European Migration Network

Temporary and Circular Migration: empirical evidence, current policy practice and future options in EU Member States

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This Synthesis Report summaries the main findings of the National Reports for the EMN Study on *Temporary and Circular Migration: empirical evidence, current policy practice and future options in EU Member States* undertaken by EMN National Contact Points from 24 Member States (**Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom**).

The overall purpose of this study was to illustrate different policy preferences and approaches to temporary and circular migration, and to provide evidence of their characteristics, as well as to identify lessons learned, best practices and possible policy options, which could be further explored at national and EU political levels. By doing so, the EMN study also serves to respond to the request from the Council, through its Council Conclusions and the Stockholm Programme, regarding further exploration and development of circular migration as an integral part of EU migration policy.

The Synthesis Report, as well as the National Reports upon which this synthesis is based, are available from http://www.emn.europa.eu under "EMN Studies." Several of the National Reports are available in the Member States' national language, as well as in English.

Disclaimer

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Explanatory Note

The 24 EMN National Contact Points who participated in this activity were from **Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom**.

It is important to note that the comments of this Report refer to the situation in the above-mentioned Member States up to and including 2010 and specifically the contributions from their EMN National Contact Points. More detailed information on the topics addressed here may be found in the available National Reports and one is strongly recommended to consult them also.

The Member States mentioned above are given in **bold** when mentioned in the Report, and when reference to "Member States" is made the reference is to these Member States only.

EMN NCPs from other Member States could not, for various reasons, participate on this occasion, but have done for other EMN activities and reports.

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Executive Summary

This EMN Study on *Temporary and Circular Migration: empirical evidence, current policy practice and future options in EU Member States* was undertaken by twenty-four of the EMN National Contact Points (EMN NCPs) from **Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden** and **United Kingdom** and serves to respond to the request from the Council, through its Council Conclusions and the Stockholm Programme, regarding further exploration and development of circular migration as an integral part of EU migration policy. Temporary and circular migration are receiving increasing policy interest within the EU as forms of migration which have the potential to satisfy labour demand, whilst ensuring return, and providing benefits to both the migrant and the country of origin.

In this policy context, the aims of the study are to illustrate different policy preferences and approaches to these two forms of migration across Member States, and to provide evidence of their characteristics, as well as to identify lessons learned, best practices and possible policy options, which could be further explored at national and EU political levels. The Study covers the period from 2004 up to end of 2010, though statistics are provided up to the end of 2009.

The *Introduction* (Section 1) first provides an overview of the *Methodology* (Section 1.1), followed by an overview of *key issues arising from other relevant reports and studies* (Section 1.2) which outlines arguments from academic literature and existing studies, in turn giving an overview of the impact of temporary and circular migration on the *host society* (Section 1.2.1); on the *migrant* (Section 1.2.2); and on the *country of origin* (Section 1.2.3) – elements of the so-called "triple win" associated with these forms of migration. *Conclusions and recommendations* (Section 1.2.4) from these studies are also provided.

The study found that the concept of temporary and circular migration varies amongst Member States. To illustrate this, the *definitions of temporary and circular migration* (Section 2) are discussed, and the Section begins with a presentation of the definitions as given in the EMN Glossary (Section 2.1), then as they exist in Member States (Section 2.2), beginning with a comparison of *national definitions of temporary migration* (Section 2.2.1), and then considering *national definitions of circular migration* (Section 2.2.2). In general very few Member States have existing definitions of temporary or circular migration. Hence, for the purposes of the National Reports, definitions derived from academia and policy documents, or taken from the EMN glossary, were often employed.

The EMN Study shows that current *approaches to temporary and circular migration* (Section 3) differ across

the EU. In order to understand this more fully, the *EU Policy Context* is described (Section 3.1), followed by the *national context: visions and policies* (Section 3.2). *Key elements* of – i.e. commonalities between – these national approaches are then given (Section 3.3). These key elements are: *Support for the economic advancement of the Member State* (Section 3.3.1); *Development cooperation, brain drain and brain gain* (Section 3.3.2); *Migrant livelihood and integration* (Section 3.3.3); ensured *Return* of the migrant (Section 3.3.4); and *Other aspects* (Section 3.3.5). Member States also differ in the extent to which temporary and circular forms of migration are viewed positively or negatively, and the extent to which policies on these forms of migration are developed or not. *Public opinion* (Section 3.4) on temporary and circular migration is also outlined, as well as the results of *national evaluations of the programmes and policies* relating to these forms of migration (Section 3.5). Public opinion is mixed, and, while representatives of civil society, academia and migrant groups recognise the potential benefits of temporary and circular migration schemes, the "triple-win" assumption is sometimes questioned. This is echoed in the results of national evaluations and studies which have suggested that temporary and circular migration schemes cannot guarantee the return of the migrant.

An overview of the existing *legislation* (Section 4) regulating temporary and circular migration in the EU then follows. This begins with an outline of *relevant EU legislation* (Section 4.1), both existing and proposed, and then *national legislative frameworks* (Section 4.2). Overall few Member States have legislation in place that specifically addresses either temporary or circular migration, although provisions existing in general migration legislation can either help to encourage or discourage such forms of migration. The *systems of visas and permits regulating temporary and circular forms of migration* (Section 4.2.1) indicates that where permits are non-renewable they can be understood to oblige temporary migration; and where they allow for repetitive movement back-and-forth over a period of time, they can be understood to encourage circular migration. Circular migration is also dependent on the specificities of *re-entry and permission of absence conditions* (Section 4.2.2). *Other rights and conditions facilitating circular migration* are also described (Section 4.2.3), plus *the specific rules concerning migration for the purpose of study, training and research* (Section 4.2.4), as these are usually considered to be temporary forms of migration.

One of the ways through which temporary and circular migration that benefits countries of origin, as well as Member States, can be promoted is through *Cooperation agreements with third countries* (Section 4.3). The Study thus describes specific types of agreement existing between Member States and third countries, including *bilateral cooperation* agreements (Section 4.3.1); agreements involving the action of the *diaspora* (Section 4.3.2), *Youth Mobility Agreements* (Section 4.3.3) and *Mobility Partnerships* (Section 4.3.4).

Existing *statistics on temporary and circular migration* (Section 5) are provided, with notable variations in the approaches to data collection, sources used, and volume and quality of statistics provided. Specific issues related to *data availability and the collection of statistics on temporary migration* are provided (Section 5.1), including a description of data availability in relation to *duration of stay* (Section 5.1.1) and by *purpose of stay* (Section 5.1.2). Then, an overview of national statistics is provided to the most comparable extent possible (Section 5.1.3). However, as there was such variation in data collection methods, as well as in the scope of the understanding of 'temporary migration', only a minimal level of comparability is achieved. The specific issues related to *data availability and the collection of statistics on circular migration* are then described (Section 5.2), followed by an overview and discussion of *statistics on seasonal work* (Section 5.3), which can be understood as both a temporary and circular form of migration. Finally, available statistics on Temporary and Circular Migration by nationality are presented (Section 5.4).

The Study concludes with a discussion of *emerging good practice and aspects for further consideration* (Section 6). One of the *main findings and conclusions* (Section 6.1) is that the development and promotion of policies on temporary and circular migration in the EU Member States is at a very early stage (Section 6.1.1). For example, while most Member States have accommodated elements of temporary or circular migration into their policy, legislation and practices, this is rarely explicit. Nonetheless, reports of initial evaluations of existing programmes and policies confirm the positive results for participating migrants (Section 6.1.2), although there is less evidence to suggest any significant benefits to employers and the country of origin

The Study also finds that the concepts of temporary migration and circular migration are not sufficiently differentiated from each other in Member States (Section 6.1.3, and that there is great diversity in national approaches to temporary and circular migration (Section 6.1.4), and some issues related to the public's perception (Section 6.1.5).

Following these conclusions, areas which would benefit from further improvement are identified (Section 6.2). These are harmonising key concepts and improving data collection (Section 6.2.1); choosing between targeted programmes or 'spontaneous' movements (Section 6.2.2); and raising awareness and promoting exchanges of experience and best practise (Section 6.2.3). Related to these, *aspects for further consideration* (Section 6.3), particularly by policymakers, and as identified by this study, are presented.

1. INTRODUCTION

The European Migration Network (EMN)[1] was established through Council Decision 2008/381/EC[2] and serves to provide up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the EU. It provides this information also to the general public.

The aim of the study on "Temporary and Circular Migration: Empirical evidence, current policy practice and future options in EU Member States" was to provide an overview of the different policy preferences, views and conceptualisations in the Member States, as well as any specific legislation, programmes and measures in place to promote temporary and circular migration. The study also aimed at developing a better understanding of the characteristics of temporary and circular migration patterns, in terms of the categories of third-country nationals engaging in these forms of migration, including a review and analysis of existing statistics and empirical evidence. Finally, the study also sought to identify lessons learned, best practices and aspects for further consideration which could be further explored at national and EU political levels. By doing so, the EMN study also serves to respond to the request from the Council, through its Council Conclusions and the Stockholm Programme, regarding further exploration and development of circular migration as an integral part of EU migration policy.

This Synthesis Report summarises the key findings from National Reports produced by 24 of the EMN National Contact Points: **Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden** and **United Kingdom**, highlighting the most important aspects and placing them as much as possible within an EU perspective. The findings presented here refer to the situation in the Member States of the participating EMN NCPs during the period from 2004 up to 2010. More detailed information on the topics addressed here may be found in the available National Reports[3] and it is strongly recommended to consult these also in order to obtain a greater level of detail in relation to the specific situation of each participating Member State. While temporary and circular migration are separate concepts, policies, legislation and practices often address both forms of migration, using similar definitions and provisions. This also has an impact on the collection of data, as it can be difficult to discern

1 More information on the EMN, including its outputs, is available from www.emn.europa.eu
2 Available from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008D0381:EN:NOT.
3 Available from: www.emn.europa.eu under "EMN Studies."

between temporary migration(s) that are singular (i.e. temporary) and those that are repetitive (i.e. circular).[4] For this reason, the two forms of migration are often discussed together within this Study.

1.1 Methodology

The National Reports are based on common Study Specifications, developed by the EMN and followed by all EMN NCPs to ensure, to the extent possible, comparability and facilitate the preparation of the Synthesis Report.

The EMN does not normally engage in primary research, but rather collects, gathers and evaluates data and information which are already available. In accordance with this usual practice, the National Reports of the Member States were largely based on desk analysis of existing legislation, reports, literature reviews and statistics available from National State Authorities (Ministry Departments[5] and the Central Statistical Offices and Registers), academia, International Organisations (IOM), newspaper articles and websites. Some Member States made specific reference to the complementary EMN study, also undertaken in 2010 on "Satisfying labour demand through migration."[6] Others referred also to NGOs and migrant representatives' studies and websites (**Belgium, Czech Republic, Greece, France, Italy, Luxembourg, Portugal**).

Some Member States (**Austria, Belgium**, **Greece, Luxembourg, Netherlands, Spain**) also conducted expert interviews with State Authorities, academic experts and NGOs. In **Greece**, for example, the National Report is to a large degree based on key interviews with government migration experts, academic experts and migrant representatives.

All Member States were able to provide data, to some extent, on temporary migration. For example, most Member States (**Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Spain**) provided data on temporary permits issued and others (**Austria, Belgium, France, Germany, Netherlands, Italy, Slovak Republic**) provided data on the duration of stay. Most Member States provided data related to seasonal workers (**Austria**, **Belgium, Czech Republic, Germany, Greece, Finland, France, Hungary, Italy, Poland, Slovenia, Spain, Sweden, United Kingdom**) and others provided statistics on other types of temporary migrants, such as students (**Austria**,[7] **Belgium, Estonia, Finland, Hungary, Ireland, Latvia, Luxembourg, Netherlands, Portugal, Slovenia, Spain, United Kingdom**), and researchers (**Austria, Belgium, France, Hungary, Ireland, Italy, Netherlands, Spain**). However, Member States encountered major obstacles when it came to obtaining statistical evidence related to circular migration and back- and-forth mobility. **Austria, Germany** and **Sweden** were the only Member States which were able to provide some statistical evidence on circular migration, whilst other Member States indicated that a proportion of the seasonal workers were likely to be circular (or repetitive) migrants.

In addition, data provided by the Member States are difficult to compare due to the different qualitative and quantitative approaches taken. In **Sweden**, for example, the definition of circular migrants is entirely different from the EMN Glossary definition (see Section 2) and also includes its own citizens (and not just those with a migrant background). Moreover, due to the way in which third-country nationals are registered in the population register, their statistics on circular migration only include those third-country nationals who stay in the Member State for at least one year. In general, difficulties also occur when trying to compile statistics on temporary migration, as little international guidance exists on how they may be developed. In all Member States a migrant may be issued with a "temporary permit," i.e. a permit of a limited duration. However, this could either mean that their stay is meant to be temporary, or that a temporary permit is issued prior to issuing a longer-term or permanent one. Consequently, statistics on temporary residence permits issued or currently valid does not accurately reflect the volume of temporary migration.

1.2 Key issues arising from other relevant reports and studies

A bibliography of sources related to circular migration is available from the "Migration Information Source" of the Migration Policy Institute.[8] In addition, CARIM (Consortium for Applied Research on International Migration) has carried out research on circular migra-

4 See also Sections 1.2 and 6.1.3
5 Primarily departments and services under the Ministry of Interior (for general data and policies on temporary and circular migration), the Ministry of Foreign Affairs (for data on visa and stay up to 3 months) and the Ministries of Labour , Social Affairs and Education (for data on employment, social benefits and students).
6 See http://www.emn.europa.eu under "EMN Studies"

7 For 2010 only.
8 See http://www.migrationinformation.org/results.cfm

tion,[9] as have MIREM.[10] This Section serves to outline the findings of recent studies and academic research into temporary and circular migration globally, providing a critical analysis of the "triple win" hypothesis – i.e. that these forms of migration can have a positive outcome for the migrant, for the employer and for the country of origin. In light of this the Section is structured according to these three "wins," focusing on the impacts of each of these three players.

Temporary and circular migration are two forms of migration which have been gaining increasing interest in recent years amongst policymakers. Prior to this, temporary and circular migration were already of interest to the research community.[11] Circular migration is frequently viewed as one form of temporary migration,[12] in which temporary stay in the host society may be repeated at a later date. It has been heralded by policymakers and researchers alike as a migration 'tool' which creates a 'triple win' situation, producing three beneficiaries: the host society whose labour shortages will be filled; the migrant who will have greater opportunities to increase his/her employability; and the country of origin which will benefit from remittances as well as newly-acquired skills of returning migrants. While circular and temporary migration may not be purely for the purposes of employment, they are often driven by economic considerations (either for work, study or training). Since the start of the twenty-first century, these forms of migration have increasingly become a part of the EU's policy agenda (see Section 3.1). At national level also, the EMN 2009 and 2010 Annual Policy Reports[13] show that several Member States have been planning or are already implementing policies and/or practices that incorporate aspects of temporary and circular migration. Others are still considering the usefulness of such policies and schemes.

Indeed, in recent years, many Member States have increased their focus on temporary migration through the recruitment of migrants on a temporary basis, for example, agricultural workers, care providers and workers in the hospitality sector. [14] A recent working paper[15] produced by the *European Policy Centre (EPC) Task Force on Temporary and Circular Migration,*[16] suggests that:

"*EU enlargement and the gradual integration of European labour markets also led to greater mobility of labour within the Union, with many workers taking up jobs in another Member State without intending to move there forever. This has led to a surge in temporary and circular migration. Over the coming decades, Europe – with its ageing and shrinking population – will be in need of migrant labour and skills. Some will come on a temporary basis, others as long-term or permanent immigrants. It is in this context that the European Commission and some EU Member States have developed a renewed interest not only in the recruitment of highly-skilled migrants (under the "Blue Card" or points systems), but also in concepts of circular migration.*"

Hence, there has been a greater interest in the development of managed temporary and circular migration through programmes and bilateral agreements. Governments, non-governmental organisations and academics have also become increasingly interested in researching the impacts of temporary and circular migration and testing the supposed 'triple win' claim of the latter. In this Section, key findings of recent studies are presented, according to the three "wins." The analysis shows that, while these forms of migration can bring advantages, in particular for host societies, there are also some challenges in terms of their impact, in particular on the migrant.

9 http://www.carim.org/index.php?areaid=8&contentid=210&sortVar=country&pubResTopic=5&hideSearch=TRUE&callSeries=5

10 See for example, 'Research on Return Migration to the Maghreb' available from: http://www.mirem.eu.

11 See e.g. Chapman and Prothero (1985) *Circulation in Third World Countries*; Skeldon (1977) *The Evolution of Migration Patterns during Urbanization in Peru* American Geographical Society, **67**:4,pp.394-411; Zelinsky (1971) *The Hypothesis of the Mobility Transition* American Geographical Society **61:**2, pp. 219-249

12 See **Wickramasekara, P (2011) 'Circular Migration: A Triple** Win or a Dead End' Global Union Research Network (GURN) Discussion Paper No. 15. See also: Triandafyllidou, A (2011) 'Attempting the Impossible? The Prospects and Limits of Mobility Partnerships and Circular Migration'.

13 http://www.emn.europa.eu under "Annual Policy Reports"

14 See also: Newland, Kathleen, Aaron Terrazas, and Dovelyn Rannveig Agunias, *Learning by doing: experiences of circular migration* September 2008. Available from: http://www.migrationpolicy.org/pubs/Insight-IGC-Sept08.pdf

15 'Working Paper No. 35: Temporary and circular migration: opportunities and challenges.'. Available from: http://epc.eu/documents/uploads/pub_1237_temporary_and_circular_migration_wp35.pdf

16 The European Policy Centre's Task Force on Circular Migration was set up during the same period as this EMN Study and in 2010 it held several workshops to discuss key aspects of temporary and circular migration, vis-à-vis migration that leads to permanent migration, and to investigate whether temporary and circular migration policies could be part of the solution to sustaining Europe's economic and social models as its society ages. The EMN, as well as a number of other experts and practitioners, participated. The Task Force provide eight recommendations in their working paper. These focus largely on how the labour needs of the host country might be met, while ensuring the return of the migrant, while also highlighting the importance of preventing the exploitation of migrants participating in seasonal and non-seasonal work of a temporary or circular kind, and increasing the possibilities for development in the migrant's country of origin.

1.2.1 "Win" 1: the impact of temporary and circular migration on the host society

Both temporary and circular migration can have a positive impact on the economies of host societies. It has been argued, for this reason, that temporary and circular migration schemes are 'fundamentally driven' by the economic interests of the host society.[17] Temporary and circular migration for the purposes of employment provides host societies with the opportunity to respond to rapid growths and declines in labour shortages. Furthermore, temporary migration requires smaller integration costs that entail short-term economic savings to the host society.[18]

It is also argued that *circular* migration, in which migrants are provided the opportunity to re-enter the host society at a later date, encourages the return of the migrant, hence discouraging overstay (i.e. irregular migration): for example, in relation to seasonal workers in the United States, "[they] will only return to their home country ... if they have a guarantee that they will be able to return [to the host society]."[19]

By contrast, another study, prepared for the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC)'s workshop on Circular Migration,[20] has argued that *"many of the existing (temporary / circular migration) program conditions intended to "enforce" circularity seem to encourage illegal migration. These include short contract periods and non-renewable visas tied to particular employers."*

Traditionally temporary and circular migration schemes have been associated with low-skilled and seasonal work. As the EU tries to increasingly encourage the temporary and circular migration of highly-skilled workers, it may encounter some difficulties. First, employers in the host society are likely to be less willing to part with highly skilled workers, thus the employment is less likely to be temporary/circular.[21] Second, there is the risk that inviting workers into the host society on a purely temporary basis renders temporary schemes (including 'circular' schemes that do not guarantee the possibility of re-entry) unattractive to skilled migrants who might be able to find alternative employment elsewhere. It has been argued that such restrictions meant, for example, that the migrant worker ICT scheme in Germany did not reach its quota of 5 000 migrant workers.[22]

1.2.2 "Win" 2: the impact of temporary and circular migration on the migrant

While circular migration presents a number of advantages for the host society, according to some studies, the advantages for the migrant are less guaranteed. Temporary and circular migration schemes have been criticised as "labour without people."[23] That is, the host society has less incentive to invest in the welfare and integration of the migrant, when said migrant will only reside for limited periods within the society and the migrant has less incentive to invest in (i.e. integrate into) the host society. Moreover, host societies wishing to promote a policy of temporary migration may be less inclined to develop integration policies for temporary migrants, for fear that an integration strategy would encourage the migrant to stay permanently.[24] The EPC report cited previously notes that there is a need to ensure that migrant workers participating in temporary or circular migration are not exploited. Continuous circular migration can be very isolating for migrants, as they are prevented from 'settling' anywhere.[25]

In the case of temporary migration, it is uncertain whether employers actively provide training to improve the migrant's personal development, particularly when the work is based in low-skilled sectors (which temporary migration schemes often are). For example, it has been suggested that, *"The unequal bargaining power of countries of destination in these agreements is well-known. While migrants are expected to bring back skills, it is highly unlikely that employers would invest in training circular migrants in lower skilled categories."*[26] Moreover, this paper suggests that migrants may end up losing out financially when participating in temporary migration, as re-migration to the country of origin costs money, as do intermediary agencies which are sometimes used by migrants to find employment and temporary migration programmes threaten to exploit migrant workers, by presenting them with fewer rights and opportunities.

