

## THE RECOGNITION OF SKILLS IN THE MIGRATION PROCESS

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Skills are an important factor in migration and socio-economic development, and a key element in facilitating labour mobility, generating positive impacts on the country of origin, the country of destination and the migrant him/herself, fostering employability, supporting the sustainability of our welfare systems and fostering the creation of inclusive societies.

Until now, legal migration has occupied a discreet place on the political agenda, more focused on other dimensions of the migration phenomenon, marked, in some cases, by the main concerns of the EU Member States - the fight against irregular immigration, border control and security- and, in others, due to events themselves, such as the situation in Afghanistan, which has put back on the agenda the response to humanitarian disasters in third countries and the consequent need for international protection of those who suffer them.

However, in recent years there has been a certain 'shift' that has placed legal migration at the top of the migration policy agenda, both within the EU and externally.

This shift has been prompted by the growing demand for certain profiles in the labour market, felt with varying intensity in all EU Member States, and by the difficulty for employers to fill vacant jobs due to the demand for specific - usually high - qualifications and the excessively slow and complex processing of the resulting permits.

Moreover, the **COVID** pandemic has led to substantial changes in both the supply of and demand for labour. While on the one hand the skills shortages detected in sectors such as healthcare have been clearly revealed, on the other hand digitalisation has had an impact on occupations that were traditionally in demand and which have now been affected by the possibility of carrying them out remotely, with the appropriate tools. The digital divide has undoubtedly been another element that has particularly affected sectors such as education, both at higher and intermediate levels.

The pandemic has also accentuated the need to address new ways of developing jobs - digitalisation, offshoring, teleworking - and the importance of the so-called *soft skills*: responsibility, reliability, initiative, resilience, problem-solving, leadership... The skills that employers need in the future will be different from those of the past, and it is essential to encourage skills recycling and continuous learning. The new forms of teleworking imposed by the pandemic and its consequent limited mobility have reshaped demand and supply. It is therefore a good opportunity to reflect on this and other issues.

**At the European** level, the need to attract talent to the EU, and thus to meet the demands of employers, has been at the centre of debates on legal migration, which are always more contested given the competences of Member States in the area of labour migration and quotas. This situation has been particularly visible at the legislative level, where the negotiation of the revision of the Blue Card Directive on the basis of a proposal presented by the COM in June 2016<sup>1</sup> has lasted no less than 5 years due to the radically opposed positions of the two co-legislators essentially on two issues: on the one hand, the maintenance of the national talent attraction schemes developed by the Member States in parallel to the Community regime (2004 directive). On the other hand, the consideration of a person's "*skills*" or abilities as merits equivalent to academic qualifications for the assessment/classification of the candidate as "highly qualified".

The **Fitness Check on Legal Migration** carried out by the European Commission in March 2019<sup>2</sup> has opened several questions: Are all job categories adequately covered? How can the EU help to facilitate the attraction of medium and low-skilled workers, who are also in demand? Do we need a general harmonising framework to facilitate labour mobility?

The analysis of skills, whether academic or professional, and their recognition (through the different procedures that apply) is an essential step both for third-country nationals who wish to continue the studies they have begun in their countries of origin and for those who have a migratory motivation aimed at working and residing in the destination country, with different scope depending on whether they are practising a regulated or non-regulated profession.

The year 2015, with the refugee crisis, underlined the need to harness the skills of those who arrived in Europe after being rushed out of their home countries. Many of these people had received prior academic training but lacked any documentation to prove it. Others, however, had not been able to complete such training although they had some experience. Against this background, the potential of the 1997 Convention on the Recognition of Qualifications related to Higher Education in the European Region (**Lisbon Convention on the Recognition of Qualifications**) became evident. In compliance with its Article VIII - obligation of signatory countries to develop procedures for assess whether refugees and displaced persons are eligible for access to higher education or employment activities - initiatives and good practices have been developed in different countries.

