in order to be able to compete with the attraction of other large international conurbations. The cities included within the Randstad conurbation (e.g. Hilversum, Amsterdam, Haarlem, Leiden, The Hague and Rotterdam) need to collaborate to a greater extent in order to offer top provisions (in the areas of infrastructure, living accommodation, culture and recreation). Improvement in the accommodation and living climate is necessary in order to attract and keep international talent.⁹³

The language as a barrier.

It goes without saying that English language countries hold a position of advantage over countries with a small linguistic area, such as the Netherlands. This also applies to countries with languages such as French, Spanish and Portuguese. The costs of migration to the Netherlands are therefore greater since investments need to be made in learning the language. Migration streams will therefore be greater to countries with a widely used language and, despite any efforts made, countries such as the Netherlands will lose a large number of migrants.

According to a survey amongst highly skilled migrants in Rotterdam, the Dutch language is an important barrier for many people⁹⁴. However, it should be noted that on the shop floor and in daily life highly skilled migrants in the Netherlands can often

make use of the English language to a greater extent and it is not necessary to be able to speak and understand Dutch at a high level.⁹⁵

Learning the Dutch language can also be a barrier for highly skilled migrants in another way. If highly skilled migrants and their families decide to stay in the Netherlands after a period of residence of five years, or to naturalise here, then they are required to take a civic integration examination. This obligation can pose an obstacle to orientation in the Netherlands on a more permanent basis.⁹⁶

Lack of knowledge of ‘municipal hospitality policies’ amongst highly skilled migrants. The policy relating to the facilitation of international highly skilled migrants in the Netherlands and to help them in their integration is mainly provided only at municipal and private levels. However, research shows that municipal initiatives in this area (the ‘hospitality policy’) do not reach the target group because they remain unknown to the highly skilled migrants. Governmental departments, businesses and others should do more to make the facilities on offer better known to the highly skilled migrants.⁹⁷

Coherence of policy and tailor-made services.

In the advice from experts in the consultative group⁹⁸ and in the research reports about migration of the highly skilled the need for policy coherency is a recurrent theme in the efforts made by the government in attracting more highly skilled migrants. In order to become successful the admissions policy will be supported by policy in other sectors, such as culture, education and knowledge infrastructure and this will be balanced with the social partners. There is a great deal of discussions with stakeholders at the present time about the admissions policy for highly educated persons. On the other hand, the labour market policy is mainly given over to the ad hoc decisions of employers, whilst the demographic developments appear to demand a policy that is based on a long-term vision.⁹⁹

Q.20. If such evidence is not available, what is then the national policies makers’ or other stakeholders’ experience and assessment regarding the challenges and barriers which affect the attractiveness of your Member State for (highly) qualified third-country nationals?

Not applicable

Section 4 **Conclusions** (Maximum 2 pages)

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policy makers at national and EU level.

Q.21. What conclusions would you draw from your findings that are relevant to the aims of this Focussed Study? Can you identify good practices and lessons learnt with regard to attracting highly qualified and qualified third-country nationals? What is the relevance of your findings to (national and/or EU level) policy makers?

Two groups of labour migrants are described in this report, those being the highly

qualified and the qualified third-country nationals.

When there is talk of making the Netherlands attractive to labour migrants then almost all the attention is given to the first category, the highly qualified third-country nationals. The policy for this group can be described as inviting. The aim of the specifically inviting policy for highly educated persons is the realisation of a 'knowledge economy'.

The policy can be mainly characterised as demand-led, although there are careful experiments being carried out with supply-led measures (such as the Highly Educated Migrants Scheme).

Outside of the inviting policy for highly qualified third-country nationals, only under exceptional circumstances are employees from outside the EU admitted to the Dutch labour market. The government believes that all possibilities should be deployed firstly to make use of the labour supply already on offer within the Netherlands.

The Modern Migration Policy is in force as from 1 June 2013, in which this selective migration policy is enforced.

This report shows that the measures that are taken in order to make the Netherlands more attractive to labour migrants relate to immigration measures in the first place, which are often aimed at easing and simplifying the admission regulations.