By contrast, it has been argued that circular migration schemes, which offer migrants the chance to improve

17 Sergio Carrera and Raül Hernández i Sagrera, *The Externalisation of the EU's Labour Immigration Policy: Towards mobility or insecurity partnerships?* October 2009.
18 Wickramasekara, P (2011)
19 Weil, P (2011) Circular Migration vs. Sedentary Immigration. Position paper prepared for the meeting of 14 March 2011 on the integration of migrants in host societies
20 Newland K, et al (2008)
21 Wickramasekara (2011)
22 Triandafyllidou, A (2011) 'Attempting the Impossible? The Prospects and Limits of Mobility Partnerships and Circular Migration'
23 Wickramasekara, P (2011)
24 Dagmar Hilpert, Roderick Parkes: Split Citizenship: Immigrant integration in an age of circular migration, AIES Fokus 01/2011.
25 Triandafyllidou, A (2011)
26 Wickramasekara (2011)

their skills and to return to their country of origin while retaining a right to come back and reside in a Member State (or in the case of diaspora, whilst retaining their main residence in a Member State), present the opportunity for third-country nationals to contribute to the development of their country in a business, professional, voluntary or other capacity.[27]

The impact on the migrant, therefore differs according to the approach to temporary and circular migration taken in the host society: i.e. upon whether it is the host society who controls how the temporary and circular migration is managed – i.e. the conditions of entry, stay and return; or whether the migrant is able to control when they stay and go, creating a 'spontaneous' or 'non-managed' form of migration.

1.2.3 "Win" 3: the impact of temporary and circular migration on the country of origin

The benefits to the country of origin are very dependent upon the benefits received by the migrant. As noted above, where the migrant is provided the opportunity to gain further skills in the host country, they will have more to contribute to the development of their country.[28] It has been suggested, however, that even when the migrant picks up skills beneficial to the country of origin, the fact that temporary / circular migration schemes tend to involve such small quotas of third-country nationals means that their impact on the country of origin is rather limited.[29] Nonetheless, remittances have become a major global resource in the last two decades and it has been noted that it is, in part, due to the 'market' for migration and remittances that interest in circular migration has grown. Attention can be drawn to circular migration schemes in which the diaspora are encouraged to (re-)create links with their country of origin and to encourage networks which may also lead to skills and opportunity development in third countries.[30]

1.2.4 Conclusions and recommendations from previous studies

These existing studies indicate that there is a need to ensure a balance between the needs of the host society and the needs of the migrant (as well as the country of origin). They suggest that if Member States are to ensure that migrants are not exploited then they need to implement safeguards into their programmes and policies.

Programmes, schemes and legislation provide the means with which host societies can control temporary and circular migration. However, it has been recommended elsewhere that, if circular migration is to contribute to the development of third countries, it should be 'spontaneous', so that it is the migrant who controls when and how they return to their country of origin to share their skills.[31] It has also been concluded that *"flexible long-term residence permits and dual nationality [i.e. measures which permit greater control to the migrant] also appear to increase circular flows."*[32] These authors additionally argue that understanding how circular migration develops spontaneously is likely to be the best source of information on which to develop better programme design. Another study[33] that assesses the effectiveness of Mobility Partnerships (which usually encourage circular migration) states that the partnerships are *"not only contingent on enhanced cooperation with select third countries [but they also depend on] the extent to which such partnerships will respond to labour migrants' aspirations for better employment opportunities, increased incomes, skills acquisition, equal treatment, and rights."* This echoes the conclusion of another study,[34] which concludes that "*temporary migration programmes can only achieve sustainable outcomes when they are incorporated into comprehensive migration concepts."* adding "*To this end, it should be clarified under what conditions a temporary stay can be converted into a permanent one."*

27 Weil, P (2011) Circular Migration vs. Sedentary Immigration. Position paper prepared for the meeting of 14 March 2011 on the integration of migrants in host societies

28 Triandafyllidou, A (2011)

29 Wickramasekara, P (2011) 'Circular Migration: A Triple Win or a Dead End' Global Union Research Network Discussion Paper No. 15

30 Steve Vertovec, '*Circular Migration: the way forward in global policy?*' 2007, paper 4 International Migration Institute, University of Oxford. Available from: http://www.imi.ox.ac.uk/pdfs/imi-working-papers/wp4-circular-migration-policy.pdf

31 See the final report of the Swedish Parliamentary Committee for Circular Migration and Development (CiMU) March 2011.

32 Newland, Kathleen, Aaron Terrazas, and Dovelyn Rannveig Agunias, *Learning by doing: experiences of circular migration* September 2008. Available from: http://www.migrationpolicy.org/pubs/Insight-IGC-Sept08.pdf

33 Jean-Pierre Cassarino, *EU mobility Partnerships: expression of a new compromise*, European University Institute, September 2009.

34 S. Angenendt, SWP Comments n. 11, German Institute for International and Security Affairs, June 2007, http://www.swp-berlin.org/common/get_document.php?asset_id=4058

2. DEFINITIONS OF TEMPORARY AND CIRCULAR MIGRATION

Turning now to the findings of the EMN's study, this Section provides an overview of the different definitions that exist with respect to temporary and circular migration. It first presents the definitions which are used at EU level (Section 2.1) and then reviews the definitions which are used at national level by the Member States (Section 2.2). Overall, what emerges is that neither temporary nor circular migration are clearly defined in most Member States and, where definitions do exist; there are marked differences between them. This makes it challenging to analyse and compare how these forms of migration are developing across the EU.

2.1 EMN definition and understanding of temporary and circular migration

According to the EMN Glossary[35], the definitions for temporary and circular migration are the following:

Temporary Migration

This is defined as "migration for a specific motivation and/or purpose with the intention that, afterwards, there will be a return to country of origin or onward movement."

The EMN Glossary also notes that, with regard to the development of EU policy, this may be seen in the context of *inter alia* circular migration and seasonal workers.

Circular Migration

The EMN Glossary defines this as "a repetition of legal migration by the same person between two or more countries." with examples given in the "Commission Communication on circular migration and mobility partnerships between the European Union and third countries" (COM (2007) 248 final)[36] namely;

(1) Circular migration of third-country nationals settled in the EU

This category of circular migration gives people the opportunity to engage in an activity (business, professional, voluntary or other) in their country of origin while retaining their main residence in one of the Member States. This covers various groups, for instance:

35 Available from http://www.emn.europa.eu under "EMN Glossary."

36 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on circular migration and mobility partnerships between the European Union and third countries (COM (2007) 248), available from: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0248:EN:NOT

- Business persons working in the EU and wishing to start an activity in their country of origin (or in another third country); and
- Doctors, professors or other professionals willing to support their country of origin by conducting part of their professional activity there.

(2) Circular migration of persons residing in a third country

Circular migration could create an opportunity for persons residing in a third country to come to the EU temporarily for work, study, training or a combination of these, on the condition that, at the end of the period for which they were granted entry, they must re-establish their main residence and their main activity in their country of origin. Circularity can be enhanced by giving migrants the possibility, once they have returned, to retain some form of privileged mobility to and from the Member States where they were temporarily residing, for example in the form of simplified admission/re-entry procedures.

This category covers a wide array of situations, spanning the whole spectrum of migrants, including:

- Third-country nationals wishing to work temporarily in the EU, for example in seasonal employment;
- Third-country nationals wishing to study or train in Europe before returning to their country of origin;
- Third-country nationals who, after having completed their studies, wish to be employed in the EU (for example as trainees) to acquire professional experience which is difficult to obtain at home, before returning;
- Third-country national researchers wishing to carry out a research project in the EU;
- Third-country nationals, who wish to take part in intercultural people-to-people exchanges and other activities in the field of culture, active citizenship, education and youth (such as, for example, training courses, seminars, events, study visits);
- Third-country nationals who wish to carry out an unremunerated voluntary service pursuing objectives of general interest in the EU.

On the basis of these definitions, and with regard to the differences between these two terms, *Temporary Migration* is taken to refer more to a single movement and then *limited* stay in the EU, whilst *Circular Migration* may be considered in the context of a *back-and-forth movement* between the EU and the country of origin, which is enabled by, for example, simplified admission/re-entry procedures for this type of migrants. Depending on the definitions for these two terms developed in the Member State, these may or may not include references to a (minimum or maximum) duration of time.

2.2 The definition of temporary and circular migration used by EU Member States

The extent to which formal or "working" definitions exist for temporary and circular migration in the Member States varies greatly and they can broadly be grouped within the following categories:

(i) The Member State has a formal definition / existing legal definition;

(ii) The Member State has no formal definition but applies a "working" definition at national level

(iii) The Member States has no definition, but employed one, exclusively for the purpose of the study (either based on the EMN Glossary definition or on other sources);

(iv) The Member State has no definition at all (and did not propose one for the purpose of the study).

The remainder of this Section first considers national definitions of temporary migration (Section 2.2.1), followed by national definitions of circular migration (Section 2.2.2).

2.2.1 Temporary Migration

As illustrated in Table 1, no Member State has a clear formal or legal definition of temporary migration. Some Member States **(Belgium, Finland, Germany, Latvia, Lithuania, Portugal, Spain, Sweden, United Kingdom)**, however, do have a working definition in place, for example, as part of policy guidelines (**Sweden**) or implied in national legislation (**United Kingdom**). Where no definitions exist, a number of Member States (**Austria, Bulgaria, Czech Republic, Estonia, France, Greece, Hungary, Ireland, Italy, Netherlands, Poland, Slovak Republic**) have, for the purpose of the study, employed the EMN Glossary definition or other definitions derived from scientific studies. **Luxembourg** derives a working definition of temporary migrant from legislation, but also provides an academic definition.

It is important to make, where possible, a clear distinction between "temporary migration" where the intention is to return to the country of origin, or for onward movement after a defined period of stay, and "other" temporary migration statuses. The former category includes, for example, seasonal workers and researchers from third countries with a fellowship at an EU university but who remain associated with a university in their country of origin. The latter category refers to statuses that are limited in time because of specific admission conditions, or other rules applied by the Member States, but where the third-country national has the clear intention (and aspiration) for this migration to become permanent. In the absence of a clear definition in many Member States, there is often ambiguity as to which type of temporary migration applies. In **Latvia**, for example, no clear distinction is made and temporary migration refers to any legal stay of a temporary nature, without specifically taking into account the intention to return. A person is considered a temporary migrant until a permanent residence permit is awarded. In **Germany**, on the other hand, some parts of the legislation which governs admission and residence for third-country nationals are geared towards temporary stays followed by return, while others are implicitly based on the assumption of permanent residence. In **Austria,** the *Settlement and Residence Act* distinguishes between "residence," which is non-permanent (i.e. temporary stay) in the Member State, and "settlement," which refers to permanent residence and, ultimately, acquisition of citizenship.

When defining temporary migration, the understanding of how long "temporary" should be, or what is minimum and maximum duration, also varies greatly, ranging from three months to two years (e.g. **Finland**), and even up to five successive years in some Member States (e.g. **Netherlands**). Some national definitions (e.g. in **Portugal**) incorporate a time limit.

Table 1: Definitions of Temporary Migration in EU Member States

	Member State has a legal definition	Member State has a working definition (or implied in national legislation)	Member States has no definition	Definition used in Study corresponds to the EMN Glossary
Austria	–	–	For the purpose of the study, the EMN Glossary definition is used.	Yes
Belgium	–	Temporary migration / residence is implied in the Aliens Act. (Law of 15 December 1980)	–	Yes
Bulgaria	–	–	For the purpose of the study, the EMN Glossary definition is used.	Yes
Czech Republic	–	–	Reference is made to scientific research, but, for the purpose of the study, the EMN Glossary definition is used.	Yes
Estonia	–	–	For the purpose of the study, the EMN Glossary definition is used; however, reference is the made to new wording in Estonian legislation, including the term 'temporary stay in Estonia' which was introduced to the Aliens Act in 2010.[37]	Yes. Note, the new wording provided in Estonian legislation limits the meaning of temporary stay to those third-country nationals, legally staying in Estonia, who have some legal status (except for the residence permit or the right of residence) that enables them to enter and stay in Estonia, e.g. a visa."

37 Estonian Aliens Act § 7.

	Member State has a legal definition	Member State has a working definition (or implied in national legislation)	Member States has no definition	Definition used in Study corresponds to the EMN Glossary
Finland	–	According to a Council of State decision, *"the concept of temporary work has not been defined in legislation. Thus, when defining the temporary nature of work, the starting point should be the general meaning and the information given by the permit applicant on the duration of work as well as other contributing matters and conditions as a whole. The fixed-term duration of work alone does not signify that work would also be temporary."* The study suggests that the definition of temporary migration is implicit in Finnish legislation, such as the Aliens Act.	–	No, but legislation sets out the length of stay for temporary migrants, which varies from a few months to 2 years. Considerations on the intention to return, as part of temporary migration, are not included. In fact, the decision quoted raises this ambiguity.
France	–	–	For the purpose of this report France refers to the EMN Glossary definition and to the definition used by the UN: a temporary migrant is '*a person who goes to a country different to the one where he/she has its usual residence for a period of a least three months but less than a year (12 months), except in cases where the movement to that country is for purposes of recreation, holiday, visit to friends and relatives, business, medical treatment and / or religious pilgrimage*'.	Yes
Germany	–	Temporary migration is implied in national legislation and reference is made to various existing legal admission procedures that define a maximum period of stay for temporary migrants, such as certain categories of labour migrants (e.g. contract workers) and seasonal workers.	–	Yes. The German laws on residence and nationality allow numerous forms of entry and residence for third-country nationals. Some parts of the legislation are geared towards temporary stays followed by return, while others are implicitly based on the assumption of permanent residence.

	Member State has a legal definition	Member State has a working definition (or implied in national legislation)	Member States has no definition	Definition used in Study corresponds to the EMN Glossary
Greece	–	–	For the purpose of this report Greece refers to the EMN Glossary definition.	Yes
Hungary	–	–	For the purpose of this report Hungary refers to the EMN Glossary definition.	Yes
Ireland	–	–	For the purpose of this report Ireland refers to the EMN Glossary definition.	Yes
Italy	–	–	For the purpose of this report Italy refers to the EMN Glossary definition.	Yes
Latvia	–	A definition of temporary migration can be implied from legislation, namely the *Immigration Law*: *"temporary residence permit is a document that entitles a foreigner to reside in Latvia for a certain period."*	–	No. The definition refers to any legal stay of a temporary nature, without specifically taking into account the intention to return. A person is considered a temporary migrant until the moment when they receive a permanent residence permit.
Lithuania	–	Temporary migration is regulated in the Aliens Act and may occur in two forms: *"entry to stay for a short period and entry to temporary residence up to a maximum of five years"*	–	To some extent. In Lithuania temporary migration may occur in two forms: entry to *stay* for a short period and entry to temporary *residence* up to a maximum of five years.

	Member State has a legal definition	Member State has a working definition (or implied in national legislation)	Member States has no definition	Definition used in Study corresponds to the EMN Glossary
Luxembourg	–	On the basis of *the Law of 29 August 2008 on the Free Movement of Persons and Immigration* (which transposes the Long-term Residence Directive), temporary migrants all foreign-born third-country nationals a) who are not eligible for long-term residence status (*statut de resident de longue durée*); and b) who currently have a temporary residence permit (*autorisation de séjour temporaire*) (and are eligible for long-term residence status). For the purpose of the report, the following definition is also used: temporary migrants are: *"foreign-born non-nationals 'whose legal status is temporary, regardless of the amount of time they may have actually stayed in a country'.*[38]	–	Yes
Malta	–	–	For the purpose of this report Malta refers to the EMN Glossary definition.	Yes
Netherlands	–	Temporary migration / residence is implied in the Aliens Act.	For the purpose of this report Netherlands refers to the EMN Glossary definition.	Yes. The Dutch Aliens Act distinguishes between temporary residence and permanent residence. A temporary residence permit can be given for up to one year. The permit can be extended for up to one year with a maximum of five successive years. The obligation to leave when a temporary migration permit expires is automatic and regulated by law.
Poland	–	–	For the purpose of this report Poland refers to the EMN Glossary definition.	Yes

38 Abella, Manolo (2006) 'Policies and Best Practices for Management of Temporary Migration', Paper presented at the International Symposium on International Migration and Development, UN Population Division, Turin, 28-30 June 2006

	Member State has a legal definition	Member State has a working definition (or implied in national legislation)	Member States has no definition	Definition used in Study corresponds to the EMN Glossary
Portugal	–	Temporary migration can be divided into two types: *"(i) temporary labour migration with contracts (dependent or independent labour); and* *(ii) temporary migration for purposes of studies."* *According to* Law No. 23/2007, *"Temporary migration takes place while engaging in a professional activity of a temporary, seasonal or short-term nature without exceeding a period of six months, except when the activity is carried out within the scope of an investment contract." In migration for purposes of studies, third- country nationals can "temporarily move to Portugal to study or pursue training (or a combination of these two activities), as long as, at the end of the period for which they have been allowed to enter, they re-establish their main residence and activity in their country of origin."*	–	Yes
Slovak Republic	–	–	For the purpose of this report Slovak Republic refers to the EMN Glossary definition.	Yes. The Slovak Republic considers seasonal work as a form of temporary migration and allows for short-term stays of up to six months.
Slovenia	–	–	For the purpose of this report Slovenia refers to the EMN Glossary definition.	Yes

	Member State has a legal definition	Member State has a working definition (or implied in national legislation)	Member States has no definition	Definition used in Study corresponds to the EMN Glossary
Spain	–	The definition of temporary migration is derived from the criteria provided in relevant legislation: *The movement of a third-country national for the purpose of working (paid or unpaid) or studying for a set length of time.* The national legal framework further sets out the entry conditions, the type of activities allowed and the maximum period of the permits.	–	Yes
Sweden	–	*"If the migrant stays in the host country for the rest of his or her life, this may then be regarded as permanent migration. If the migrant decides to return to the country of origin for good, this should then be regarded as temporary migration. If the migrant who has returned eventually decides to migrate again – one or more times – this is regarded as circular migration. The term circular migration can thus be considered as also encompassing temporary migration"*	–	No, it differs from the EMN definition although the categories of temporary migrants are similar to the EMN definition, labour migrants, students, trainees, researchers etc.
United Kingdom	–	Temporary migration is implied in national legislation. The term 'temporary' is only officially applied in the United Kingdom to certain categories of third-country nationals entering the territory for which there is no route to settlement (Tier 5: temporary workers). However, the vast majority of immigration categories are, at least initially, regarded as temporary until eligibility requirements for permanent status are met.	For the purposes of this report, temporary migrants are defined as "*third-country nationals who enter the UK for the purpose of work, study or as a spouse, whose return (or the timeframe of the return) is enforced by UK Immigration Rules.* "	To some extent.