The recognition of qualifications generates many obstacles by its very nature. In the EU, decisions to recognise foreign qualifications are a) national and b) non-portable, which greatly hampers intra-EU mobility and thus considerably "undermines" the potential attractiveness for international talent. Moreover, the impact is much greater for highly

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<sup>1</sup> COM(2016) 378 final

<sup>2</sup> Available at: [https://ec.europa.eu/home-affairs/policies/migration-and-asylum/legal-migration-and-integration/legal-migration-fitness-check\\_en](https://ec.europa.eu/home-affairs/policies/migration-and-asylum/legal-migration-and-integration/legal-migration-fitness-check_en)

educated labour migrants than for highly skilled EU workers<sup>3</sup> (29% of the former indicate that this is the main or second obstacle preventing them from finding a suitable job, compared to 18% of the latter). On the contrary, this difference in the impact of non-recognition of their qualifications is hardly noticeable among labour migrants and community mobile workers with medium or low educational levels (14 and 13 per cent respectively)

In unregulated professions, where it is not necessarily required to hold a diploma, the possession of a qualification, professional experience or *soft skills* play a decisive role.

Today, several tools exist at European level in order to facilitate the processes of assessment, accreditation and comparability of the skills of candidates for certain jobs, such as "*EU Skills Profile Tool for Third Country Nationals*", "*Skills Panorama*", "*Europass*" and the European Qualifications Framework.

The existence of a **Framework for comparability between European qualifications**, adopted in 2008, revised through the Council Recommendation of 22 May 2017 and covering all types and levels of qualifications, is a tool that allows Member States to correlate their national qualification levels with the eight EQF qualifications.

If the recognition and equivalence of academic qualifications and the assessment of previous experience are still areas with many uncertainties - slow, difficult, heterogeneous - the establishment of comparability schemes based on frameworks and standardized or globally accepted parameters can contribute to a more efficient use of resources in labour markets, so that entrepreneurs, for example, can make a better decision based on the value of third country skills, ultimately supporting international mobility schemes as well as the satisfaction of labour demands and, in addition, encouraging the attraction of talent.

Comparability between qualifications, extended to third countries, could, perhaps, help to facilitate the recognition processes of both qualifications obtained in third countries in Europe and European qualifications in third countries, thereby reducing time and helping to remove an obstacle to mobility.

**Outside Europe**, the assessment of *skills* is framed by migration systems and tools that can also be inspiring. This was highlighted in the March 2019 report by the Commission and the OECD "*Building an EU talent pool*", which analysed in depth the "*Expression of interest*" scheme adopted in countries such as Canada, Australia and New Zealand and proposed different scenarios adapted to the EU. These schemes seek to create a pool of potential candidates for migration that does not only meet requirements, or are only tenuously linked to academic qualifications or the existence of a job offer, but also to elements of human capital.

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<sup>3</sup> [Subject to the Directive \(EU\) 2005/36/EC on the recognition of professional qualifications](#)

Moreover, the assessment, comparison, approval and/or equivalence of skills is relevant in the external context of strategic relations with third countries through, for example, the **talent partnerships** foreseen in the European Pact on Migration and Asylum<sup>4</sup>, which foster mobility schemes in which the recognition/comparability of skills can facilitate the improvement of education and qualification systems in third countries with appropriate support from the EU, or, at the level of bilateral cooperation, from national authorities.

Finally, the recognition of skills is also a key factor in favouring the creation of **inclusive societies**. The Action Plan on Integration and Inclusion for the period 2021-2027, adopted by the Commission in September 2020<sup>5</sup>, recognises the important contribution of migrants to the EU, something further accentuated by the COVID-19 crisis. The Plan, which incorporates several actions, highlights that more than a quarter of migrants have a high level of education but are often unable to put their skills into practice, with 40% over-qualified for the work they do. At the same time, almost one fifth of migrants have only primary education and need more support.