It is difficult to clarify the effects of the measures taken by the government in order to make the Netherlands more attractive for highly qualified and qualified third-country nationals.

Some researchers conclude that the Netherlands is well-liked by international talent. Other researchers argue that the share of highly qualified immigrants amongst the professional population remains a long way behind that of the average OECD countries. They observe that a paradox exists: highly qualified immigrants find the Netherlands to be attractive and the Netherlands opens its arms to them, and yet they do not come.

As previously stated, it is mainly immigration measures that are taken in the Netherlands. The Highly Skilled Migrants Scheme is a good example of this fact. The figures show that since the introduction of the Highly Skilled Migrants Scheme in 2004 through to 2009 there was an increasing number of third-country nationals that were admitted on grounds of this scheme. There was a decrease in 2009, possibly as a result of the worsening economic situation in the Netherlands. Despite the economic crisis, more recent figures (2010 and 2011) show an increasing line, although the level of 2008 has not yet been achieved. The Highly Skilled Migrants Scheme was evaluated in 2009. The conclusion was that 'a group of migrants are attracted by means of the Highly Skilled Migrants Scheme who have a positive influence on the Dutch knowledge economy'.

The number of residence permits granted to scientific researchers also shows an increase over the period from 2008 to 2011 and the number has almost doubled.

During the period between 2008 and 2011 the Orientation Year for Graduates Scheme contributed to a substantial number of international graduates remaining in the Dutch labour market. More than 1,100 students passed on to being granted a residence permit on grounds of the Highly Skilled Migrants Scheme.

The Highly Educated Migrants Scheme appears to be used less often. This scheme

was evaluated in 2011. The evaluation showed that the ambition formulated in 2009 to admit 500 highly educated foreign nationals in the space of two years under the scheme was not achieved.

Whether the Self-employed persons scheme, which is tested under a points system, is a successful instrument for attracting (highly) qualified third-country nationals is difficult to say due to the limited number of residence permits issued. However, this does show an increasing line.

Apart from *good practises*, lessons can also be learnt from this.

The role of the admissions policy in the attraction of highly skilled third-country nationals is limited. Other measures, for example in the area of the knowledge infrastructure, innovation and social policy, are needed for the Netherlands to become attractive as a place for highly educated people to establish themselves.

The importance of coherency in policy is emphasised in various research reports and also by experts in the consultative group: in order to be successful the flexible admissions policy for highly qualified people must be supported by policy in other sectors.

Successful policy is not only aimed at attracting more highly educated labour migrants, but is also aimed at retaining them.

Employers and research institutes play a key role in this area. To an important extent they determine the public and the private demand in the Dutch labour market for highly skilled migrants. Through offering attractive and sustainable jobs with good propositions and career possibilities, businesses and research institutes could make a greater effort, according to some experts, in order to keep talent here.

Some researchers point to the one-sided character of the labour migration policy that is predominantly determined at the moment by short-term decisions made by employers and research institutes, while demographic developments seem to demand a policy that is based on the long term. Moreover, the policy contains few schemes that are specific to any given sector.

According to some researchers, the Netherlands should make a greater effort to attract foreign students and to keep them here for the labour market. Recruitment and retention that is better suited to the labour market is advocated with regard to those foreign students in particular who have graduated in an area in which there is a shortage of candidates in the labour market (for example in the areas of science and technology).

Familiarity with the Netherlands appears to play a role in the choice of highly skilled migrant in migrating here. Still, there is room for improvement in the reputation of the Netherlands amongst the target group in third countries, as appears from the *Nation Branding Index*. Finally, the level of welcome and integration in Dutch society shown to highly qualified third-country nationals will be improved.