2.2.2 National Definitions of Circular Migration

The definitions of circular migration, as applied across EU Member States, are shown below in Table 2. There is no harmonised approach across the Member States when it comes to defining circular migration. As illustrated in Table 2, only **Netherlands** and **Portugal** have a formal / legal definition of circular migration. **Spain** and **Sweden** have working definitions. However, most Member States do not currently have a definition and some EMN NCPs, for the purpose of the study, have either formulated a working definition (**Belgium, Germany, Greece, Poland, Portugal, United Kingdom)** and/or simply refer to the EMN Glossary definition (**Austria, Bulgaria, Czech Republic, Estonia, Finland, France, Hungary, Ireland, Italy, Lithuania, Malta, Slovenia, Slovak Republic)**. Some also referred to scientific definitions (**Czech Republic, Estonia, Luxembourg, Italy**). In **Latvia**, the term "circular migration" does not appear in legislation or practice and there is no reference to any specific definition.

Whether pre-existing, or introduced for the purpose of the study, definitions vary with regard to:

- The extent to which they are similar to or vary from the EMN Glossary definitions;
- Whether they differentiate between third-country nationals residing in a third country ("inward" migration) and third-country nationals settled in the EU ("outward" migration) when defining circular migration. Some Member States have introduced an additional differentiation, which addresses the situation of nationals who have emigrated and are now returning to the Member State ("backward" migration);
- The extent to which definitions implicitly consider circular migration to be a "managed" or a "spontaneous" phenomenon.

As outlined in Section 3.2 below, it is important to stress that temporary and circular migration are, in many Member States, only just being debated. This means that, whilst an initial definition may exist, important concepts, such as the minimum and maximum duration of stay linked to these types of migration, are sometimes ambiguous (e.g. **Finland, Hungary**) and specific admission/re-entry procedures facilitating back and forth movements are, as yet, undeveloped.

In the Member States which have defined circular migration, the definitions used and examples given[39] are frequently similar to the EMN Glossary. However, these focus principally on inward migration (i.e. on third-country nationals residing in a third country coming to the Member State). Only a few Member States also take account of outward migration (i.e. of third-country nationals settled in the EU returning to their country of origin) in their definitions (**Finland, Luxembourg, Sweden, United Kingdom**). **Bulgaria** and **Estonia** focus on the return of their own nationals who have previously emigrated.

It is also worth noting that circular migration is often understood as a form of temporary migration, albeit *repeated* temporary migration, given that circular migration is often *de facto* included within the definition of temporary migration used by the Member States. Alternatively, Member States implicitly cover circular migration, or at least the possibility of back- and forth- movements, in reporting other forms of migration, such as labour migration, seasonal work, students, researchers.

39 The EMN Glossary details forms of circular migration taken from the Commission's Communication on circular migration and mobility partnerships between the European Union and third countries COM (2007) 248 Final. Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0248:FIN:EN:PDF

Table 2: Definitions of Circular Migration in EU Member States

	Member State has a legal definition	Member State has a working definition	Member State has no definition	Definition used in Study corresponds to the EMN Glossary
Austria	–	–	For the purpose of the study, the EMN Glossary definition is used.	Yes
Belgium	–	–	For the purpose of the study the following definition is used: *"Circular migration, which is viewed as an evolving concept, will broadly be understood as a back and-forth movement of third country nationals between two countries, regardless if their residence status in the host country is a temporary or more permanent one, regardless whether there is one period abroad or successive periods of time abroad and in the country of origin and regardless whether the movement occurs spontaneously or is facilitated."*	Yes, the definition proposed includes all elements of the EMN Glossary definition. It draws attention to the fact that the movement can either be spontaneous or managed / facilitated. Reference is made to also to both inward and outward circular migration.
Bulgaria	–	–	For the purpose of the study, the EMN Glossary definition is used.	Yes
Czech Republic	–	–	Reference is made to scientific research. For the purpose of the study the EMN Glossary definition is used	Yes

	Member State has a legal definition	Member State has a working definition	Member State has no definition	Definition used in Study corresponds to the EMN Glossary
Estonia	–	–	For the purpose of the study, the EMN Glossary definition is used. Reference is also made to scientific research.	Yes. Reference is also made to the fact that the movement can either be spontaneous or managed / facilitated, as well as inward and outward.
Finland	–	–	For the purpose of the study the EMN Glossary definition was used and compared against relevant Finnish legislation.	Whilst there is no definition, the Aliens Act entails provisions which are relevant to inward circular migration and correspond to the categories of migrant carrying out circular migration in the EMN Glossary definition; namely seasonal workers, students, students who after the study wish to become a trainee, researchers, third-country nationals who wish to take part in an intercultural exchange programme, In addition to that, and different from the EMN Glossary definition, the Finnish legislation also regulates circular and temporary "frontier workers" who commute across the border for work-related reasons.
France	–	–	For the purpose of the study, the EMN Glossary definition is used.	Yes. Focus is placed on circular migration of persons residing in a third country.

	Member State has a legal definition	Member State has a working definition	Member State has no definition	Definition used in Study corresponds to the EMN Glossary
Germany	–	–	For the purpose of the study the following definition is used: *"Circular migration as multiple migration, in which a person enters the destination country at least once (or is born there), then moves to the country of origin, the country of nationality or a third country, and then returns to the destination country. The time-based dimension is also considered, although it is not possible to define an exact duration of stay. Short stays of just a few months are excluded as such stays do not generally involve a change in place of abode or principal residence. Neither should circular migration be used to describe the movements of people who have resided in the guest country for many years or even decades and who then (once and without returning) migrate back to their country of origin."*	To some extent, as it does capture similar categories and elements including drawing attention to both inward and outward migration. The proposed categories include: – Third-country nationals residing in Germany who have completed a total of three cross-border movements (two if they were born in Germany); – All persons who have left Germany two or more times, i.e. at least five (if born in Germany: four) cross-border movements; – Resident third-country nationals who left the country at least once during the last three or five years; and – Those that left the country at least twice during the last five years before the cut-off date.
Greece	–	–	For the purpose of the study the following "working definition" has been formulated: *"circular migration is defined as regional, temporary, seasonal, repeated migration for economic/ employment reasons"*	To some extent, although the "working definition" includes elements of the EMN Glossary definition, it is different and focuses on the Greek regional and seasonal work context (its agreement with Albania and Egypt), therefore mainly referring to inward circular migration.

	Member State has a legal definition	Member State has a working definition	Member State has no definition	Definition used in Study corresponds to the EMN Glossary
Hungary	–	–	For the purpose of this report Hungary refers to the EMN Glossary definition.	Yes
Ireland	–	–	For the purpose of this report Ireland refers to the EMN Glossary definition.	Yes
Italy	–	–	For the purpose of this report Italy refers to the EMN Glossary definition. Some references to definitions by IOM and CARIM are also made.	Yes. The definition of circular migration is non-existent in Italian law; yet, there are several provisions and measures in legislation which favour, in particular, inward circular migration for labour migrants and seasonal workers.
Latvia	–	–	–	Circular migration is not defined or interpreted in Latvian legislation or practice and the study only focuses on aspects of temporary migration for employment.
Lithuania	–	–	For the purpose of the study the EMN definition is used. The concept of circular migration is not defined in Lithuania and remains a theoretic debate.	Yes.

	Member State has a legal definition	Member State has a working definition	Member State has no definition	Definition used in Study corresponds to the EMN Glossary
Luxembourg	–	–	For the purposes of this study, the EMN NCP has adopted a definition from Wickramasekara (2011:6): *"a) repeated movements involving more than one migration cycle (entry, stay, and return) by the same groups of migrants (same persons) while the periods of stay in the country of destination are limited in time;* *b) bi-directional movements between the country of origin and country of destination and/or multi-directional movements involving more than one place of destination."*	Yes
Malta	–	–	For the purpose of the study the EMN definition is used.	Yes
Netherlands	*"Migration in which the migrant resides in one country after another, including his/her own country for a longer period"* – as defined in *'Development and Migration'* (Lower House of Parliament 29 693 no. 1. July 2004.)	–	A formal definition exists	Yes, the definition is to some extent similar to the EMN Glossary definition. It draws attention to the fact that the movement can be inward or outward migration, either spontaneous or managed / facilitated.
Poland	–	–	For the purpose of this report, circular migration was defined as *"migration intended to be temporary, of a repetitive and / or cyclical nature, but not necessarily seasonal, which is driven by economic factors, whilst retaining links to the country of origin."*	Not fully

	Member State has a legal definition	Member State has a working definition	Member State has no definition	Definition used in Study corresponds to the EMN Glossary
Portugal	*"(i) Immigrants who are legally resident in Portugal can be absent from Portuguese territory to legally engage in an activity (e.g. trade, freelance activities, voluntary or other activities) in their country of origin, as a contribution towards development, without losing their status of resident. After returning, such migrants can maintain a privileged form of mobility based out of Portugal; and* *(ii) Third country nationals are allowed to enter Portugal on the condition that, after a given period of time (which has been defined beforehand), they will return to their country of origin, which is their main residence. After returning to their homeland, such migrants can maintain a privileged form of mobility in which Portugal is the destination (e.g. circularity, seasonability, etc.)."*	–	For the purpose of the study circular migration was defined as *"a form of migration that is capable of enabling a certain degree of mobility for immigrants between the country of origin and the destination country and vice-versa, in a back and forth and legally regulated movement"*	Yes, the proposed definition includes all elements of the EMN Glossary definition. It draws attention to the fact that the movement can either be spontaneous or managed / facilitated. Reference is made to also to both inward and outward circular migration.

	Member State has a legal definition	Member State has a working definition	Member State has no definition	Definition used in Study corresponds to the EMN Glossary
Spain	–	The definition is implied in Spanish Legislation: *"1) Circular migration describes the repeated movement by third-country nationals from their country of origin to Spain, for the purpose of work or study on a temporary basis. The movement, period of residence and professional activity in Spain take place within the legal framework for temporary migration. At the end of this period of residence and activity in Spain, the foreign national in question is required to return to the country of origin, which is a prerequisite for being able to apply for subsequent authorisations to reside and work in Spain.* *2) the repeated movement of foreign nationals with a stable residence permit in Spain back to their countries of origin for professional reasons and for a period whose duration does not entail a change of permanent residence."*	–	Yes, though additional conditions have been incorporated.
Slovak Republic	–	–	For the purpose of the study the EMN definition is used.	Yes. However, the concept of circular migration is not defined in Slovak Republic legislation or practice and the current legislation and practice would mainly seem to favour inward circular seasonal workers.

	Member State has a legal definition	Member State has a working definition	Member State has no definition	Definition used in Study corresponds to the EMN Glossary
Slovenia	–	–	For the purpose of the study the EMN definition is used.	Yes. However, the concept of circular migration is not defined in Slovenia. Yet, reference is made to similar categories of migrants as mentioned in the EMN Glossary definition and legislation covering researchers, migrant workers and seasonal workers.
Sweden	–	Circular migration is understood as *"temporary or more long-term and usually recurring legal movements between two countries. Movement can occur either through migrants moving from their countries of origin or residence to a host country and then returning, or through migrants moving to their countries of origin for a shorter or longer period."*	–	No, it differs from the EMN Glossary definition. Although it covers both inward and outward and similar categories of migrants such as labour migrant, seasonal workers, movement within international corporations and international students' migration, it is not bound to specific categories and is based on "spontaneous" circular migration. Moreover, the statistical definition is very different, as it does not only focus on third-country nationals as potential 'circular migrants'.
United Kingdom	–	–	For the purpose of this study it defines circular migration as *"spontaneous' rather than managed cross-border movement of third-country nationals wanting to settle in the UK and those already settled."* The term is used in the report only as an analytical tool to examine how UK immigration rules might facilitate or hinder spontaneous back-and-forth movements.	No, it differs from the EMN definition. For the purpose of this study its focus is on spontaneous and inward migration although the United Kingdom also draws attention to outward migration of third-country nationals.

3. APPROACHES TO TEMPORARY AND CIRCULAR MIGRATION

This Section provides an overview of the EU policies related to temporary and circular migration (Section 3.1) and the visions, policies and measures developed by the Member State (Section 3.2), identifying the key elements existing across the national policies and approaches (Section 3.3). An overview of current public debates is then given (Section 3.4), followed by a discussion on national evaluations and reviews of temporary and circular migration policies and practice (Section 3.5).

3.1 Temporary and Circular Migration in an EU Policy Context

At European level, increased attention is being paid to temporary and circular migration for a number of reasons. For example, as possible tools to improve migration management, to provide a short-term work force to fill labour and skills shortages and to meet the emerging needs of the domestic labour market and economy more generally, to support development in third countries and to prevent the phenomenon of "brain drain." Temporary migration principally covers migration for the purposes of employment (including intra-corporate transfers and seasonal work), as well as migration for the purposes of study and training. An important component of circular migration is the mobility of settled migrants, or members of diasporas, moving temporarily from their residence in the EU to their country of origin to work, study or invest. As also highlighted elsewhere (see Sections 1.2 and 6.1.3), while 'temporary migration' and 'circular migration' are distinct concepts, there is overlap between the two, and they are often approached together, under the same policies, and with a view to achieving similar policy goals.

Of particular relevance to the issue of temporary and circular migration is the Global Approach to Migration,[40] the external dimension of the EU's migration policy, which highlights the need to increase cooperation and partnerships with third countries on migration. This policy was initiated in 2005, when the Commission also adopted a Communication on Migration and Development,[41] covering a number of concrete orientations linked to temporary and circular migration in the following areas: remittances; facilitating the involvement of willing diaspora members in the development of countries of origin; facilitating brain circulation; and limiting the impact

40 Available from: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/87642.pdf

41 COM(2005) 390 final. Available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0390:FIN:EN:PDF

of brain drain. In April 2011, the European Commission launched a public consultation[42] on the Global Approach to Migration, the results of which will inform the Commission's upcoming Communication on this topic at the end of 2011.

A Commission Communication on a *Common Immigration Policy for Europe* of June 2008,[43] stressed the need to effectively manage migration flows through cooperation with third countries and including *inter alia* possibilities for legal circular migration, plus the need to explore the links between circular patterns of migration and integration in host Member States. The European Parliament, while reiterating the need to increase the attractiveness of the EU for highly qualified workers, highlighted options to mitigate brain drain phenomena through temporary or circular migration in conjunction with other development-oriented measures[44] and called on the Commission and Member States to develop mechanisms, guidelines and other tools to facilitate temporary and circular migration.

The *European Pact on Immigration and Asylum* of October 2008 refers to temporary and circular migration in several of its commitments, including:

- *Commitments I(c): to ensure, in encouraging temporary or circular migration, pursuant to the* conclusions *of the European Council of 14 December 2007, that those policies do not aggravate the brain drain;*

- *Commitment V(b): "encourage Member States, as far as they are able, to offer the nationals of partner countries to the East and South of Europe opportunities for legal immigration adapted to the labour market situation in Member States, enabling those nationals to acquire training or professional experience and accumulate savings that they can use for the benefit of their home countries. The European Council invites Member States to encourage in this context forms of temporary or circular migration, in order to prevent a brain drain";*

- *Commitment V(g): "speed up the deployment of the key tools of the Global Approach to Migration (migration balances, cooperation platforms, partnerships for mobility and circular migration programmes), to ensure a balance between the migration routes from the South and those from the East and South-east and take account of the lessons learned in these matters when negotiating EU and bilateral agreements on migration and readmission with countries of origin and of transit, as well as Pilot Mobility Partnerships".*

Following on from the *Pact*, the *Stockholm Programme*, adopted in December 2009, called for "*ways to further explore the concept of circular migration*." Importantly, it invites the Commission to submit a proposal before 2012 on "*ways to facilitate orderly circulation of migrants, either taking place within, or outside, the framework of specific projects or programmes, including a wide-ranging study on how relevant policy areas may contribute to and affect the preconditions for increased temporary and circular mobility*."

Moreover, the *Justice and Home Affairs Council Conclusions* of 30 November/1 December 2009 state that the Commission and the Member States commit themselves, in the interests of policy coherence in the area of migration, "*to further examine issues which may have the potential to facilitate circular migration and voluntary return, such as portability of social rights, migrants' opportunities to return to their countries of origin for longer periods of time without losing their right to residence in countries of destination as well as the promotion of viable livelihood options in countries of origin*." These Council Conclusions also call for an "*in-depth qualitative and quantitative analysis in order to further explore the concepts of temporary and circular migration, including their development potential, as well as to explore how they can contribute to and be affected by relevant policy areas*."

More recently, on 24th May 2011, the Commission published a further Communication on *A dialogue for migration, mobility and security with the Southern Mediterranean countries*, which outlined long-term strategies for addressing the increasing influx of migration to the EU from the Southern Mediterranean. The document outlined a plan to design and launch Mobility Partnerships with countries of the region, with the overall goals being the management of migratory flows from this region, circularity of migration, and the improvement of opportunities and social conditions in the Southern Mediterranean in order to mitigate certain 'push factors' of migration from these countries.

42 Available from: http://ec.europa.eu/home-affairs/news/consulting_public/consulting_0021_en.htm
43 Available from: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0359:FIN:EN:PDF
44 European Parliament resolution of 22 April 2009 on a Common Immigration Policy for Europe: Principles, actions and tools (http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0257+0+DOC+XML+V0//EN)

3.2 National context: visions and policies

3.2.1 National visions of Temporary Migration

Seven Member States (**Austria**, **France, Hungary, Ireland, Latvia, Malta, United Kingdom)** have a specific policy in place regarding temporary migration. Conceptually 'temporary' migration in **Austria** refers to any migration which is not permanent. This is reflected in legislation and the system of issuing residence or settlement permits (see Section 4.2.1). **France** has a migration policy aimed at encouraging labour migration, but only in a temporary form: for example, the system of residence permits set up in 2006 to implement national migration policy are time-limited and accompanied by return obligations. **Latvia** and **Malta** also encourage the temporary migration of third-country national migrants, where they can fill shortages. In **Malta**, such labour migration is used mainly to fill ad-hoc shortages, until they can be addressed through the mobility of EU nationals or through improvement of the skills levels and training of nationals. In **Hungary**, the national approach to migration stresses the importance of adopting legislation that removes barriers for migration and employment for specific categories of temporary migrant workers, for example, scientists and researchers.

Since 2010, the **United Kingdom** has been increasingly placing emphasis on temporary rather than permanent migration of third-country nationals. In **Ireland** new measures have been introduced to distinguish temporary from longer-term migration. For example, in September 2010, caps were introduced on the period that third-country nationals can stay as a student without progressing academically. While students are recognised as "an important source of revenue" (see Section 3.3.5), there is a concern that some third-country nationals are using the 'student route' to subsequently access the labour market.[45] In the **United Kingdom**, there are plans to introduce a provision that would limit the stay of migrants entering under the intra-company transfer route on a Tier 2 visa to one year where their earnings are smaller than £40 000 (approx. €45 000), but greater than £24 000 (approx. €27 000).[46]

45 This is a concern shared with the **United Kingdom.**

46 Such workers also have to spend a certain amount of time outside of the UK before they may re-enter. In this sense, the UK's policy on *temporary* migration can indirectly affect spontaneous forms of *circular* migration also. Conversion of British Pounds Sterling (GBP) to Euros (EUR) correct for September 2011. Exchange rates extracted from: http://ec.europa.eu/budget/inforeuro/index.cfm?Language=en

3.2.2 National visions of Circular Migration

Overall, the concepts of circular migration have not yet led to the development of many specific policies and concrete measures at national level. It appears that most Member States are still exploring possible ways of managing, controlling or facilitating these forms of migration, with some benefiting from the lessons learned from earlier migration experiences, such as the "guest workers" schemes (e.g. in **Austria, Germany** and **Netherlands**) in the sixties up to the global economic crisis in the mid-seventies, and with others having no previous experience of such migration.