**At the national level**, in the search for solutions to fill vacancies with the necessary skills, through streamlined procedures and even with employer involvement, many countries are reviewing and updating their schemes and strategies to meet the needs of their labour markets as quickly as possible, in some cases using key changes in sectoral legislation. Likewise, the effectiveness of those instruments - for example, databases and national catalogues of occupations that are difficult to cover<sup>6</sup>- legally envisaged in order to detect the internal needs of labour markets and, eventually, their possible opening to third-country nationals, presents an interesting pause for reflection, with ramifications around what are their possibilities for improvement, how the recognition of migrant qualifications interacts with the qualification and eventual training needs in national skills, or if there is discrimination in their recognition (i.e., to what extent over-qualification affects the second generation of migrants with respect to the native ones). e.g. to what extent over-qualification affects second-generation migrants as compared to native-born migrants)

The analysis of *skills* and, in general, of the recognition of qualifications acquired abroad is a key element in the context of return strategies for foreign residents wishing to return home. Increasingly, knowledge and life and professional experience acquired abroad are valued elements in the recruitment processes of companies, as they are, in themselves, sources of talent which, in addition, have a positive impact on the generation and investment of new talent through various institutions and organisations such as universities, research centres, foundations, *think tanks*, etc. However, the processing times for degree recognition and equivalence processes, the lack of information, the rigidity of recruitment processes in the context of the internationalisation strategies of universities

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<sup>4</sup> COM(2020)609 final

<sup>5</sup> COM(2020) 758 final

<sup>6</sup> "EMN ad hoc query on 2019.86 Labour market tests in the migratory context".

and research centres generate practical barriers that may affect the decision and the outcome of returning to the country of origin.

Finally, several EU Member States have developed mobility schemes with strategic third countries, some on a bilateral basis and others within the framework of EU initiatives such as the Legal Migration Pilot Projects initiative launched in September 2017, where candidates' skills have been assessed and accredited in different ways.

In any case, it seems clear that the assessment of skills/competences is a) a generalized element in legal migration schemes, including both academic and labour; b) essential and intrinsically decisive, with greater or lesser weight, of the suitability of the candidate issuing the permits; c) heterogeneous depending on the country in question and the valuation system used; d) complex in terms of documentation and its accreditation, which can paralyse or slow down migration processes, especially in the case of people who lack documentation (i.e., refugees) or it is incomplete and d) susceptible to analysis and the search for elements to streamline it and improve its effectiveness and purpose within immigration procedures.

But there are still many questions on the table that need to be answered if we are to achieve these goals.

- The confluence of all these factors raises a first question: what is meant by *skills*?
- what are the *skills* in demand in the labour market?
- How should they be assessed?
- What are the main obstacles to recognition? Lack of sufficient information, slow processes, excessive supporting documentation, lack of common standards at EU level?

In this context, the conference aims to bring together institutions, representatives from different policy areas and Member States, as well as other stakeholders such as academia and the business sector, to jointly identify and better understand the challenges to be addressed in the field of labour migration, in order to facilitate the recognition of qualifications. It can also provide relevant inputs for Member States for the future transposition of the Blue Card Directive and on the efficiency of the Blue Card Directive in relation to national schemes.

This exercise will help to identify the most effective practices so that they can be implemented, where possible, at EU or Member State level, thus maximising the positive impact of a well-managed migration policy. And not only that. It should also encourage active reflection on how to address the challenges of an ageing society, a changing labour market and frameworks or instruments that may not provide sufficient incentives to shift the decision to migrate from "international talent" in favour of the EU. In the words of COM VP Margaritis Schinas, "*we need a skills revolution that leaves no one behind*".

### ***Some ideas for discussion.***

What are the main **challenges facing the EU?**

#### **Some illustrative data.**

The EU is facing a gradual decline in its working-age population (15-64) that is set to intensify, with a projected decline of about 25 million (or -9%) over the next two decades. The projections for the overall labour force point in the same direction: the EU labour force will decrease by 18.3 million (-7.4%) over the period 2015-2035, despite an expected increase in the participation rate among women and older workers.