List of abbreviations

BCG	Boston Consulting Group
BUWav	Decree implementing the Labour Act for Aliens
EEA	European Economic Area
EMN	European Migration Network
EC	European Community
EU	European Union

EZ	Ministry of Economic Affairs
GBA	Municipal Personal Records database
HBO	Higher Professional Education
IND	Immigration and Naturalisation Service
INDIAC	Immigration and Naturalisation Information and Analysis Centre
ISCED	International Standard Classification of Education
ISCO	International Standard Classification of Occupation
KNAW	The Royal Netherlands Academy of Arts and Sciences
MoMi	Modern Migration Policy
MVV	Regular Provisional Residence Permit
OCW	Ministry of Education, Culture and Science
OECD	Organisation for Economic Co-operation and Development
R&D	Research & Development
SEO	Sociaal Economisch Onderzoek / Social Economic Research
SER	The Social and Economic Council of the Netherlands
SZW	Ministry of Social Affairs and Employment
TRQN	Temporary Return of Qualified Nationals
Twv	Work permit
UWV	Netherlands Employees Insurance Agency
VVR	Regular Residence Permit
VWS	Ministry of Health, Welfare and Sport
Wav	Labour Act for Aliens
WIN	Civic Integration for Newcomers Act
WO	University education

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¹ *Parliamentary Papers II*, 2010/11, 30 573, no. 74

² The strategy was launched by the government leaders and heads of state of the EU during a European summit in March 2010 in the Portuguese capital Lisbon. The EU appeared to be facing a prosperous coming period: the unemployment was relatively low and the economic growth was relatively high. The objective was also ambitious: in 2010 the EU should have changed into the most competitive and dynamic knowledge economy in the world.

³ Innovation platform (2004)

⁴ *Parliamentary Papers II*, 2003/04, 29 200 VI, no. 164

⁵ *Parliamentary Papers II*, 2010/11, 32 144 VI, no. 5

⁶ 'Creating bridges'. Coalition agreement VVD (the People's Party for Freedom and Democracy) - PvdA (the Labour Party), 29 October 2012

⁷ *Parliamentary Papers II* 2012/13, 33, 475, no. 3

⁸ The Social and Economic Council of the Netherlands advises the government about the main lines in implementing the social-economic policy. The SER also carries out managerial and supervisory tasks. Independent Crown-appointed members, employers and employees work together in the SER.

⁹ *Parliamentary Papers II* 2012/13, 29 407 no.153

¹⁰ *Parliamentary Papers II* 2007/08, 29 861 and 30 573, no. 21 (Towards a Modern Migration Policy p. 16)

¹¹ INDIAC (2011a)

¹² *Parliamentary Papers II*, 2003/04, 29 200 VI, no. 164

¹³ The European Parliament Directive 2011/98/EU is important, the aim of which is to simplify the application procedure and to lighten the administrative load. The Directive provides for a *single permit* for labour migrants from third countries, whereby there is only one procedure for the application of a work permit and a residence permit.

¹⁴ Despite the implementation of schemes that are favourable for highly qualified migrants, it is still difficult to make use of the (ordinary) labour migrants procedure. This occurs, for example, if the employer has chosen not to use a recognised sponsor registered with the Immigration and Naturalisation Service (IND) or because the salary is lower than the salary criterion set out in the Highly Skilled Migrants Scheme. Certain highly qualified and qualified professions and jobs are eligible for the issuance of a work permit. This applies mainly for personnel in key positions in large companies and for foreign nationals who carry out work for up to 3 months within a period of six months for an employer who has been admitted to the highly skilled migrants procedure. This mainly relates to technicians and employees in the IT sector.

¹⁵ *Parliamentary Papers II* 2007/08, 29 861 and 30 573, no. 21 (Towards a Modern Migration Policy p. 17) A labour market test is necessary in the first place for labour migration in the middle segment and the lower level of the labour market. In certain cases this form of migration is strictly temporary.

¹⁶ INDIAC (2009)

¹⁷ *Parliamentary Papers II* 2012/13, 33 475 no. 6

¹⁸ The aim of the Labour Act for Aliens is that an employer established in the Netherlands may only allow paid work to be carried out by a foreign national with the nationality of a non-EEA Member State, after he/she has first actively tried to recruit personnel from the Netherlands and other EEA Member States. The reservoir of workers has priority in the supply of jobs.