In light of these experiences, **Austria** has been critical of the concept of circular migration, and has expressed this during discussions on the European Pact on Immigration and Asylum and the Stockholm programme. More recently, **Austria**, amongst others, filed a subsidiarity complaint against the promotion of circular migration in the EU Proposal for a Directive on the conditions of entry and residence of third-country nationals for the purpose of seasonal employment (Seasonal Migrant Workers Directive)[47] expressing concerns *inter alia* that migrants would not return, once their work season was complete,[48] and that they thus would require integration measures and provisions.

A few Member States are not intending to develop any related policies and measures, given that their national contexts, and in particular their labour markets, do not (yet) show a need for increased flexibility of migratory flows. The present economic crisis and high levels of emigration from some Member States are increasingly factors influencing the political thinking about temporary and circular migration. When looking at the vision and policies in place in the Member States, the extent to which these have been developed varies greatly, ranging from non-existent, embryonic and relatively advanced, to a clearly defined strategy and policy.

At the embryonic stage are **Czech Republic, Lithuania** and **Slovenia,** which have recently started to set circular migration on the policy agenda. In 2010, the **Czech Republic** approved a resolution on migration and began preparations on a proposal for a new system of migration that would prioritise circular migration for the purposes of filling labour shortages (in place of longer-term migration or permanent settlement). The *Czech Action Plan on Migration* highlights: a) the importance of flexibility in planning migration for the purpose of economic activities so that it is possible to respond and adapt to rapid changes in the

47 COM (2010) 379, Final, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0379:FIN:EN:PDF

48 See **Austria** National Report for further information

economy; and b) that low-skilled workers are allowed into the Member State to work only on a temporary basis. At the moment **Belgium** has no specific policy on circular migration; though it is involved in two IOM programmes that facilitate diaspora residing in Belgium to return to their countries of origin to promote development, i.e. a form of 'outward' circular migration (see Section 4.3.2 below for further details).

In **Lithuania**, the *Immigration Policy Guidelines* adopted in December 2008 also introduce principles that are conducive to temporary and circular migration. The Guidelines emphasise the need for an immigration policy that is flexible, responsive to labour market needs and limited in time (temporary). Similarly, **Slovenia's** draft strategy and Action Plan on economic migration includes key recommendations on temporary and circular migration. In relation to the temporary migration, the Action Plan outlines how temporary migration might be managed through specific schemes linked to particular sectors experiencing shortages. In relation to circular migration, the Plan describes ways in which this form of migration might be promoted – for example, by exploring the possibility of establishing a regulatory framework that would facilitate circular migration, and by identifying incentives to both promote circulation, as well as to safeguard the host states and ensure the effective operation of this type of migration.

The **Netherlands, Spain** and **Sweden** have developed a vision on circular migration. In the **Netherlands** and **Spain,** the national strategy seeks to combine the interest of the migrants, the country of origin and the host Member State – the so-called "triple-win" situation. **Spain's** policy is similar to the EU's *Global Approach to Migration* policy; focusing on: (1) better-organised management of labour migration flows; (2) international cooperation with countries of origin to address the root causes of migration (e.g. poverty, lack of prospects and development); (3) development policies aimed at the social integration of migrants; and (4) intensification of the struggle against irregular migration and trafficking in human beings. By contrast, in the **Netherlands,** circular migration is considered as a lower priority in options to address labour shortages and demographic challenges, with a higher priority given to using resources already available. **Sweden** approaches circular migration as spontaneous phenomena, the parameters of which, such as the length of stay and the modalities of return, can only be determined by the migrants themselves. Third-country nationals are, in principle, assumed to be interested in permanent settlement. The view of **Sweden** is that, in principle, increased mobility of migrants is fundamentally positive for the EU, the migrant and the third countries (i.e. the "triple win"), and that indeed this should be facilitated but not "forced."

In **Germany** and **France**, circular migration was initially understood at governmental level less as a sort of spontaneous migration process that should or should not be promoted, and more as an instrument of control. When the respective governments presented a joint strategy paper on this issue in Autumn 2006, they emphasised the function of circular migration as a "migration and development policy instrument" for the "admission of working migrants for limited periods" or the "granting of temporary education visas to selected migrants." In **France,** the introduction of Agreements on the Management of Migration Flows in 2007 instituted privileged relationships with third-countries.[49] These agreements, together with provisions related to the fight against irregular migration and promotion of development, cover the circulation of different categories of third-country nationals, as well as the employment of students after their graduation and provide a particular emphasis on legal migration. 'Circularity' is not foreseen per se in any of the existing permits, and circular migration is perceived as a new form of temporary migration. Today the circular migration policies of **Germany** and **France** focus on migration management and the nexus between migration and development cooperation. Elsewhere, in **Italy** in 2010, a decree on immigration reserved 4 000 of 80 000 admissions of seasonal employees outside the EU to 'start special projects in order to encourage circular migration programmes'.

3.3 Identified key elements across national policies

The visions and policies identified in the Member States with respect to temporary and circular migration, focus, to a greater or lesser extent, on the following key elements addressed by these forms of migration:

- Supporting the economic advancement in the Member State (e.g. addressing labour shortages, contributing to the knowledge society, etc)
- Promoting the development of third countries, including mitigating brain drain and stimulating brain gain;
- Ensuring a livelihood strategy and integration of migrants;
- Return of migrants.

49 To date, 13 countries signed an Agreement on the concerted management of migration flows with **France**: Benin, Burkina-Faso, Cameroon, Cape-Verde, Congo, Gabon, Macedonia, Mauritius, Montenegro, Russia, Senegal, Serbia, Tunisia

Each of these is briefly discussed below. Visions and policies, overall, appear to be prioritising the development of the national economy, mainly through "inward" circular migration, and by attracting temporary migrants, even though substantial focus is also placed on the development of third countries and the need to avoid brain drain and stimulate brain gain. The (re)integration of circular and temporary migrants, as well as their return, are elements less covered in national visions and policies.

3.3.1 Supporting the economic advancement of the Member States

In all Member States, the national policy and overall approach towards temporary and circular migration are primarily driven by considerations related to the needs of the national labour markets. In particular, the use of temporary migration to address labour market needs appears to be increasing in almost all Member States, while circular migration is used, but to a much lesser extent, as a tool to address seasonal labour market shortages and for other, temporary, forms of employment.

Finland, in addition to its focus on permanent migration, recognises that circular and temporary migrants may also contribute to addressing labour shortages, for example, in the social and health sectors. **Sweden's** *Labour Migration Act*, which makes it easier for third-country national labour migrants to enter for work, regardless of their skills, has the potential to attract more migrant workers and thus facilitate more circular migration. In **Portugal**, employment-based migration and long-term migration leading to permanent immigration have formed the priorities of migration policy in the past two decades. Today, **Portugal** seems to lean towards the EU's broad approach to circular migration, linking its circular migration policy to address it labour needs and promoting the nexus between migration and development and avoidance of brain drain through various projects in third, particularly developing, countries.

3.3.2 Development cooperation, brain drain and brain gain

Belgium, Finland, France, Germany, Italy, Netherlands, Portugal, Slovenia, Sweden and the **United Kingdom** explicitly link their vision and policies related to temporary and circular migration to development and cooperation with third countries. In **Finland**, for example, the *Ministry of Labour and Economy* proposes that migration is taken into account in bilateral development cooperation initiatives. Moreover to prevent brain-drain, the current *Action Plan for Labour Migration*[50] stresses that the recruitment of third-country nationals should not result in problems of labour shortage in vulnerable sectors in the countries of origin, or impact on their social and economic development. In **France**, the prevention of brain drain is covered in the '*Concerted management of migration flows*' agreements with a number of developing countries and must be considered when issuing a temporary labour permit. In **Italy**, the 2007 – 2009 government programme proposed the facilitation of temporary entry of qualified persons, which was also designed to contribute to sustainable development through the transfer of knowledge between countries and by simplifying the arrangements for the temporary movement of knowledge holders with specific skills.

In the **Netherlands**, a circular migration pilot project is being implemented with South Africa and Indonesia, where a maximum of 160 labour migrants have been permitted to work in the Netherlands for a maximum of 2 years. The project aims to test the "triple win" hypothesis (see also Section 4.3.1).[51] In 2008, the Dutch Minister for Development Cooperation and the Dutch State Secretary for Justice issued a policy document on migration and development, which identified six priority areas in which circular migration and brain gain are included. In general, the policy stresses the need for sensitivity when recruiting third-country nationals from certain sectors, to avoid brain-drain.

Spain currently implements several programmes which promote development in third countries, as well as facilitate circular migration, primarily of farmers. The *Temporary and Circular Labour Migration* project launched by Unió de Pagesos (the Catalan farmers' union) and the Pagesos Solidaris foundation facilitates the repeated recruitment of third-country national seasonal agricultural workers and includes training these workers so that they are able to set up community or family projects upon their return. The programme focuses mainly, but not exclusively on migrants from Colombia. In addition, since 2006, **Spain** has been implementing a series of Action Plans for Sub-Saharan Africa (the current one runs from 2009-2012). Similarly **Italy's** Aeneas Community Action Programme which

50 *The Action Plan for Labour Migration* (Työvoiman maahanmuuton toimenpideohjelma). Ministry of the Interior publications 23/2009. Available from: http://www.intermin.fi/intermin/biblio.nsf/86C1C347491A1C85C2257665003AACC7/$file/232009.pdf.

51 On June 1 2011 the Dutch State Secretary for Foreign Affairs, decided to terminate the pilot project prematurely due to complications in the implementation. A final report about the lessons learned in the project is forthcoming. This event thus occurred after the publication of the **Netherlands** National Report on this EMN Study and during the production of this Synthesis Report; hence, the information is retained.

ran from 2007 to 2010 focused on providing apprenticeships to young Moldovans, Russians and Ukrainians who would then be guaranteed employment in their countries of origin. This scheme enforces a temporary form of migration, but one which has a focus on the needs of the migrant.

In **Slovenia**, reducing brain drain is also a consideration included in the draft strategy for economic migration, which, however is still to be adopted. Ethical recruitment and reducing brain drain are, furthermore, reflected in its draft bilateral agreement with Bosnia-Herzegovina.

In **Sweden**, in 2009, the Government appointed an independent Parliamentary Committee (CiMU) to examine the connection between circular migration and development. The Committee's task was to map out circular migration and identify the factors that influence migrants' opportunities to move back and forth between Sweden and their countries of origin. The desire to promote the positive development effects of circular migration was the main reason for appointing the Committee. Moreover, in March 2008, the Government adopted a new Global Development Policy (*Sveriges politik för global utveckling*) to replace the old policy from 2002/03. In this policy, it is stated that "*labour migration and circular migration constitute a development potential for countries of origin and for migrants themselves, as well as for the economies of countries of origin*."

In the **United Kingdom,** whilst no specific national policy for circular migration is in place, there are examples of successful ad-hoc forms of cooperation with third countries focused on a 'bottom-up' approach and evidencing potential benefits of a 'triple win'. However, it is stressed that the relationship between temporary and circular migration, and development in countries of origin, remains under-explored.

Belgium, France, Germany, Netherlands, and **Portugal** specifically recognise in their vision and policies the value of circular migration for the country of origin when third-country nationals return from a stay in the EU Member State to their respective countries of origin with new skills, or when persons who have migrated and settled in the EU return to their country of origin for a temporary period. In this respect, these Member States often specifically refer to the involvement of diaspora communities as *drivers of development and trade* in their country of origin, through transfer of both financial and social remittances. For example, the IOM MIDA Great Lakes programme in **Belgium** (see Section 3.4). However, more often than not, these benefits are merely recognised, rather than being actively promoted as part of specific programmes and incentives for third-country nationals.

3.3.3 Livelihood and integration

In the majority of Member States, livelihood and integration strategies mainly target those migrating permanently. A few Member States (**Estonia**, **Portugal, Slovenia, Spain, Sweden**) place a focus on the livelihood and integration of circular and temporary migrants, or include these migrant groups in their general approach to integration. In **Spain,** the Strategic Plan for Citizenship and Integration, which ran from 2007-2010, aimed specifically at fostering the integration of seasonal workers. **Sweden** considers that successful integration into the host country also improves the prospects of successful re-integration in the country of origin, while **Estonia** delivers integration programmes to all newly-arrived immigrants, regardless of the intended duration of stay.

There is increased recognition in some Member States (**Finland, Germany**, **Greece**), that integration efforts should also focus on those who are only staying for a limited period. In **Germany,** the *Ministry for Economic Cooperation and Development* has found that there is a need for better integration of migrants into the national labour markets which includes, for example, recognition of educational qualifications and vocational skills to ensure more systematic exploitation of the development policy potential of circular migration. In the case of labour migrants who remain in Germany for a short period, such as seasonal workers or workers with a time-limited contract, the question of successful integration is not a central one. The same can be said of foreign students who only spend one semester or so studying in Germany. However, for other temporary migrants who stay longer, both policymakers and the wider public consider that integration efforts are too often neglected. However, as a general rule, the state integration packages and measures are open to all immigrants who are "lawfully" and "permanently" resident, regardless of the purpose of their stay or of their prior plans to return to their country of origin or move on to another country. This means that the preconditions for integration are the same for all migrants, whether the migration is of a temporary, circular, or longer-term nature.

In **Greece,** the current government has put the promotion of migrants' social integration as one of its policy priorities and it is foreseen that more focus will be put on the links between temporary and circular migration and integration. Up to now, it appears that there have been no or very limited, integration measures for circular and temporary migrants.

In **Finland**, the integration of temporary labour migrants is considered vital in its Action Plan on Labour

Policy and a recent study[52] suggests that the greatest challenges in attracting any type of foreign labour, be that permanent or temporary, are difficulties related to integration, language learning and finding employment for the spouse. However, its *Integration Act* does not apply to temporary migrants, nor do its current integration measures.

In **Sweden**, legislation gives migrants over the age of 61 the right to have the income-based pensions they have earned in Sweden to be paid out in their countries of origin if they decide to return. The Member State is also one of three countries that have ratified the ILO's convention on *Maintenance of Migrants Pension Rights*. These are reflected in its national regulations, as further described in Section 4.2.3 below.

3.3.4 Return

Member States having a vision, policies or measures related to temporary and circular migration often include dimensions related to return (**Belgium, France, Germany, Italy, Netherlands, Spain, Sweden, United Kingdom).**[53] Some Member States' approaches allow and encourage back- and forth-mobility (**Belgium, Estonia, France, Spain, Sweden**). In **Belgium** and **Estonia**, for example, third-country nationals are allowed to return to their country of origin for a certain period of time without losing their residency.

In **France**, the previously mentioned agreements on "Concerted Management of Migration Flows" incorporate arrangements to facilitate the entry and return of temporary migrants, whose migration pattern then becomes circular, as they undertake back- and forth- movements.

As circular migration is usually managed within the framework of general immigration, general sanctions and measures apply to temporary migrants who overstay a visa or permit, or no longer meet the conditions of entry or admission. The general assumption is that, once the migrant has completed their stay, they will return home. Those that do not, are considered to be staying irregularly. **Portugal** emphasises the importance of return within circular migration as a way to promote the transfer of skills to developing countries.

In **Spain**, return explicitly forms part of the national vision of temporary and circular migration; therefore, seasonal workers and those contracted for a specific project must agree to return to their country of origin at the end of the employment relationship. To verify the return, the worker must visit the diplomatic mission or consular office within one month of the end of his/her permit for work in **Spain**. Compliance with the commitment to return allows workers to be employed in subsequent seasons without having to undergo further selection procedures. In 2009, the **Czech Republic** facilitated the voluntary return of third-country nationals as a one-off measure for foreign nationals who lost their jobs as a result of the economic crisis.

3.3.5 Other aspects

In the **Slovak Republic**, circular migration measures are limited to seasonal workers, which could be understood as a form of circular migration. In **Greece**, *de facto* almost all circular and temporary migrants today are low-skilled seasonal workers from Egypt or Albania, making up approximately 95% of the total migrant population. In **Finland** in recent years, the number of persons working temporarily has increased considerably more than the number of permanent foreign residents or foreign employed persons. Most of the temporary workers (approximately 60 %) are seasonal berry-pickers. In **Estonia** and **Ireland**, specific focus is placed on attracting third-country nationals for the purpose of education. In **Estonia**, this means attracting students at doctoral and masters level, as well as those studying higher vocational education. In **Ireland**, a 'quality mark' for specific courses and universities is currently being developed. The Quality Mark is intended to support the development of the Irish education brand abroad and to carry with it streamlined immigration controls for students pursuing these courses.[54] **Malta'**s Tourist Board has recently begun a campaign to attract temporary migrants who wish to study English as a foreign language. In addition, **Malta** also has special provisions in place for third-country nationals who are medical students in the Member State. The *Ministry of Science and Higher Education* in **Poland** is, as part of its reform of the education system, also aiming to increase the number of third-country nationals in Polish universities (particularly at doctoral level). **Luxembourg** is also trying to promote research, development and innovation in the Member State by attracting researchers, including those from third-countries.

While not central to the discussion on circular migration, the return of nationals who have previously emigrated from the Member States was mentioned by a number of Member States. **Bulgaria, Estonia, Latvia**, **Lithuania** and **Poland** place specific policy emphasis on the return of their own nationals, referred

52 Finnish Ministry of Employment and the Economy publications 27/2009.

53 For an overview and analysis of existing return programmes in Member States, see the recent EMN Study on 'Assisted Return to and Reintegration in Third Countries'

54 In **Ireland** this is part of a policy to promote the Member State as a "centre for international education."

to as a focus on "backward migration," also because these Member States themselves are subject to brain drain due to the high level of emigration. Attempts to encourage nationals to return also comprise measures to promote a temporary return, after which it is hoped that the person will decide to stay permanently.

3.4 Public debate / consultation

Across most Member States, civil society, academia and migrant representative groups, the potential benefits of temporary and circular migration schemes appear to be widely recognised, but the "triple-win" assumption is sometimes questioned. For example, there is a general concern amongst civil society and migrant representative organisations in **Czech Republic, Finland, Greece, Malta, Slovenia** and **Sweden** that temporary and circular migrants may be at risk of exploitation, if proper control and monitoring mechanisms of employers and industrial sectors are not in place.

Public concerns about the brain drain of highly skilled migrants from third countries which may create labour shortages in those countries in key sectors such as health, appears to be a live issue in several member States. In the **Netherlands**, for example, the concern over brain drain is quite prominent within debate and discussions in Parliament and in the media. The primary concern has related to the practice of attracting nurses and medical staff from third countries to serve the interests of the Netherlands, with potentially negative consequences for nursing care capacity in their countries of origin. However, the positive impacts of labour migration from developing countries, such as poverty reduction, have also been noted.

In **Hungary,** temporary labour migrants have been reported as negatively perceived and are easily associated with cheap and illegal labour. In **Finland**, whilst recent research suggests an increasing understanding of the advantages of an international workforce to meet labour market needs,[55] public debates also show concerns about the potential exploitation of migrants. At the same time, there is still a perception that immigrants come to "take the jobs of Finnish nationals."

Public debate in **Germany**, **Hungary, Latvia, Luxembourg, Malta** and the **Netherlands** show some scepticism towards temporary and circular migration.

55 According to a recent survey conducted by Gallup from 2010: 59% of Finnish nationals were of the opinion that **Finland** should accept more immigrants where as in 2007 this figure was only 27%. Further information available from: http://www.hs.fi/kotimaa/artikkeli/L%C3%A4hes+60+prosenttia+ei+ottaisi+lis%C3%A4%C3%A4+maahanmuuttajia/1135254407014.

In **Germany** and the **Netherlands**, for example, this is primarily fed by experiences with earlier temporary migration programmes in the sixties and seventies (i.e. 'the guest worker programmes') which led to high numbers of migrants settling permanently in those Member States. In **Luxembourg**, also in the absence of a well-elaborated national policy, stakeholders are not familiar with the concepts and remain sceptical of the aims and effectiveness of circular migration programmes. According to **Luxembourg**, national migrant associations also stress the importance of involving NGOs and migrants themselves in cooperation activities between civil society in both host societies and countries of origin.