According to CEDEFOP's projections, 43% of the jobs expected to be created by 2030 will require high level training. By 2030, jobs are expected to be created for higher occupations, such as business and administration professionals, but also for occupations traditionally considered as medium-skilled, such as salespeople, cleaners and carers for the elderly. Already today, there are a large number of unfilled vacancies in several EU Member States, largely due to structural skills shortages in some sectors (information and communication technologies, accounting and finance, health care) and occupations. Some of these needs have been revealed even more clearly by the COVID-19 pandemic. Thus, according to data from the Joint Research Centre of the European Commission, 13% of key workers were migrants, and in most countries, the share of key workers from outside the Union is higher than that of the intra-EU migrant population. The content of work is also changing rapidly, and the need for adaptation, training - including in digitisation - and *upskilling* is increasing.

However:

- In 2019, almost 3 million initial residence permits were issued to third-country nationals in the EU-27, an increase of 5.8% compared to 2018. The largest number of permits were issued for employment-related reasons (1.2 million, or 40.2% of all permits issued), followed by family-related reasons (810,000, or 237.4%), other reasons (546,000, or 18.5%) and education-related reasons (400,000, or 13.5%)
- Of these, only about 37,000 workers were admitted under the EU talent attraction scheme (Blue Card<sup>7</sup>). However, statistics show an increasing use of this scheme in relation to the total number of highly qualified workers coming from third countries and recruited via both national and EU legislation. If in 2015 the proportion of blue cards issued was only 12.6% of initial highly qualified permits in 2019 the ratio rose to 29.6%, reflecting an increased use of the scheme.

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<sup>7</sup> Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

- However, in relative terms, this is much lower compared to other OECD countries, such as the United States, Canada, Australia or New Zealand. Currently, the number of third-country nationals admitted to the EU under the highly skilled schemes is around 0.01% of the total EU population, while in Canada and Australia it is around 0.6%.
- The EU is at a competitive disadvantage, especially for the highly skilled: of all non-EU migrants arriving in OECD countries, 43% of low-skilled migrants choose an EU destination, while 68% of highly skilled migrants choose a non-European destination (mainly the US, Canada and Australia).
- According to the Manpower Talent Shortage Survey 2021, European employers report the greatest difficulty in filling vacancies, with the greatest impact felt in France, Romania and Italy.
- At the same time, companies in China, India and South Africa have the least difficulty in finding skilled workers.

### ***Some questions for discussion***

- Are the current tools for *skills* assessment sufficiently flexible? How can we improve them?
- COVID-19:
  - How has the COVID-19 pandemic impacted on the identification of skills needs by third-country workers?
  - What upskilling needs have become apparent and how do we address them?
- What are the lessons learned from the European Refugee Qualifications Passport initiative? What were the determining factors in its implementation?
- To what extent can digitalisation help to better assess and analyse the competencies of a candidate for a given labour migration channel? (i.e. digitisation of visas, digitisation of academic certificates, digital skills training for employers, administration)
- What indicators are to be used for a better analysis of skills? Are they the same in all countries? Do we need more indicators or better and more frequent evaluation of existing ones?
- How can other models of labour migration, such as the Canadian model, serve as a model for recognition and equivalence of academic qualifications and/or recognition of skills/practical experience? What are the possibilities and challenges?
- How can we make real progress on the recognition and equivalence of academic qualifications in the EU? National experiences with strategic third countries.
- How can progress be made in the recognition of other professional skills, and in particular informal or non-formal learning?



- What kind of mechanisms can be used to check that the candidate's skills match those required for the job?
- What mechanisms should be used for reliable accreditation of skills? Is there anything that can be done at the European level? How can we increase trust between member states on this issue?

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