¹⁹ https://www.werk.nl/werk_nl/werkgever/meerweten/werkvergunning/versneldeprocedure

²⁰ https://www.werk.nl/werk_nl/werkgever/meerweten/werkvergunning/versneldeprocedure

²¹ Sander Groen and Tesseltje de Lange. *De Europese 'Blue Card'. Verblijfsvergunning voor hooggeschoolde arbeidsmigranten*. 2011

²² The Regular Provisional Residence Permit is a visa for long-term residence. The obligation to have a Regular Provisional Residence Permit does not apply to citizens from the EU, the European Free Trade Association (EFTA), Australia, Canada, Japan, Monaco, New Zealand, the Vatican City, the USA and South Korea.

²³ INDIAC- NL EMN NCP (2012) *Beleidsverzicht 2011. Migratie en Asiel in Nederland*. Rijswijk: INDIAC- NL EMN NCP

²⁴ Staatscourant 2008, no. 21

²⁵ Staatsblad 2010, no. 307

²⁶ *Parliamentary Papers II* 2007/08, 30 537 no. 11, p. 19

²⁷ *Parliamentary Papers II* 2008/09, 30 573, no. 34

²⁸ Panteia/University of Maastricht (2012), p. 97

²⁹ *Parliamentary Papers II* 2008/09, 30 573, no. 34

³⁰ *Parliamentary Papers II* 2007/08, 30 573, no. 11

³¹ *Parliamentary Papers II* 2009/10, 30 537, no. 54 and *Parliamentary Papers II*, 2011, 30 573, no 74, 11 July 2011, p 10

³² Maastricht Graduate School of Governance (2012), *Evaluation of the "Blue Birds" Circular Migration Pilot in The Netherlands*, Maastricht

Parliamentary Papers II, 2011, 30 573, no 74, 11 July 2011, p 10

³³ Panteia/University of Maastricht (2012)

³⁴ The first Rutte government governed from October 2010 to April 2012, after which it became a caretaker government until after the general election when it was followed by the current (second) Rutte government.

³⁵ Panteia /University of Maastricht (2012) p.84

³⁶ *Parliamentary Papers II* 2010/11, 30 573, no. 74, 11 and Panteia/University of Maastricht (2012)

³⁷ Panteia /University of Maastricht (2012)

³⁸ De Nederlandse Migratiekaart. Achtergronden en ontwikkelingen van verschillende internationale migratietypen, WODC 2012, page 99.

³⁹ *Parliamentary Papers II* 2012/13, 29407 no. 153

⁴⁰ Oers van R and Minderhoud P. (2012)

⁴¹ Staatsblad 2010, no. 307

⁴² Staatscourant 2011 no. 21341

⁴³ INDIAC (2011a)

⁴⁴ INDIAC (2011)