Finally, the global economic crisis has further fuelled the debates in a negative direction in **Latvia, Estonia, Netherlands**. In the **Netherlands**, for example, the increased unemployment and economic crisis has raised questions as to whether temporary and circular migration of (low-)skilled migrants is desirable at all. By contrast, in **Spain** the efforts of government to promote temporary and circular migration schemes have been welcomed by civil society, in particular because employers' representatives and unions have been explicitly involved in the decision-making process and because the third sector (associations of migrants and NGOs) has been employed to provide assistance, training initiatives and co-development projects linked to the recruitment of temporary workers. Nonetheless, there has been criticism too in **Spain**, suggesting that partner third countries were selected on the basis of diplomatic and strategic priorities, rather than over consideration of which countries were most in need.

3.5 National evaluations of existing policies and programmes and studies

In most Member States, temporary and circular migration policies and measures are only recently being explored and developed, and as a result, very few evaluations and impact studies have been undertaken and reported to date. This Section describes what has been reported.

In **Sweden**, the circular migration policy and approach was scrutinised and evaluated by an independent Parliamentary Committee for Circular Migration and Development (CiMU). The final report[56] was produced in March 2011, and was sent to relevant agencies to provide comments by September 2011. The Commit-

56 Final Report from **Sweden**'s Committee for Circular Migration and Development (SOU 2011:28)

tee found that circular migration can bring gains to the country of origin, through financial remittances sent by migrants, but also through the 'social remittances' that the migrant can take back to the country of origin on their return. The CiMU made a number of proposals and recommendations for legislative changes and other measures aimed at removing obstacles to circular migration. These included the creation of four year long (or longer) time-limited permits for persons wishing to stay for longer periods without applying for permanent residency; an extension of the qualifying period for permanent residency to allow migrants to return for longer periods to their country of origin; support to diaspora organisations; and facilitated schemes for third-country nationals sending remittances.

The **Netherlands** regularly launches annual reviews, monitoring and evaluating their national programmes and projects aimed at promoting temporary and circular migration. In addition, **Finland, Greece, Sweden** and **United Kingdom** refer to academic or government studies conducted in their Member State in relation to the willingness of third country nationals to return to their country of origin.

Greece discusses a study that states that "circular migrants are more likely to work illegally (than other migrants) and have returned mainly after the expiration of their seasonal work permit, with the intention to migrate again."[57] According to this study "having positive short term migration experience" can be considered a "determinant factors of circular migration." Other factors include being a male, having a lower education level, and originating from a rural area." In summary, this study suggests that circular migration is attractive to (some) migrant workers, but that – at least at present – there may be a link between circularity and irregularity. In Greece, circular migration patterns primarily exist between Greece, Albania and Italy.[58]

Studies carried out in **Finland** have similarly shown that migrants are attracted to circular forms of migration. A study concerning third-country national students suggested that, should they not remain in Finland, they would like to work in the **United Kingdom**, United States or Australia. Two other studies suggested that a number of migrants intended to stay in Finland for longer than one year and would like to return to Finland again, hence they would prefer longer-term forms of migration, over temporary ones.

Similarly, in the **United Kingdom**, a study commissioned by the government found that 79% of all students entering in 2004 were no longer in the immigration system five years later,[59] thus suggesting that the majority of students were likely to leave within five years. However, as the remaining 21% were still thought to be in the Member State after this time, this seemed to indicate that this route was nevertheless not as 'temporary' as previously considered.

The **Czech Republic, France, Latvia** and **Spain** also draw conclusions on third-country nationals' return plans from the analysis of statistical data. The **Czech Republic** provides some evidence from the government scholarship programme that there is a low rate of return of the holders of scholarship back to their countries of origin. **France** concludes that, with the exception of the temporary worker permit, the holders of the other forms of permits largely use the possibility to get their permits renewed, transforming 'temporary migration' into 'long-term migration.' **Spain** refers to statistics that show that the number of migrants returning to their country of origin increased from 2007 to 2009, and suggests this is due to the economic crisic.

By contrast, **Sweden** cites a World Bank study[60] suggesting that migrants surveyed would prefer temporary and circular migration to more permanent forms. It found that 60-70% of migrants from Bosnia and Herzegovina, Bulgaria (before EU accession), Georgia, Romania (before EU accession), Kyrgyzstan and Tajikistan would prefer such forms of migration.

In **Sweden,** the interim report from CiMU[61] assessed patterns of circular migration and countries of destination. It concluded that migrants born in the Nordic States and in the EU-27 whose migration patterns are circular, tend to return more often to their country of origin, or another country in the region, whereas nationals from African States tend to move onwards to countries with a similar standard of living rather than returning to Africa. In **Latvia,** due to the global economic recession, many of the third-country nationals holding residence permits lost their jobs. This led to some unexpected knock-on effects and many third-country national workers who lost their jobs, instead of moving back to their countries of origin, have preferred to move to other Member States to seek employment.

57 Vadean, F. and Piracha, M. (2009) *Circular Migration or Permanent Return: What Determines Different Forms of Migration?*, Discussion Papers KDPE 09/12

58 Maroukis Thanos & Gemi Eda, Circular Migration between Albanian and Greece, May 2010, Metoikos Project, http://www.eui.eu/Projects/METOIKOS/Documents/BackgroundReports/Greece-AlbaniaMay2010.pdf

59 Achato, L.; Eaton, M.; Jones, C. (2010). *The Migrant Journey*. Home Office Research Report No.43, September 2010. Home Office. Available at http://www.rds.homeoffice.gov.uk/rds/pdfs10/horr43c.pdf

60 World Bank, *Migrants and remittances: Eastern Europe and the Former Soviet Union*, 2007.

61 Swedish Government Report, SOU 2005:50.

4. LEGISLATION REGULATING TEMPORARY AND CIRCULAR MIGRATION

This Section provides an overview of legislation at the EU level that regulates (aspects of) temporary and circular migration to the EU (Section 4.1), as well as describing the existing national legislative frameworks (Section 4.2) plus any specific agreements or initiatives they have developed with third countries (Section 4.3).

4.1 EU legislation

The EU's current legislation supports circular migration only to a limited extent. First the EU Acquis provides specific rules relating to gaining the status of long-term resident (*Directive 2003/109/EC* "the Long-Term Residents Directive").[62] The calculation of five years' legal and continuous residence on the territory of the Member State concerned (a key condition for gaining long-term residence status) must also include periods spent away from that Member State, if those periods are not longer than six months each, or ten months in total. Also, Member States have an option to "stop the clock" for longer periods of absence, in "cases of specific or exceptional reasons of a temporary nature and in accordance with their national law." But they may also choose to 'keep the clock ticking' if those longer absences concern "secondment for employment purposes, including the provision of cross-border services" (Article 4). The same rules apply if a long-term resident moves to another Member State and applies for long-term residence there (Article 25).

Once obtained, long-term resident status can be lost due to absence from the EU for periods of over one year. But Member States have an option to provide that longer periods of absence or absences "for specific or exceptional reasons" will not lead to loss of status (Article 9). Member States are also free to give access to long-term resident rights under national law on more generous grounds than provided for by the Directive (Article 13).

Directive 2009/50/EC ("Blue Card Directive"),[63] which sets out rules for highly-qualified employees, allows EU Blue Card holders to be absent for periods of 12 consecutive months, or 18 months in total, within the five-year qualifying period, and still gain long-term

62 Directive 2003/109/EC of 25 November concerning the status of third-country nationals who are long-term residents. Denmark, **Ireland** and **United Kingdom** did not participate in the adoption of this Directive and thus are not bound by its provisions.

63 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. The Directive must be transposed by 19 June 2011 (Art. 23(1)). Denmark, **Ireland** and **United Kingdom** did not participate in the adoption of this Directive and thus are not bound by its provisions.

residence status (Article 16(3)). Furthermore, once the status is obtained, absences of up to two years must be ignored (Article 16(4)). After eighteen months of legal residence in a Member State as an EU Blue Card holder, the migrant and his family members may also move to a Member State other than the first Member State for the purpose of highly qualified employment (Article 18(1)). However, Member States have an option to restrict these benefits in practice "*to cases where the third-country national concerned can present evidence that s/he has been absent from the territory of the Community to exercise an economic activity in an employed or self-employed capacity, or to perform a voluntary service, or to study in her/his own country of origin*" (Article 16(5)).

Directive 2004/38/EC[64] on the right of Citizens of the Union and their family members to move and reside freely within the territory of the Member States also applies to third-country nationals who are family members of EU citizens. The Directive contains provisions which allow citizens and members of their families who move within the EU, to obtain permanent residence status after five years' legal and continuous residence (Articles 16(1) and 16(2)).[65] Some of the provisions may encourage circular migration. For example, the continuity of residence is not affected by temporary absences of up to six months each year, absences for required military service, or by an absence of a maximum of twelve months "*for important reasons such as pregnancy and childbirth, serious illness, study or vocational training, or a posting in another Member State or a third country*" (Article 16(4)). The right is only lost due to two years' consecutive absence from the host Member State (Article 16(5)).

Regulation 1931/2006/EC[66] outlines the rules by which residents of third-countries located at the external borders of the EU may cross the external land border of a Member State provided that they are in possession of a permit delivered to facilitate such a crossing (and of a passport, if the Member State in question so requires). Border residents may stay in a specified 'border area' stipulated through a bilateral agreement between a Member State and the neighbouring third country. The maximum duration of the stay must not exceed three months in any half-year period.

Regulation 883/2004/EC on the coordination of social security systems and Regulation 1408/71 on the application of social security schemes to employed persons and their families moving within the Community outline the rights to social benefits for persons who are or have been subject to the legislation of one or more Member State, and applies to nationals stateless persons and refugees and members of their families and to their survivors residing in a Member State (as well as EU nationals). The legislation ensures that individuals are subject to the legislation of one Member State only and that the rights of the individuals are protected. On 20 December 2010, a proposal; was submitted to amend Regulation 883/2004,[67] in particular provisions on "wholly employed persons" and aircrew staff.

Following from the Ankara Agreement of 1963, creating the first association between Turkey and the EU, there is a special regime for Turkish workers and their family members, pursuant to Decision 1/80[68] of the EU/Turkey Association Council. This Decision provides for renewal of work permits after one year's work with the same employer, three years' work in the same occupation, or four years overall. Annual holidays, maternity absences, work accidents, and short sicknesses count toward this end, and the "clock stops" during involuntary unemployment, duly certified, and long absences due to sickness. For family members, a three-year waiting period for a work permit (and therefore a residence permit) includes periods of absence "*for legitimate reasons, for example in order to take holidays or visit his family in his country of origin*", and to periods of less than six months spent in the country of origin for reasons beyond the family member's control.[69]

Temporary migration to the EU is partly regulated through *Directive 2004/114* on admission of students, pupils, trainees, and volunteers ("Student Directive").[70] A residence permit issued to a student must be valid for one year and renewable, as long as the relevant conditions are fulfilled (Article 12). Implicitly, it cannot be renewed once the person concerned is no longer a student. A residence permit for a school pupil is only valid for a period of one

64 Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0038:EN:NOT.
65 See also the special rules in Articles 17 and 18.
66 Available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R1931:EN:NOT. Denmark, **Ireland** and **United Kingdom** did not participate in the adoption of this Regulation and thus are not bound by its provisions.

67 Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004. Available at: http://register.consilium.europa.eu/pdf/en/11/st11/st11077.en11.pdf.
68 Decision No 1/80 of the Association Council of 19 September 1980 on the Development of the Association. See http://www.inis.gov.ie/en/INIS/DECISION_No_1_80_eng.pdf/Files/DECISION_No_1_80_eng.pdf
69 Case C-351/95 *Kadiman* [1997] ECR I-2133.
70 Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service. Denmark, **Ireland** and **United Kingdom** did not participate in the adoption of this Regulation and thus are not bound by its provisions.

year maximum and again is implicitly not renewable (Article 13). A residence permit for unpaid trainees is valid for a period of one year, or the period of training, and is not renewable, except once in certain 'exceptional' cases (Article 14). A residence permit for volunteers is for a maximum period of one year or longer in certain 'exceptional' cases (Article 15). The Directive is subject to the general right of Member States to adopt more favourable rules (Article 4), and their option not to apply it at all to pupils, trainees and volunteers (Article 3(1)).

Finally, the proposed Directive on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment[71] provides for a maximum of six-month stay per year (Article 11), and would facilitate circular migration, in that Member States would either have to issue a multi-year seasonal work permit or provide facilitated procedures for seasonal workers who were already admitted and want to come back again (Article 12). In addition, the proposed Directive on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer[72] is aimed at promoting migration for the sustainable economic growth of the European Union through managed, temporary migration. The proposed Directive makes provisions to ensure that the stay will be temporary. For example, the proposed Article 4(1b) states that the transferee must "*provide evidence ... that he or she will be able to transfer back to an entity belonging to that group of undertakings and established in a third country at the end of the assignment*" – i.e. that he/she will return to their country of origin.

This EU legislative framework provides a broad context for understanding the approaches to temporary and circular migration adopted at national level. Indeed, a number of Member States (**Estonia, Finland**, **Germany**, **Hungary, Latvia, Lithuania, Malta, Slovak Republic, Slovenia, Sweden, United Kingdom**) have implemented, or are currently in the process of transposing, EU legislation that is relevant to the issue of circular migration. **Estonia, Finland, France, Hungary, Latvia, Lithuania, Luxembourg, Poland, Slovak Republic** and **Slovenia** made progress with regard to the *Directive 2009/50/EC ("Blue Card Directive")*, which had to be transposed by June 2011. In **France**, the new immigration law is being adopted and subsequent decrees will clarify and transpose the specific provisions of the Blue Card Directive. **Poland** is currently developing an amended *Act on Foreigners,* which will also transpose the *Blue Card Directive* into national legislation. The **United Kingdom** has implemented *Regulations 883/2004/EC and 1408/71* and associated instruments that guarantee portability of social security benefits within the European Union. It encourages migrants to work in the United Kingdom for a temporary period, and then to return to their country of origin with added benefits.

4.2 National legislative frameworks

This Section explores the legislative framework for temporary and circular migration at the Member State level, and builds on the overall EU policy and legal framework set out in Section 4.1 above.

Overall, few Member States have legislation in place that specifically sets out to impose temporary migration (i.e. migration with no possibility to extend/renew), and none of the Member States have legislation in place which specifically regulates circular migration. However, several provisions in the general legislative frameworks for legal migration in Member States set out conditions for admission for a limited period and for re-entry, thus allowing for temporary migration (by restricting possibilities for long-term stay) and for circular migration (by enabling a back and forth movement).

Austria, **Belgium**, **Czech Republic, France, Estonia, Hungary, Ireland, Italy, Netherlands, Portugal, Slovak Republic, United Kingdom** incorporate aspects of temporary and/or circular migration into their general legislative framework on migration. For example, these Member States allow entry specifically for temporary work and stay and issue visas and permits accordingly. **France** and **Italy** also stipulate the conditions under which a migrant may re-enter a Member State, whilst in **Germany, Estonia, Hungary, Latvia, United Kingdom** a migrant may take absence without losing residence status. In addition, **Sweden** and **United Kingdom** provide rights and conditions that facilitate circular migration within their legislation. While many Member States note the importance of return in their approach to circular migration (see Section 3.3.4), none of the Member States have legislation in place to regulate the return of *temporary* (or *circular)* migrants in particular. In all Member States, general legislation and measures to enforce the return of migrants whose conditions of stay have expired apply.

71 Proposal available from: http://register.consilium.europa.eu/pdf/en/10/st12/st12208.en10.pdf

72 Proposal available from: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0378:FIN:EN:PDF

4.2.1 Visas and permits regulating temporary and circular migration

This subsection provides an overview of the systems of visas and permits in Member States which help to regulate the temporary and circular migration of third-country nationals.[73]

Overall, when looking at the legislative framework in the Member States, the following categories of visas and temporary permits can be identified:

- Those which are valid for a limited period of time, without the possibility of extension and based on the assumption of return, hence specifically aimed at implementing temporary migration;
- Those which are initially valid only for a limited period of time, but commonly extendable, and which may thus constitute a pathway to long-term / permanent settlement. Although such permits are 'temporary' in nature, their purpose is not to manage temporary migration.

For the purpose of this study, only the first category is relevant and these visas and permits are further elaborated below. However, Member State legislative frameworks and procedures do not always make such explicit distinction. Indeed, **Austria**, **France, Latvia** and the **Czech Republic**, highlight that, in practice, third-country nationals, where this is legally possible, tend to transform their short-term permits into longer-term or permanent ones. **France** noted that, with the exception to the *temporary worker permit*, the holders of other forms of permits of a limited duration largely tried to renew their permits, transforming then 'temporary migration' to 'long-term migration'.

Fourteen Member States (**Austria**, **Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Lithuania, Netherlands, Portugal, Slovak Republic, Sweden**) issue temporary work and residence permits for the purposes of employment. The **Czech Republic**'s Type C Green Card is designed specifically for low-skilled workers and is issued for maximum of two years only, with no possibility to extend. **Finland** issues a visa, which is defined as a permit allowing a migrant to enter and stay in the country for the purposes of employment for no longer than three months. Such visas are usually granted to migrants employed in the agricultural sector (e.g. berry-pickers). For other temporary work, a residence permit is required. **Austria**, **Estonia** and **Lithuania** issue national D visas which allow a migrant to stay (no residence permit is required) and work for up to six months within a year (**Austria**, **Estonia**) or for up to one year (**Lithuania**). Conceptually, **Austria** also considers 'residence permits', by their nature, as 'temporary' permits, even though they are mostly renewable.[74] **Portugal** issues a 'temporary stay visa' to third country nationals for a period that is equal to the duration of the work contract, as long as the contract does not exceed six months.

France, Hungary, Italy and the **Slovak Republic** issue permits specifically for seasonal employment. These permits have an element of circularity in them, as they allow for repeated back- and forth- mobility over a period of time. For example, in **France**, the migrant must work 3-6 months per year and the permit is valid for up to three years, with the possibility to renew, on condition that the primary residence outside of **France** is maintained. In **Italy,** an employer may apply for long-term permits of stay, valid for a maximum of three years, for seasonal workers who have worked for them for two consecutive seasons. The third-country national still has to apply separately for an entry visa. The **Netherlands** has proposed an amendment to its existing legislation on work permits for temporary migrants, which will facilitate the circular migration of migrant workers. Up to 2010, temporary work permits prohibited the migrant from working during the previous 28 weeks. However, in 2011, a new law entered into force, reducing this waiting period to 14 weeks, after which a new temporary work permit could again be granted.

In the **United Kingdom**, the 'Tier 5' visa (under the Points-Based System – PBS) is issued specifically to third-country nationals allowed to work for a time-limited period to satisfy primarily non-economic objectives. This includes migrants on a Government Authorised Exchange (e.g. medical training), an International Agreement (e.g. employees of international organisations), and artists and sports persons.[75] In other Member States (e.g. **Germany, Ireland, Netherlands**) it is mainly low-skilled migrants who participate in temporary migration by default, as highly-skilled workers are offered the possibility of long-term residency, as an incentive to migrate to the Member State.[76] In 2010,

73 The EMN is undertaking another study in 2011 on *Visa Policy as a Migration Channel*, analysing the application of Visa Policy in EU Member States.

74 Only one residence permit is non-renewable (see Art. 66 of the *Settlement and Residence Act*). However, permanent residence can only be gained through a 'settlement' permit– see Austrian National Report for further details.

75 There are also other avenues for short-term migration that exist outside of the PBS; these include Seasonal Agricultural Workers (SAWs) and Sector-Based Scheme (SBS).

76 For example, there is no maximum duration of stay associated with highly-skilled residence permits in the **Netherlands** and in **Germany**, highly qualified people are granted a settlement permit on entry. More information on Member States policy towards highly-skilled workers can be found in the EMN Study on *Satisfying labour demand through migration*.

a number of measures were introduced in the **United Kingdom** to limit the possibility to extend residence on other visas within the PBS aimed at highly-skilled, skilled workers and students. This may make such routes more temporary in the future.