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- ⁴⁵ INDIAC- NL EMN NCP (2010)
- ⁴⁶ INDIAC- NL EMN NCP (2012b) p.52
- ⁴⁷ <http://www.ind.nl/Werkgevers/Pages/Voorlichtingsbijeenkomstenenworkshops.aspx>
- ⁴⁸ *Parliamentary Papers II*, 2004/05, 29 800 VI, no. 31.2
- ⁴⁹ *Parliamentary Papers II*, 2005/06, 30 308, no. 3
- ⁵⁰ Bochove M. (2012)
- ⁵¹ Smit A. 'De kansrijke migrant bestaat niet' *De Volkskrant*, 25 October 2011
- ⁵² www.belastingdienst.nl
- ⁵³ <http://www.rijksoverheid.nl/documenten-en-publicaties/persberichten/2009/10/22/nederland-sluit-verdrag-sociale-zekerheid-met-india.html>
- ⁵⁴ On grounds of the so-called standstill stipulation, Member States of the European Union may not apply any new limitations to work opportunities on Turkish employees.
- ⁵⁵ *Parliamentary Papers II*, 2011/12, appendix number 3069 (18 July 2012) and Policy letter: The Mobility Partnership no. 1, 2010, Maastricht Graduate School of Governance and Panteia /University of Maastricht (2012)
- ⁵⁶ On grounds of the so-called standstill stipulation, Member States of the European Union may not apply any new limitations to work opportunities in relation to the work opportunities of Turkish employees.
- ⁵⁷ Please take into account the comments made under section V. Available Statistics.
- ⁵⁸ Information about the number of first residence permits issued to researchers is also available, but was not requested in the format of Table 1.2.
- ⁵⁹ The numbers cited for the various different measures by this question refer only to third-country nationals. These numbers deviate from the figures that are used in the national reports.
- ⁶⁰ INDIAC (2011b)
- ⁶¹ Use was made of Eurostat figures. These Eurostat figures relate to the number of first residence permits issued exclusively to EU citizens.
- ⁶² WODC (2009)
- ⁶³ <http://www.rijksoverheid.nl/documenten-en-publicaties/notas/2011/04/11/arbeidsmigratie-van-buiten-de-eu.html>
- ⁶⁴ As far as the Netherlands is concerned, under researcher fall the researcher Council Directive 2005/71/EC, scientific researcher and unpaid scientific researcher.
- ⁶⁵ INDIAC (2011b),
- ⁶⁶ INDIAC (2011a)
- ⁶⁷ INDIAC (2005)
- ⁶⁸ INDIAC (2009)
- ⁶⁹ INDIAC (2011a)
- ⁷⁰ Ernest Berkhout et al, SEO Economic Research, *Wat beweegt Kennismigranten*, April 2010 SEO Economic Research (2010)
- ⁷¹ WRR (2012) p. 24
- ⁷² Boston Consulting Group (2010) p. 21 and 48, and SEO Economic Research (2010) and ESRC Centre on Migration, Policy and Society, Highly Skilled Immigrant Index (2011).
- ⁷³ BCG (2012), p 21 p 48
- ⁷⁴ Source: <http://epp.eurostat.ec.europa.eu>
- ⁷⁵ SEO Economic Research (2010)
- ⁷⁶ WODC (2011) page 99.
- ⁷⁷ Boston Consulting Group (2012), p 32; see also the WRR report *In Betere Banen. De toekomst van arbeidsmigratie in de Europese Unie* The Hague:
- ⁷⁸ SEO Economic Research (2010) p. 99
- ⁷⁹ <http://www.ser.nl/nl/actueel/persberichten/2010-2019/2013/20130403-nederland-meer-best-doen-buitenlandse-studenten-binden.aspx>
- ⁸⁰ *Parliamentary Papers II* 2011/12, 32637 no. 33, appendix Government reaction to the Masterplan Beta and Technology, 16-04-2012, p 9-10
- ⁸¹ BCG (2012) p.32
- ⁸² SEO Economic Research (2010) p. 93
- ⁸³ The study carried out by the SEO Economic Research was based on data from a selection of a number of Western European countries, the USA, Canada and Australia
- ⁸⁴ SEO (2010) p.95
- ⁸⁵ WRR (2012) *In Betere Banen. De toekomst van arbeidsmigratie in de Europese Unie*. Den Haag:WRR, p.14
- ⁸⁶ BCG (2012) p.31

⁸⁷ See also the design advice from the SER, *Make it in the Netherlands*, <http://www.ser.nl/nl/actueel/persberichten/2010-2019/2013/20130419-ser-unaniem-advies-binding-buitenlandstalent.aspx>

⁸⁸ INDIAC (2011a) p. 26

⁸⁹ The *Nation Branding Index* (NBI) is an indicator for the quality of life. The NBI charts the reputation of various countries in relation to soft factors, such as infrastructure, living, cultural supply, as well as the reputation in relation to tolerance.

⁹⁰ SEO Economic Research (2010)

⁹¹ SEO (2010)

⁹² *Parliamentary Papers II* 2012/13, 29 407 no.153

⁹³ BCG (2012) p.33

⁹⁴ Source: http://www.rotterdam.nl/burgerschapsbriefing_kennismigranten

⁹⁵ SEO (2010) p.13

⁹⁶ Oers van R. and Minderhoud P. (2012)

⁹⁷ Oers van R. and Minderhoud P. (2012) and http://www.rotterdam.nl/burgerschapsbriefing_kennismigranten.

⁹⁸ The Consultative Group is made up of a number of experts in the area of labour migration. The group of experts was involved in the preparation of this report.

⁹⁹ WRR (2012)