Luxembourg does not issue permits which are exclusively temporary in nature (residence permits '*autorisation de séjour temporaire*' and '*titre de séjour*' are time-limited, but renewable[77]); however, some categories of migrant are not allowed to obtain long-term residence (*statut de resident de longue durée*). Such categories include: diplomatic staff and employees of international organizations, seasonal workers, posted workers and intra-corporate transferees, and students and trainees.

Bulgaria, Poland and the **Slovak Republic** grant exemptions from obligations to obtain a work or residence permit for specific types of temporary workers. In **Bulgaria**, migrants who have been sent by employers based in a third country to carry out specific tasks in the Member State (e.g. to repair equipment or to carry out training**)** may work for up to 3 months without a work permit. University students from third countries, studying in **Bulgaria**, are also exempt for up to six months a year when their work is in the framework of a practise related to their studies. Those working for companies established or investing in the **Slovak Republic**, or employed in international transport, may work for up to 3 months without a residence permit.[78] In **Poland**, third-country nationals of neighbouring countries, such as Belarus, Russia and Ukraine, and third countries with which **Poland** has signed Mobility Partnerships, i.e. Moldova and Georgia may enter and work for six months, within a twelve-month period, without requiring a work permit (they only require an employer's statement of intention which has to be registered in a district labour office).[79] In **Portugal,** amendments to Article 97(2) of the *Immigration Law* will soon allow holders of residence permits issued for the purpose of study to engage in temporary or seasonal jobs, especially those linked to areas such as tourism, so as to avoid resorting to 'new' economic migration to fill such labour shortages.

77 Authorisation "de séjour temporaire" are equivalent to visas, in that they are necessary to enter the country. Within three months of a migrant's arrival, they must submit the necessary documents to the Directorate of Immigration on order to obtain a residence permit/titre de séjour, which is renewable.

78 Temporary residence permits for employment for these purposes are not required during the first 90 days from crossing the external border.

79 In **Poland** these types of migrant are referred to as 'local border traffic'; however this is distinct from EU references to 'local border traffic', which refers to the EU's Regulation 1931/2006/EC on Local Border Traffic.

4.2.2 Re-entry conditions and permissions of absence

France and **Italy** issue visas allowing migrants to re-enter at a later date. **Belgium, Germany, Estonia, Hungary, Latvia, Lithuania, United Kingdom** also allow resident third-country nationals to return home for periods of time without having to re-apply for residence following their re-entry into the Member State. **Belgium** has comprehensive legislation in place to allow for the absence and re-entry of third country nationals. This applies to third country nationals residing in a Member State on all residence permits of longer than three months. Migrants may spend up to three months absent without losing residence status – even in the case that their Belgian residence document expires during their absence. Absences of up to one year are also possible, as long as the migrant prolongs their permit before leaving and reports to the local immigration office within 15 days of their return. Finally, absences of longer than one year, without loss of residence status, are also possible, as long as the migrant additionally proves, prior to departure, that s/he maintains her/his principal interests in Belgium and notifies the local immigration office of her/his intention to leave and to return. Where a third country national over-runs an authorised absence allowance due to reasons of *force majeure*, the Minister or Immigration Office may still grant the previous residence status.

Germany and **Hungary**[80] allow third-country nationals to leave the Member State for periods of up to six months without the expiration of their residence title. In addition, third-country nationals who leave **Germany** to complete compulsory military service may retain their residence title, as long as they return within three months of their release from military service, and migrants leaving to study or for serving national interest (e.g. development aid work, or promotion or development of German business), may stay away for two years without jeopardising their right to residence. Similarly in **Estonia**, third-country nationals may also leave the Member State for study, completion of military service and other reasons, without losing their right to reside. In the **United Kingdom**, individuals residing on the 'Tier 1' (highly-skilled) and 'Tier 2' (skilled) visas, may leave and re-enter for holidays, business trips or other compelling reasons, as

80 This is with respect to Directive 2003/109/EC (Long-Term residence). **Hungary**'s national legal provisions indicate that temporary absence from the territory of the Member State of less than six consecutive months shall not be deemed as discontinuity of residence, if the combined duration of absence does not exceed three hundred days over a period of five years.

long as the total of these trips does not exceed six months, and one single trip no longer than 3 months. **Poland** also provides for the re-entry of nationals from third-countries eligible for its 'simplified system' of entry.

Currently, third-country nationals residing in **Sweden**, who have a temporary or permanent residence permit, may leave Sweden for up to one year without this affecting their residence rights or paths to naturalisation. In light of the recommendations from CiMU, **Sweden** is also currently considering whether an extension of this period of absence might be warranted.

4.2.3 Other rights and conditions facilitating circular migration

Very few Member States have other provisions in place to consciously incentivise circular migration, except for **Sweden** and, to a more limited extent, **Austria**, **Luxembourg**, **Portugal** and the **United Kingdom. Sweden** grants third-country nationals entering for the purpose of employment, the right to have their income-based pension paid outside the Member State once they reach the age of 61 years. In addition, a lower tax rate is sometimes applied for highly-skilled experts, and, through a series of international agreements, it is ensured that migrants who transfer money between different countries are only taxed once.

Austria, Luxembourg, Portugal and the **United Kingdom** also allow third-country nationals from countries with whom they have signed agreements to receive (certain) benefits. In **Austria**, these concern insurance services and benefit 15 third countries, including Turkey, Croatia and Serbia. In the case of **Portugal**, such agreements exist with Cape Verde and the Ukraine, and they ensure that migrants who have been subject to the legislations of the two states can enjoy the same rights to social security in both. In this way the agreement ensures adequate social protection for individuals while living in Portugal, as well as ensuring they receive the same benefits on their return to their country of origin, thus promoting mechanisms that do not hinder (or encourage) migrants returning to their country of origin. As part of an assisted voluntary return programme, **Spain** has launched a programme, allowing nationals from countries that have concluded social security agreements with Spain, to receive an advanced payment of (contributed) unemployment benefits, on the condition that the migrants agree not to return to Spain within a three-year period. After this period they may return and, moreover will be given preference for recruitment and will be able to recover their former status as temporary or long-term residents. For the **United Kingdom,** reciprocal agreements (mainly with Council of Europe member countries) allow certain migrants to claim benefits earned (e.g. state pensions and bereavement and widows' benefits, and employment-related industrial injuries disablement benefit), once they have returned to their country of origin.

Conversely, in **Germany,** third-country nationals moving to another country must wait 24 months before they qualify for reimbursement of paid social insurance contributions, which, although positive in itself, may not be favourable to (circular) migrants who wish to move back to their country of origin only temporarily.

4.2.4 Specific rules concerning migration for the purpose of study, training and research

Most Member States have legislation in place to specifically regulate the entry of students. Pursuant to Directive 2004/114, Member States may issue residence permits for the purpose of study for one year, with the possibility to extend this. Some Member States (e.g. **Austria**, **France**, **Germany, Ireland, Netherlands, Sweden**) allow for a further extension and a change in status once the student has completed his/her studies. In **France,** third-country nationals who have successfully completed their studies to the level of Masters, may be issued a 6 month non-renewable temporary residence authorization (APS – Autorisation Provisoire de Séjour), to look for a job. In case of a successful search for a job, the third-country national will obtain a change of status (no labour market test applied). **Austria** also allows successful graduates up to six months to look for a job in the Member State; in **Germany** residence is extended for up to one year to look for work. A similar provision exists in **Ireland**, whereby graduates may remain for 6-12 months to look for work depending on the course followed. This permission period is non-renewable. In the **Netherlands**, since 2008, graduates of Dutch universities and higher education institutes are being granted one year to look for a job, with a minimum salary threshold of € 28 600. During this time, they are entitled to social benefits, and, if they are successful in finding a job, they have the possibility of acquiring a highly-skilled worker residence permit. **Sweden**'s CiMU, in its final report, recommends that international students, who have completed at least two terms of studies, should be allowed to stay in the Member State for up to six months after the completion of their studies to look for a job. By contrast, in **Malta**, once third-country nationals have completed their studies, they are expected to leave the country before they can apply for any other visa, although an exception is provided for medical students. Similarly, in the **United King-**

dom students are issued a Tier 4 visa, which is for studies only, and the student must leave the Member State once this visa expires.[81]

Also pursuant to Directive 2004/114/EC, Member States must regulate the conditions for the entry and residence of remunerated trainees, volunteers and school pupils. In terms of third-country nationals who enter for the purpose of training, **Bulgaria** only allows such migrants to stay for three out of twelve months of the year, whereas the **Netherlands** permits third-country nationals to stay up to one year to train, and grants longer periods to migrants from Surinam carrying out specialist training and Serbian nationals training on Dutch national barges. **France** has a special permit ('young professionals') for the purpose of training, and **Slovenia** also issues a temporary employment permit for training and advanced training, which is valid for up to one year.

Following Directive 2005/71/EC, hosting agreements with research organisations should be concluded for the admission of third-country researchers for more than three months for the purposes of carrying out a research project. In addition, Member States could introduce legislation to regulate the entry of third-country nationals who are researchers seconded by one research organisation to another in a different Member State. **Austria, Czech Republic, Finland, France, Germany, Netherlands, Luxembourg, Portugal, Slovak Republic** and **Spain** all issue residence permits specifically for researchers. In **Austria, Czech Republic** and **Slovak Republic**, the long-term permit for the purpose of scientific research is issued for up to two year[82]; although in **Czech Republic** researchers may also enter the Member State on a Green card type A, which is issued for up to three years. By contrast, in **France** they are valid for one year only. In **Germany,** permits to researchers may be issued for periods shorter or longer than one year depending on the research project. In **Bulgaria**, guest-lecturers, lecturers and teachers in higher education institutions and secondary schools may be issued work permits without a labour market test. In **Netherlands**, PhD students, post-graduate researchers and highly-qualified researchers do not need to pass a labour market test, but they still need to obtain a work and residence permit. In **Luxembourg**, the residence document for 'researcher' is valid for one year, or for the duration of the research project, and is renewable. In **Portugal** temporary work permits are issued to researchers; they normally are issued for only six months, but for researchers they last up to one year. In **Spain** legislation provides the possibility to grant a residence and work permit to researchers in the framework of the *Special Regime for Researchers* through agreements signed between scientific institutions. The residence permits have a minimum duration of one year, with the possibility of renewal.

4.3 Cooperation agreements with third countries

This Section presents the specific bilateral agreements, projects and other initiatives developed by the Member States to promote temporary and circular migration, followed by an overview of Member State specific activities as part of EU Mobility Partnerships.

4.3.1 Bilateral cooperation with third countries

The majority of Member States (**Belgium, Bulgaria, Czech Republic, Germany, Greece, Estonia, Finland, France, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom**) have cooperation agreements and projects with third countries, which have an impact on temporary or circular migration. Table 3 provides an overview of these agreements and projects. In some Member States (e.g. **Netherlands, Portugal, Spain**) these are targeted at encouraging these forms of migration, whereas in others (e.g. **United Kingdom**) there is no overarching policy and the initiatives and projects have been largely developed on an ad-hoc basis.

81 See also Section 3.4 and Section 3.5 for further discussion on the system of visas and policy on student migration in the **United Kingdom**.

82 In the **Slovak Republic** this is with the possibility of extension.

Table 3: Cooperation with third countries

Member State	Type of the agreement	Third country
Belgium	Bilateral agreement with developing country	Diaspora of various African countries living in Europe
	Educational migration	Senegal
Czech Republic	Youth mobility agreement	Canada, New Zealand
	Type C Green Card	Australia, Bosnia and Herzegovina, Canada, Croatia, Japan, Republic of Korea, Monte Negro, Macedonia, New Zealand, Serbia, Ukraine, the USA
	Educational migration	Angola, Bosnia and Herzegovina, Moldova, Mongolia, Serbia, Yemen, Vietnam and Zambia and some other states
Germany	Agreements on contract workers	Bosnia-Herzegovina, Croatia, Serbia including Montenegro and Kosovo, Macedonia, Turkey
	Guest workers agreements	Albania, Russian Federation, Croatia
	Agreement on seasonal workers	Croatia
Greece	Agreements on seasonal workers	Albania, Egypt
Estonia	Youth mobility agreement	Australia, New Zealand, Canada
Finland	Memorandum of Understanding	Vietnam
France	Youth mobility agreement	Argentina, Canada, USA, Gabon, Morocco, New Zealand, Senegal, Tunisia
	Agreements with developing countries and Russian Federation	Benin, Burkina-Faso, Cameroon, Cape-Verde, Congo, Gabon, Macedonia, Mauritius, Montenegro, Russia, Senegal, Serbia, Tunisia
Hungary	Educational migration	Afghanistan, Yemen, Mongolia, Palestine, Ukraine, Vietnam
Italy	Framework agreement	Morocco, Moldova, Egypt
Latvia	Youth mobility agreement	Canada, New Zealand
Lithuania	Youth mobility agreement	Canada
Luxembourg	Educational migration	Vietnam, Laos, Mali, Senegal, Cape Verde, Burkina Faso, Niger, Namibia
Malta	Youth mobility agreement	Australia, New Zealand
Netherlands	Bilateral agreement with developing country	South Africa, Indonesia
	Capacity building project	Cape Verdean diaspora
	MIDA GHANA Health	Ghana
	Temporary Return of Qualified Nationals	Afghanistan, Bosnia and Herzegovina, Ethiopia, Georgia, Sierra Leone and Sudan
Poland	Agreements for temporary migration of migrants from neighbouring countries	Ukraine, Belarus, Russia, Moldova, Georgia

Member State	Type of the agreement	Third country
Portugal	Capacity building project	Cape Verdean diaspora
	Bilateral agreement with developing country	Cape Verde, the Ukraine, Brazil, Moldova
Slovak Republic	Youth mobility agreement	Canada, New Zealand
Slovenia	Agreement on seasonal workers	Macedonia
Spain	Agreement with developing country (in relation to labour migration)	Cape Verde, Colombia, Dominican Republic, Ecuador, Gambia, Guinea, Guinea Bissau, Mali, Mauritania Morocco, Niger, Senegal.
Sweden	Youth mobility agreement	Canada, Australia and New Zealand
United Kingdom	Educational migration (Medical Training Initiative)	Open to nationals of any third country
	Educational migration	Other Commonwealth countries
	Support for developing countries (QUESTS-MIDA)	Somalian diaspora residing in UK

Nine Member States (**Belgium**, **Czech Republic**, **Germany, Greece, Hungary, Luxembourg, Portugal, Slovenia, United Kingdom**) have bilateral cooperation agreements and projects with third countries, aimed at temporary workers, students and trainees. In 2010, **Belgium** launched a pilot project called "*Circular Migration between Belgium and Senegal*," initiated by the private sector, with the aim to facilitate one-year paid internships for Senegalese university graduates in Belgian companies in 2011 and 2012. The **Czech Republic** offers scholarships to nationals from developing countries. Between 2006 and 2010, there were eight priority countries – Angola, Bosnia and Herzegovina, Moldova, Mongolia, Serbia, Yemen, Vietnam and Zambia. **Germany** cooperates with third countries within Contract Worker Agreements, which enable companies in partner EU Member States and third countries to send employees to Germany for a limited duration for the purpose of completing a work project in cooperation with a German company. **Germany** has also concluded so-called Guest Worker Agreements[83] with 14 Central and Eastern European states. Workers from third countries can be employed for up to 18 months for the purpose of vocational or language-related training. **Greece** has concluded bilateral seasonal labour agreements with Albania and Egypt. The Greek-Egyptian agreement allows Egyptian nationals to work as fishermen for a limited period each year, and can transfer social insurance contributions when they return. **Greece** is also currently engaged in project entitled "Migrant Skills Transfer in Aquaculture Industry: The case of Greece and Egypt."[84] The project surveys Egyptian seasonal migrants who work in the Greek fishing industry, in order to understand their circular migration patterns.

Hungary has bilateral agreements for the exchange of students which it has concluded with Afghanistan, Yemen, Mongolia, Palestine, Ukraine and Vietnam. Apart from granting scholarships within these agreements and supporting the mobility of researchers, it also offers scholarships within the so-called 'Scholarship Pool', a scholarship system of various types of scholarships.

The **Netherlands** *Pilot Circular Migration Programme* launched in 2009 and known as the 'Blue Birds' programme is a small scale programme designed for 160 semi-skilled workers from South Africa and Indonesia who are employed in the Netherlands according to their education and skills and who return to their country of origin after a temporary stay. The Pilot Pro-

83 Bilateral government-level agreements on contract workers exist both with countries that belong to the EU (**Bulgaria**, **Czech Republic**, **Slovak Republic**, **Latvia**, **Poland**, **Romania**, **Slovenia**, **Hungary**) and several third countries (Bosnia-Herzegovina, Croatia, Serbia including Montenegro and Kosovo, Macedonia, Turkey). Guest worker agreements are in place between **Germany** and **Hungary**, **Poland**, **Czech Republic**, **Slovak Republic**, **Slovenia**, **Bulgaria**, **Estonia**, **Latvia**, **Lithuania** and **Romania**, as well as the third countries Albania, Russian Federation and Croatia.

84 Information available at: http://www.migration4development.org/node/1445

gramme aims to find out if there can be a triple-win situation for the Netherlands, the migrants and their countries of origin.[85]

Luxembourg has signed various agreements with universities in third-countries, including Mali and Cape Verde, which promote student and trainee exchanges. **Portugal** has set up projects specifically focussing on temporary and circular migration with the Ukraine and Brazil. With Ukraine, a pilot project was set up with the IOM in 2005 to test the impact of temporary migration. Fifty Ukrainian candidates were selected to work in Portugal for a six month period, after which they were obliged to return. The outcomes were compared with a 'control' group of Ukrainians who had not participated. At a later stage the candidates will be prioritised in a second recruitment process to test for the impacts of circular migration. With Brazil, **Portugal** has an agreement which exempts Brazilian citizens from the need to obtain a visa for stays of up to 90 days (extendable for a similar period), for artistic, cultural, scientific, corporate, journalistic or sports purposes and academic internships. The ultimate aim of this regime is to facilitate the circulation of nationals from both countries who are professionals in these areas.

Slovenia signed a bilateral agreement with Macedonia, which regulates the terms and conditions of employment of seasonal worker migrants from Macedonia and is implemented through employment agencies. The duration of employment should be at least three months and not more than nine months. A similar agreement is currently negotiated with Bosnia and Herzegovina.

The Medical Training Initiative (MTI) allows medical specialists from third countries to come to the **United Kingdom** to train for up to two years. Also, under the *Commonwealth Scholarship and Fellowship Programme*,[86] citizens from Commonwealth countries can come to the Member State to work or study.

4.3.2 Bilateral cooperation involving the diaspora

Belgium, Netherlands, Portugal and **United Kingdom** have bilateral cooperation agreements and projects aimed at the circular or temporary migration of diaspora communities (i.e. outward migration). **Belgium** pursues several cooperation projects concerning temporary and circular migration. This includes the IOM project "Migration for Development in Africa" initiative (MIDA), that encourages outward migration, promoting the mobility of qualified and skilled third-country nationals from the Great Lakes diaspora (i.e. from Democratic Republic of Congo, Burundi and Rwanda), residing in the EU. The project, which started in 2005, encourages diaspora experts from this region to play a more active role in the development of their country of origin, through temporary assignments, including transfers of skills, knowledge and tools. The "*Mobilization for Morocco of Moroccans living abroad*" (MEDMA) project[87] seeks to mobilise the expertise and the resources of the Moroccan diaspora living in Belgium.

Italy, Netherlands and **Portugal** participate in an IOM project entitled "Dias de Cabo Verde," aimed at supporting capacity building in Cape Verde through strengthening networks and promoting the exchange of information and knowledge between Cape Verdeans and their diaspora community living in Europe. The **Netherlands** also participates in the IOM's '*MIDA Ghana Health*' and '*Temporary Return of Qualified Nationals*' projects.[88]

The **United Kingdom** also supports development of third countries through engagement of its diasporas. In 2008, the UK's *Department for International Development* (DfID) assigned €3.4 billion over three years to its Voluntary Services Overseas programme, which helps diaspora organisations plan their own volunteering programmes in an attempt to increase awareness of and support for global poverty reduction for the volunteer and the communities they belong to. Moreover, through the *Qualified Expatriate Somali Technical Support – Migration for Development in Africa (QUESTS-MIDA)* programme,[89] African expatriates (resident in United Kingdom) can return to train workers in specific sectors in their countries of origin.

4.3.3 Youth Mobility Agreements

Bilateral cooperation with third countries is also carried out by Member States in order to promote reciprocal temporary migration of young professionals between Member States and third countries, usually referred to as "Youth Mobility Agreements." Nine Member States (**Czech Republic, Estonia, France, Latvia, Lithuania, Malta, Slovak Republic, Sweden, United Kingdom**) have cooperation agreements, primarily with Canada,

85 As mentioned in Section 3.3.2, during the course of producing the synthesis of this Study, this Pilot Programme was ended (on 1st June 2011). The reasons behind this will be published in a report to be published at a later date.

86 Further information available at: http://www.csfp-online.org/

87 See MEDMA *Marocains résident à l'Etranger pour le Développement du Maroc*, IOM, July 2007

88 Further information available at: http://www.iom-nederland.nl/english/Programmes/Migration_Development/Projects_Migration_Development/MIDA_Ghana_Health_III_Project

89 For further information, see: http://www.so.undp.org/index.php/Qualified-Expatriate-Somali-Technical-Support-project-on-the-Somali-Institution-Development-Project.html

New Zealand, Australia, but also covering other third countries, which facilitate the entry and admission of young professionals. These have the broader aim to promote closer cooperation with the Member State and the third country, as well as to increase the mobility of young people, to allow graduates to gain their first work experience and to get to know a new culture, thus improving inter-cultural dialogue and understanding.

4.3.4 Mobility partnerships with third countries

Belgium, Bulgaria, Germany, Greece, Hungary, Lithuania, Poland, Portugal, Sweden and the **United Kingdom** reported on their participation in the EU Mobility Partnerships[90] with Georgia and Moldova. **Luxembourg, Portugal** and **Spain** reported that they had signed the Mobility Partnership with Cape Verde. Some of these activities concerned the "outward migration" of nationals of Georgia and Moldova legally resident in a Member State, with the aim of "capacity building." For example, through the Mobility Partnership with Moldova, **Germany** aims to encourage development by enabling members of the Moldovan diaspora in Germany to take longer temporary periods of absence (up to a maximum of 24 months) without loss of their residence rights in Germany.

Bulgaria held workshops in Moldova to improve the administrative capacity of the Moldovan authorities by training them in the use of the EURES portal, so as to improve their management of migration flows. **Greece** also held a technical workshop for officials of Moldova on the improvement and simplification of the procedure for issuing of residence permits and has organised Greek language courses in Moldova, addressed to persons interested in migrating to Greece, as well as created a website on legal migration. The Public Employment Service of **Sweden** is heading a project within the Mobility Partnership on strengthening Moldova's capacity to manage labour and return migration. The project aims at supporting and assisting authorities in Moldova to facilitate the reintegration of Moldovans into the labour market on their return and to inform out-migrating Moldovans of legal (as opposed to irregular) migration channels. **Hungary** also mentioned that it participates in this project.[91]

90 See COM(2007) 248 final, available from: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0248:FIN:EN:PDF for an overview, as well as SEC(2009) 1240 final (*'Commission Staff Working Document – Mobility partnerships as a tool of the Global Approach to Migration'*) for further, and more recent, information.

91 **Bulgaria, Cyprus, Czech Republic, Greece, Germany, Italy, Lithuania, Poland,** Romania and the **Slovak Republic** also participate in this project, which is led by Sweden. For more information, see: http://www.legal-in.eu/en/partners

5. STATISTICS ON TEMPORARY AND CIRCULAR MIGRATION

This Section provides an overview of the statistics available in relation to temporary and circular migration, as well as presenting some of the issues associated with the collection of such statistics and data availability. It begins by looking at statistics on temporary migration (Section 5.1), and how information on duration of stay (Section 5.1.1) and purpose of stay (Section 5.1.2) can be used to provide evidence on statistics and trends in temporary and circular migration. Available statistics on temporary migration are then provided (Section 5.1.3). The Section then discusses data availability regarding circular migration (Section 5.2) and provides an overview of available data on migrant seasonal workers (Section 5.3). Finally, an overview of available data on temporary and circular migration (including seasonal work) by nationality of migrant (Section 5.4) is provided.

Since 2008, and in accordance with Article 6 of Regulation 862/2007/EC *on Community statistics on migration and international protection*,[92] Eurostat has collected statistics provided by Member States on first permits issued for remunerated activities by reason, length of validity and citizenship.[93] In accordance with this article, Member States provide statistics on the type of remunerated activity for which the residence permit was issued, i.e. whether it was for highly-skilled workers, seasonal workers, or other remunerated activities. Such statistics can be useful for providing information on migrant workers; however, although data on duration of stay is provided, there is no indication as to whether these permits were renewed; hence it is not possible to draw clear evidence of temporary or circular migration from such statistics.

Overall, there is a general lack of statistics on temporary and circular migration. Firstly, as noted, for example, by **Luxembourg**, this is because statistics on entries, exits and permits issued are inadequate for monitoring these forms of migration, as they tend to consider each movement to be singular and permanent. Second, as mentioned by, for example, **Spain**, general surveys of the third-country national population of a Member State compile information at a given point in time, offering only a snapshot of the situation, and hence do not 'count' migrants who have stayed temporarily in the Member State and have already left. They also do not capture data on re-entry at a later stage. Linked to this, **Luxembourg**

92 Available from: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:199:0023:0029:EN:PDF

93 See Eurostat: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_resocc&lang=en Not all Member States issue residence permits – where this is the case, Member States use other data collection means to provide the data; e.g. the **United Kingdom** provides passenger data.

also noted the importance of using longitudinal data[94] when studying the phenomena of temporary and circular migration, as often these forms of migration can only be recognised and properly recorded ex-post, i.e. once the migration cycle has been completed. Finally, also owing to the manner in which data are currently recorded, it is difficult to make a clear distinction between temporary and circular migration, at least according to the definitions used for this study. Consequently, "indicators" – described below – are used instead.

5.1 Data availability and the collection of statistics on Temporary Migration

Regarding temporary migration, fourteen Member States (**Austria, Belgium, Estonia, Finland, France, Germany, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Spain**) provided data on temporary residence permits issued in their National Reports. These included permits issued for the purpose of remunerated activities and for the purposes of study. However, it was in most cases impossible to distinguish between 'purely' temporary permits and permits issued for a limited duration and subsequently renewed or extended. Similarly, the **United Kingdom** points out that most visas it issues to third-country nationals are temporary (i.e. time limited), although some of these may lead eventually to settlement. Only where Member States could provide information on permits / visas, which are non-renewable (e.g. certain residence permits for students, seasonal workers permits or national D visas), it is possible to speak of purely temporary migration.

Table 4 below outlines the sources of statistics available in Member States in relation to temporary worker migrants. The following sections then outline the "indicators" used to provide some measure of the extent of temporary migration to the Member States.

94 See also the conclusions of the 2010 EMN Conference, which looked at the added value of collecting longitudinal data and how Member States might improve the availability of longitudinal data in the field of migration and asylum. Available at: http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do;?directoryID=128.

Table 4: Data sources for statistics on Temporary Third-Country National Migrants

Member State	Data Source								
	General 'temporary' residence permits	Non-renewable residence permits / visas	Work permits	Participant information from temporary/ circular migration programmes	Records related to seasonal work	Student registration / scholarships	Employment databases	Population register	Survey data (inc. census)
Austria	√	√			√			√	
Belgium	√	√			√			√	
Bulgaria			√						
Czech Republic		√		√		√			
Estonia	√	√							
Finland	√	√							
France		√							
Germany		√					√	√	
Greece	√	√							√
Hungary	√		√					√	√
Ireland			√			√			
Italy	√	√			√	√		√	√
Latvia	√								
Lithuania	√	√	√						
Luxembourg	√	√				√			√
Malta			√						
Netherlands	√	√							
Poland	√		√		√				
Portugal		√							
Slovak Republic			√		√				
Slovenia								√	
Spain	√*	√	√*		√	√			√
Sweden								√	
United Kingdom		√							√

* For **Spain**, the data refer to 'temporary residence and work permits'.

5.1.1 Duration of stay

Statistics which provide information on the duration of stay can also be useful in illustrating the nature and propensity of temporary migration. For example, **Estonia**, **Finland Lithuania** and the **Netherlands** provided statistics on the number of third-country nationals who had renewed (or applied to renew) their temporary visas. Such information could be used to calculate the proportion of 'temporary' permits which do not represent a pure form of temporary migration. **Austria** provided data on the duration of stay of migrants based on (de)registrations in its population register. According to this data, on average about 13% of all persons who immigrated to Austria between 2003-2008 stayed between three to six months and a further 11% remained between six to twelve month. As such, about a quarter of all inflows fell under the category of short-time migration of up to one year. In the **United Kingdom**, estimates of migrants' duration of stay are mainly collected through the International Passenger Survey – by asking respondents for their intended duration of stay. Using this data source, the **United Kingdom** reports that 39% of migrants in 2000 intended to stay for only one to two years, but this figure had risen to 49% in 2009.

In relation to the duration of a residence permits, **Austria, Belgium, France, Germany, Italy** and the **Slovak Republic** also provide statistics. **Belgium**, for example, provides statistics on first residence permits combined with the length of the permit and the purpose of residence (in accordance with article 6 of the *Regulation on international protection and migration statistics*). **Lithuania** differentiates between numbers of permits issued and extended; plus provides data on multiple national D visas entitling third-country nationals to stay and work in the territory for a period in excess of three months but no longer than 12 months; and on third-country nationals coming to Lithuania from other EU Member States and the European Free Trade Association States.

France and **Italy** provide information on the differences in the length of seasonal work. In **France** this varies from 1 month up to 8 months; and in **Italy** national visas can be up to nine months for the season (interim periods), annual or biennial.

5.1.2 Purpose of stay

Belgium, Estonia, France, Greece, Hungary, Italy, Lithuania, Netherlands, Portugal provided data on temporary residence permits related to different purposes of stay.[95] This is useful for an analysis of temporary migration, as it can be assumed that certain types of migrants – e.g. au-pairs, pupils on an exchange programme, seasonal workers, or intra-company transfers – will indeed stay in the Member State for a temporary period only. This is, in any case, the intention, as permits linked to these 'purposes of stay' are often non-renewable, or have limited renewability. By contrast, other forms of migration may start as temporary, but are traditionally expected to be longer-term, e.g. the migration of highly-skilled workers or migration for the purpose of family reunification.

Belgium provides statistics on over thirty different 'purposes of stay' including au pairs, professional training, professional sportsmen, guest professors, specialised technicians and family reunification. **Greece** provides separate statistics on permits issued for highly-skilled, research and temporary workers. **Estonia's** statistics reflects the different types of temporary residence permits they issued for family reunification, employment, engagement in enterprise, studying, also on the basis of sufficient legal income and international agreement. **Hungary** provides numbers on foreign researchers and scholars and on foreign pupils/students in full-time education. **Italy** provides statistics on different types of visas for self-employment, employment, religious reasons, and for study. The **Netherlands** also disaggregates statistics on residence according to purpose, differentiating between employees, highly-skilled worker, scientific researcher, trainee/student, self-employed, au pairs, pupils on an exchange and university student. **Portugal** provides statistics on temporary stay visas related to professional activities in the fields of sports or arts; research or highly skilled activities; study; temporary stay. With regard to temporary stay visas, it differentiates between E2 visas for Transfers of citizens of WTO signatory nations, E3 visas for Temporary subordinate or independent professional activities, and E4 visas for Research or highly skilled activities.

Finland provides statistics on residence permits for employment reasons, but does not state explicitly whether these concern temporary labour. **Lithuania** provides annual total statistics on temporary residence permits according to reasons for arrival. **France** provides statistics disaggregated according to permit – i.e. 'Skills and Talent', 'Employees on assignment', 'Scientific research', 'Seasonal workers', Temporary Worker, Young Professionals (with specific employer area activities), and permits for young third-country nationals who finished their study to access the labour market. However, **France** does not provide encompassing statistics for temporary workers overall, nor is it clear whether all above categories belong to the overarching category of temporary workers.

95 These are not always the same statistics as provided to Eurostat in accordance with Regulation 862/2007.

The **United Kingdom** provides the results of a cohort study on persons granted a non-visit visa (i.e. for family reunification, work, or study) in 2004. The results show the proportion of migrants from the cohort who were not in the United Kingdom's immigration system after five years.[96]

5.1.3 Overview of national statistics on Temporary Migration

Table 5 below attempts to set out the available statistics on temporary migration in the most comparable way possible. A few Member States are not included, because they were only able to provide statistics on very specific groups of temporary migrants, such as students (e.g. **Hungary**), seasonal workers (**Italy**) or those participating in specific programmes (**Czech Republic, United Kingdom).** Others (e.g. **Luxembourg**) were not able to differentiate between temporary and longer term third-country nationals at any one time. **Poland** provides statistics which refer on employer's statements on intention to employ a third-country national. However, the data were not included in Table 5, as more than one employer's statement can concern the same person, which affects the accuracy of the statistics.

The statistics only concerns third country nationals, unless mentioned otherwise. Where possible, a breakdown between the different skill levels is provided. Where no breakdown is provided, a total amount is given (shaded in grey). Some Member States have included statistics on temporary migrants who have entered for the purpose of study and others have not. The numbers concern the amounts of relevant permits/visas issued. In light of the variation in data collection methods and the differences in the scope of 'temporary migration' referred to, the statistics presented in Table 5 are limited in their comparability. To adjust for this, sources of the data are cited for each entry, and caveats noted at the bottom of the Table. It is also important to reiterate that, as discussed above, where statistics relate to the number of 'temporary residence permits issued' this may not always represent a temporary migration – i.e. the permits may have been renewed at a later stage.

96 See sections 3.5 and 6.2.1 for more information on this study.

Table 5: Temporary third-country national migrants by year and, where possible, by skills level of migrant

Member State	Skills level	Year					
		2004	2005	2006	2007	2008	2009
Austria		–	–	**6 613**	**5 699**	**5 879**	**5 532**
Belgium	High	–	–	–	3 124	3 577	3 137
	Medium	–	–	–	7 752	9 836	8 058
	Low	–	–	–	248	393	6 299
	Total	**-**	**-**	**-**	**11 124**	**13 806**	**17 494**
Bulgaria	High	254	329	444	289	301	218
	Medium	254	252	422	508	864	188
	Low	114	50	113	108	288	286
	Total	**622**	**631**	**979**	**905**	**1 453**	**692**
Estonia		**3 438**	**4 086**	**4 370**	**4 065**	**3 868**	**3 769**
France		**–**	**–**	**–**	**1 856**	**9 914**	**7 802**
Finland		**–**	**20 095**	**21 324**	**21 893**	**25 427**	**21 430**
Germany		**–**	**–**	**26 199**	**24 423**	**22 973**	**21 290**
Greece		**–**	**–**	**–**	**–**	**28 848**	**30 194**
Ireland	High	–	–	–	–	386	220
	Medium	–	–	–	–	1 542	787
	Low	–	–	–	–	2 357	824
	Migration for purpose of study	31 338	30 219	33 056	39 720	44 942	45 518
	Total	**–**	**–**	**–**	**–**	**49 227**	**47 349**
Latvia		**2 061**	**2 396**	**2 928**	**4 831**	**4 609**	**2 473**
Lithuania		**–**	**1 565**	**7 096**	**8 819**	**4 438**	**2 986**
Malta		**–**	**712**	**1 288**	**1 412**	**3 420**	**1 334**
Netherlands		**–**	**5 527**	**6 833**	**8 184**	**10 092**	**9 094**
Portugal		4 728	5 383	6 502	4 475	1 900	1 112
	Migration for purpose of study	3 280	4 051	4 504	1 836	–	–
	Total	**8 008**	**9 434**	**11 006**	**6 311**	**1 900**	**1 112**

Member State	Skills level	Year					
		2004	2005	2006	2007	2008	2009
Slovak Republic		**1 047**	**1 553**	**1 415**	**2 198**	**4 549**	**1 248**
Slovenia		**–**	**34 094**	**44 673**	**60 685**	**85 315**	**58 747**
Spain		34 932	37 890	82 800	80 700	85 457	6 402
	Migration for purpose of study	36 724	31 905	34 494	41 981	43 837	46 474
	Total	**71 656**	**69 795**	**117 294**	**122 681**	**129 294**	**52 876**

Source: EMN NCP National Reports

Notes:

1. **Austria's** statistics refer to total number of first issued residence permits (Aufenthaltsbewilligungen) which are issued for 'a temporarily limited stay' which may have a duration of validity up to one year. All residence permits with the exception of one can be renewed (see Austrian National Report for further details).
2. **Belgium**'s statistics refer to number of posted workers. Statistics taken from LIMOSA and EMN Study (Satisfying labour demand through migration)
3. **Bulgaria's** statistics refer to number of work permits issued each year (by skill set). Work permits are issued for one year, although they are renewable for up to three years, and in some cases for up to longer. The actual length of the permit is usually determined by the employment period outlined in the employment contract.'
4. The **Czech Republic** does not provide data on temporary work permits but does confirm that 51 green cards were issued in 2009
5. **Estonia's** statistics refer to 'total number of granted temporary residence permits', which includes permits which are likely to be renewed (e.g. permits issued for purpose of international protection). Estonia also provides information on specific 'registrations of short-term employment' per year: 438 permits for temporary labour in 2004, 365 in 2005, 576 in 2006, 652 in 2007, 537 in 2008, 204 in 2009.
6. **France:** figures given are the sum of numbers provided for five types of temporary permit: 'skills and talents', 'seconded employee', 'scientist', 'seasonal worker', 'temporary worker', as well as numbers of participants on 'young professional' employer exchanges. Low numbers for 2007 relate also to the fact that some of these permits were only introduced that year.
7. **Finland**'s statistics are the sum of residence permits issued for employed persons, self-employed persons, for purpose of study, seasonal work (estimate) and for other reasons.
8. **Germany** refers to persons who took up employment in the framework of international personnel exchange and under temporary 'contract worker' or 'guest worker' schemes.
9. **Greece's s**tatistics are the sum of residence permits granted to third-country nationals for remunerated activities (including seasonal work) for 3-6 months and for 6-12 months.
10. **Ireland** provides statistics on first time employment permits (valid for less than one year or for 1-2 years) according to three bands of pay grade, which can be interpreted as referring to low-skilled, skilled and highly-skilled. **Ireland** also provides separate statistics on students and researchers.
11. **Latvia**'s data is for total number of first temporary residence permits issued
12. **Lithuania's** data represents all residence permits issued per year (for 2005, 2006 and 2007 the numbers for permits issued and extended are merged). Permits are issued for family reunification, for work purposes, for other 'lawful activities', for study, and for 'other' reasons.
13. **Malta's** source of data is the number of recorded inflows of 'employment licenses' per year.
14. **Netherlands** provides statistics on number of temporary residence permits granted per year to labour migrants from third countries. These include both migrants whose stay is temporary and those who can extend their residence to long term. The data exclude permits issued to au-pairs, pupils on exchange and to students.
15. **Portugal**'s statistics 2004-2007 concern 'temporary stay visas' issued for the purposes of professional activities in sport and arts, in highly-skilled activities, for the purpose of study and for temporary stay. The data for 2008 and 2009 refers to the newly introduced E2 visas (for persons coming from countries that are member to the World Trade Organisation), E3 (for temporary subordinate or independent professional activities') and E4 (for highly skilled temporary workers).
16. The numbers for **Slovak Republic** in the table are the sum of the permits for which **Slovakia** distinguishes between durations shorter than a year and over a year:
17. **Slovenia's** statistics refer to the number of work permits issued to third-country nationals. This excludes seasonal workers.
18. **Spain**'s statistics refer to specific types of temporary migrant workers: seasonal workers, researchers, executives, trainees, ship workers, intra-corporate transferees and those working on specific projects (statistics for 2007 and 2008 include nationals from **Bulgaria** and Romania). Statistics are also provided for students.

5.2 Data availability and the collection of statistics on Circular Migration

Whilst none of the Member States collect data on circular migration as defined for this study, five Member States (**Austria, Germany, Netherlands, Spain, Sweden**) were able to provide some analysis of the phenomenon in their Member State, through innovative research methods. **Austria** collected information on registrations and de-registrations from the *Central Register of Residence,* and used this to calculate temporary and circular migration. **Germany** analysed statistics from the Central Register of Foreign Nationals (AZR) for information on individual migrants' exits and re-entries. Information is stored in the AZR on migrants "first entry into Germany", "re-entry from abroad" and "departure to a foreign country." The **Netherlands** identified individual migrants, using the unique citizen's service number (BSN) provided to them after residing in the Member State more than four months. Using the BSN, the migrant can then be tracked through all national and local authorities' databases including the database of the Immigration and Naturalisation Service (the IND); hence exits and re-entries, as well as changes in status can be monitored to provide information on temporary and circular migration. **Spain** provided information from the *National Survey of Immigrants* on the intended duration of stay of third-country nationals, and on patterns of short visits or return to their country of origin. **Sweden** counts migrants who have been resident for at least 12 months. Their definition on circular migration also covers its own nationals**,** who are not included in the definitions of other Member States or in the EMN definition. The statistical definition of 'circular migration' prescribes that one needs to have moved at least twice across the national border.

In **Germany** at least 10.7% of all resident third-country nationals could be said to have effected 'circular' migration, as they have already moved away from Germany at least once and subsequently returned. The share of resident third-country nationals who exhibit a circular migration pattern varies considerably between different nationality groups. Circular migration patterns seem to be most frequent among third-country nationals who migrate for employment purposes. Amongst the migrant population in **Spain**, 62.5% made a return visit to their country of origin in 2007, although this was mainly for holidays or to visit relatives; a very limited number of migrants stated that they had made trips back to their countries of origin which would be deemed as demonstrative of circular migration, e.g. for the purpose of work (1.4%). Of **Sweden**'s total population, 283 400 people (i.e. 3% of its total population) have moved at least twice across the national border and may hence be considered 'circular migrants' in their statistical sense. Less than 1% of its population, 81 000 people, are migrants born outside of Sweden, who have moved there, then left and then moved back to Sweden again.

5.3 Data availability and the collection of statistics on Seasonal Workers

This subsection describes Member State statistics on seasonal workers. Seasonal work is generally viewed as a form of temporary migration; however, as seasonal workers often return to carry out the same work in following years, the movement can also be viewed as circular (i.e. repetitive temporary migrations).[97] Although some Member States incorporated these statistics into their overall calculation of numbers of temporary migrants, here the figures are presented separately (where possible). Ten Member States **(Belgium, Finland, France, Germany, Greece, Hungary, Italy, Slovenia, Spain, United Kingdom)** provided statistics specifically on seasonal workers, summarised below in Table 6. Most of the statistics refer to seasonal workers permits issued, but in some Member States (e.g. **Finland**) seasonal workers are not required to obtain permits. In the case of **Finland**, the statistics are based on the visa statistics of the *Ministry of Foreign Affairs* and on estimates of the annual number of seasonal workers. In March 2010 the EMN launched an Ad-Hoc Query in relation to available data on seasonal workers.[98] Eight EMN NCPs (**Belgium, Finland, France, Germany, Hungary, Slovenia, Spain, Sweden**) provided statistics on the number of seasonal workers entering each year in response to this Ad-Hoc Query.

In addition, since 2008, Eurostat collects data on residence permits issued in Member States for the purpose of seasonal work. However, as only few Member States issue specific permits for seasonal work, most Member States are unable to provide these data. Indeed, currently only Cyprus, **France, Greece, Hungary, Italy, Malta, Slovenia, Slovak Republic, Spain and Sweden** have submitted data to Eurostat on permits issued for seasonal work, although the values for **Malta** and **Slovak Republic** are zero for 2008 and 2009.

Hence where statistics on permits issued for seasonal work were not provided in the National Reports, statistics provided through the EMN Ad-Hoc Query on numbers of seasonal workers have been included in the Table (this is the case for **Hungary** and **Sweden).** In the case of Cyprus, Eurostat statistics have been added to supplement the statistics in Table 6, indicated in *italics*.

97 See, for example, Article 12 of the Proposal for a Directive on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment which states that, "the purpose of this provision is to promote circular migration of third-country national seasonal workers." The proposal is available from: http://ec.europa.eu/commission_2010-2014/malmstrom/archive/proposal_directive_seasonal_workers.pdf

98 Available at: http://www.emn.europa.eu "EMN Outputs" > "Ad-Hoc Queries" > "Economic Migration".

Table 6: Statistics on numbers of third-country nationals employed in seasonal work by year

Member State	Year					
	2004	2005	2006	2007	2008	2009
Belgium	13 135	13 198	12 075	10 061	7 921	–
Cyprus	–	–	–	–	*1 583*	*1,524*
Germany	333 690	329 789	303 492	299 657	285 217	294 828
Greece	–	–	–	13 509	14 841	15 053
Finland	–	12 000	13 000	12 000	12 000	12 000
France	8 370	7 994	7 151	6 605	6 993	7 115
Hungary	1 539	2 307	2 216	907	402	366
Italy	50 000	45 000	80 000	80 000	80 000	80 000
Slovenia	–	4 787	7 456	9 995	11 017	2 962
Spain	34 932	37 675	82 699	79 496	82 844	4 148
Sweden	–	–	–	–	3 747	7 252
United Kingdom	15 040	12 985	14 225	–	–	–

Sources: EMN NCP National Reports; EMN Ad-Hoc Query 208 (); *Eurostat migr_resocc*

Sources and caveats:

1. **Belgium**'s data refers only to seasonal work in the agricultural and horticultural sector
2. The **German** data concern the total of temporary permits issued to seasonal workers. The data include seasonal workers from 'EU-8' states.
3. **Greece's** data refer to the number of Stay Permits issued for Seasonal and Temporary Employment
4. **Finland's** statistics are based on estimates of the number of third-country nationals applying for visas in third-country embassies for the purpose of seasonal work. Visa applicants are not obliged to indicate their purpose of stay, so the accuracy of these estimates are unclear (for more information see EMN Ad-Hoc Query 208)
5. **France'** statistics are those retained by the French Office for Immigration and Re-integration on the number of medicals carried out in a year. This figure gave an approximation of the number of seasonal workers. In 2007, the "seasonal worker" residence permit was launched: 3 860 permits were issued in 2008 and 2 175 in 2009.
6. **Hungary**'s statistics 2004-2007 are taken from the OECD's electronic questionnaire on migration data. It includes workers from EU Member States, e.g. Italy. The data for 2008 – 2009 was provided in the EMN Ad-Hoc Query 208 and refers to the number of seasonal work permits issued to third-country nationals
7. **Italy**'s statistics refer to the quotas envisaged in its *Annual Flow Decrees*
8. **Slovenia's** statistics refer to the number of work permits issued to seasonal workers.
9. **Spain's** statistics relate to the number of residence and work permits granted to seasonal workers (data for 2007 and 2008 include nationals from **Bulgaria** and Romania).
10. **Sweden's** statistics were provided in EMN Ad-Hoc Query 208.
11. Statistics for the **United Kingdom** concern third-country nationals on the Seasonal Agricultural Worker programme (from 2007 this programme became open only to nationals of Bulgaria and Romania and not to third-country nationals).

5.4 Statistics on Temporary and Circular Migration (including migration for seasonal work) by Nationality

Most Member States (**Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, Poland, Slovenia, Spain, United Kingdom**) provided statistics on migration disaggregated by nationality for the purpose of this Study.

Belgium, Bulgaria, Estonia, Greece, Hungary, Italy, Luxembourg and **Slovenia** provided statistics on general migrant populations by nationality. **Ireland** provided statistics on third-country national researchers who had signed hosting agreements with Irish universities from 2007 to 2010. Across the four years in total, the most prominent countries of origin of these researchers were China, India, USA, Pakistan and Iran. **Czech Republic** provided data on Type 'C' Green Cards which were issued for the first time in 2009. Only 234 were issued in total, to nationals of only four countries: Ukraine, USA, Serbia and Macedonia.

Belgium, Finland, France, Germany, Poland, Spain and **United Kingdom** provided statistics on seasonal workers. **Belgium's** statistics show that seasonal workers in the agricultural and horticultural sector are most likely to come from the EU, with third-country nationals working in this sector most commonly from the African or Asian continent and none at all coming from North or South America. In **Finland** there is little difference between the nationalities of migrants who come to the Member State for seasonal work or longer term employment. **Italy** provided data on third-country nationals employed in the agricultural sector, and argued that whereas workers from nearby countries (e.g. Albania, Macedonia, Serbia, Egypt, Tunisia and Morocco) often engaged in temporary (i.e. seasonal) work in this sector, workers from further afield, e.g. India and Bangladesh would be more likely to stay for longer periods. In **Spain,** up until 2008, **Bulgaria** and Romania were amongst the three main countries of origin of workers issued seasonal worker permits, along with Morocco. In 2009, the three main countries were Morocco, Colombia and Ecuador.

France, Netherlands and **Spain** provided statistics on various different permits issued by most prominent nationalities. In **France,** Morocco, Tunisia, Turkey, Serbia and Moldavia were the most common countries of origin amongst third-country nationals issued permits for seasonal work 2004-2009. Whereas (in their first year of issue in 2009) nationals from Japan, USA and Tunisia were the most represented amongst those receiving 'skills and talents' permits, and for the 'scientist' permit, those from China, India, Algeria, USA and Japan. In **Netherlands,** permits for au-pairs were most commonly issued to third-country nationals from the Philippines, South Africa, Peru and Brazil, whereas student exchange participants were most likely to be from Australia, Canada and New Zealand. The highest number of third-country nationals entering the **Netherlands** on a permit for researchers were from China and the most represented country of origin amongst those entering on a highly skilled worker permit was India, followed by the USA, Japan China and Turkey. Trainees were most likely to come from Indonesia.

With regard to circular migration, national data analysed suggested that migrants from the Former Republic of Yugoslavia were more likely than other nationalities to engage in circular migration in **Austria. Germany** conducted an analysis of data from its Central Register of Foreign Nationals (AZR) (see Section 5.2). It found that while migrants from Turkey, Russia and the Ukraine are amongst the most represented migrant groups in general (with one third of non-Europeans in Germany coming from Turkey), the proportion of nationals from these countries exhibiting circular migration patterns is smaller (one quarter for Turkey). By contrast, higher proportions of migrants from the Former Republic of Yugoslavia and the USA were found to engage in circular migration.

6. OVERALL CONCLUSIONS, EMERGING GOOD PRACTICE AND ASPECTS FOR FURTHER CONSIDERATION

This Section draws together the main findings and conclusions from the study, explores existing good practices in relation to managing temporary and circular migration and considers possible options for developing further circular and temporary forms of migration.

6.1 Main findings and conclusions

6.1.1 The development and promotion of policies on temporary and circular migration in the EU Member States is at a very early stage

Whilst the debate on temporary and circular migration within the EU has been ongoing for a number of years now, resulting legislation and policy at Member State remains largely in an embryonic stage. Nevertheless, these forms of migration are increasingly receiving attention in relation to their potentially important role as a policy tool for managed migration, particularly in light of the EU policy agenda within the Global Approach to Migration.

In general, most Member States accommodate elements of temporary and circular migration within their national policy, legislation and practices. However, this is often not explicit, or in some cases, not acknowledged. For example, **Belgium**, **Estonia, Hungary, Latvia** and **Lithuania** all allow third-country nationals to return home for periods of time, without having to re-apply for residence permits on their return, but these provisions have not been implemented specifically to incentivise circular migration. Indeed, very few Member States (perhaps only **Portugal** and **Sweden)** implement policy and practice directly aimed at encouraging "repetitive mobility back and forth."

Previous research (Section 1.2) suggests that, when countries offer the possibility to re-enter the host society, and facilitate such re-entry, this can act both as an incentive to migrate and a disincentive to overstay. Indeed, a number of other studies, carried out in EU Member States, suggest that, overall, migrants prefer circular migration over temporary migration. However, other studies argue that, in reality, even when the opportunity for re-entry is offered, circular migration rarely benefits the migrant.

6.1.2 Initial evaluations and reviews demonstrate emerging good practice

Reported activity in relation to the evaluation of existing programmes and policies in the area of temporary and circular migration is modest, although initial policy and programme reviews are providing some strong messages in relation to effectiveness and emerging good practice.

Initial evaluations of some existing programmes have confirmed the positive results for participating migrants. For example, the preliminary results of an evaluation of the **Netherlands** 'Blue Bird' project have shown that the programme improves the employability of participants in the project on return to their country of origin. This is, in part, because they have to complete a 'Personal Development Plan' outlining their professional ambitions and long-term objectives. Second, the project incorporates the involvement of various ministries (e.g. Ministry of Social Affairs and Employment, Ministry of Security and Justice), which facilitates the management of the programme. Third, they only cooperate with third countries which have a 'qualitatively sound' workforce. Similarly, a first assessment of the circular migration pilot project between **Portugal** and Ukraine has shown participants to be generally satisfied, as the programme provides them the security of being able to work for the same employer on re-entry to the Member State. Participants report that, following their involvement in the scheme, they have been able to set up small businesses in their country of origin, repay debts and finance the education of their children. The **United Kingdom** has also evaluated its *Commonwealth Scholarship and Fellowship Programme* and found that, of the 240 alumni who could be contacted, the majority had obtained professional and managerial roles in higher education and other sectors relevant to the needs of the Caribbean, such as education, climate change and industry (such as banana farming).

However there is no evidence (as yet) to demonstrate any major 'win' for the third country. The evaluation of the **Netherlands**' Blue Bird project also showed little gain for the employer, as the maximum period of employment (two years) was too short for it to represent a good investment for the employer and the language and culture differences created a barrier to the employer-employee relationship.

These findings indicate that it may, therefore, be necessary to create more flexible or longer-term programmes which increase the sustainability of the results for all parties. This would entail looking beyond remittances in considering how to provide a 'win' for the migrant, and instead considering training and the portability of knowledge as central to such programmes; elements which are being promoted by **Spain** through its circular migration programmes. For the employer, it might imply a guarantee that the same individual migrant will return to the Member State to utilise the training invested in them.

With regard to the development of the country of origin, **Luxembourg** cites a variety of sources which argue that circular migration programmes are more likely to succeed if they are "consistent with the development agendas of countries of origin" and if they "generate a sense of ownership on the part of both countries of origin and receiving countries."[99] More use could also be made of 'outward' circular migration, by which the diaspora participate in the promotion of development in the country of origin. Such support would not necessarily entail a physical movement back to the country of origin: the TRQN programme, for example, set up by the IOM has set up in parallel a 'virtual' migration, where the diaspora community in the **Netherlands** trains and supports participants in their country of origin through the Internet.

6.1.3 Differentiating Temporary Migration from Circular Migration

In practice there is often a very thin line between the policies and practises of temporary and circular migration, and they share many similar characteristics. Member States also have a different focus on some of these characteristics. For example, some Member States (e.g. **Sweden)** consider "back and forth repetitive movements" as central to circular migration, whereas others (e.g. **Netherlands)** focus less on the repeated migratory movements and more on the so-called "triple win" associations. In this sense, their policies and programmes could perhaps more accurately be categorised as *temporary* migration initiatives with a strong development perspective.

Indeed, all forms of circular migration are (or rather start) as temporary migration, because they involve the migrant spending temporary periods in more than one location. However, some forms of circular migration can be more "permanent" than others – for example, when a Member State allows migrants, participating in repetitive temporary stays, to accumulate "residency" which can ultimately lead to a permanent residence status. In light of this, **Finland** has suggested that the extent to which temporary means of migration (e.g. student routes) leads on to permanent residence should be investigated before circular migration is promoted within the policy agenda.

6.1.4 Diversity in national approaches to Temporary and Circular Migration

Within the national context, Member States' visions and policies show considerable diversity. To a large extent, the Member States' approach towards temporary and circular migration depends on the national experience of migration and the needs of the host soci-

99 Global Forum on Migration and Development (2007) '*Setting up a model Circular Migration programme', Background Paper for Roundtable 1 on 'Human capital development and labour mobility: maximizing opportunities and minimizing risks*'.

ety. For example, **Portugal** wishes to attract migrant workers; hence it has developed policies specifically geared towards circular migration. By contrast, the **United Kingdom,** which wishes to reduce net migration, has begun restricting permanent or long-term migration, emphasising instead temporary migration. **Austria** tends to take a more reserved approach to circular migration, due to its experiences with the so-called "guest worker system" in the 1960s, which continue to have an influence on the debates on circular migration.

As outlined in Section 3.3, the Member States' approaches can be broadly categorised as to whether they focus on the economic benefits to the host society (i.e. on filling labour shortages), on the developmental aspects of temporary and circular migration and advantages for the migrant and country of origin, on the rights of the migrant (e.g. focussing on migrant integration), on the 'return' aspect of temporary and circular migration, or on a mixture of these. The type of approach taken by each Member State is also reflected in the definitions and concepts of temporary and circular migration, as set out in national policies, legislation and practice. Similarly, the type of approach impacts on what each Member State may consider as "best practice."

6.1.5 Concerns about public perception

With regard to the general public's attitude to circular and temporary migration in the host society, Member States have highlighted a number of concerns, both in relation to a public perception that temporary and circular migration may result in unwanted, irregular migration or permanent stay (e.g. in **Austria**, **Germany, Hungary, Latvia, Malta, Netherlands)**, balanced against concerns about the negative consequences for the migrants themselves and their countries of origin (e.g. **Netherlands**, **Czech Republic, Finland, Greece, Luxembourg, Malta, Slovenia, Sweden)**. These include concerns about exploitation of labour and 'brain drain' from developing countries of their much needed skills.

6.2 Main needs identified

As is clear from the above, Member States currently have different ways of "conceptualising" and understanding temporary and circular migration, which has subsequently also led to differences in policies, legislation and practices. All Member States agree that there is a need to work towards a common understanding, or at least towards increased awareness of the current differences. Specific issues highlighted include:

- Harmonising key concepts and improving data collection;
- Targeted programmes versus encouraging spontaneous movements;
- Raising awareness and promoting exchanges of experience and best practices.

6.2.1 Harmonising key concepts and improving data collection

Currently there is a lack of comparable statistics on temporary and circular migration across the EU. This is mostly due to the fact that current data collection methods do not properly record these forms of migration, given that they typically consider migration as a "one-time, lasting change of usual residence across borders" and the lack of a common statistical definition. Most systems record an individual border movement or registration of stay rather than the (multiple) migratory movements of a single person. Linked to this, there is also a general lack of longitudinal data collection, which could be used to track migration patterns during an individual's lifetime.

This lack of statistics hampers understanding of the phenomena, which may, in turn, affect the EU's capacity to make informed policy decisions. In this respect, **Belgium, Estonia, Finland, France, Germany, Latvia, Lithuania, Malta, Slovenia, Sweden** and the **United Kingdom** have provided suggestions concerning the collection of data and gathering evidence. Elsewhere, previous studies (see Section 1.2) argue that, if policy makers are to make informed decisions about whether to promote circular and temporary migration, and in particular, whether (and how) to introduce managed programmes, then they need to be able to assess ongoing and "spontaneously" occurring temporary and circular migration – and this requires better data collection.

With regard to a common statistical definition, **Germany, Latvia, Luxembourg** and **Slovenia** highlighted the importance of first agreeing on a standard definition of circular migration in order to improve data collection methods. Currently there is little harmonisation of the definitions of temporary and circular migration, which strongly limits meaningful comparison across Member States. This again highlights the embryonic stage of temporary and circular migration as emerging areas for migration policy development. **Germany** states that this is essential in order to statistically identify circular migration patterns. **Slovenia** also proposes that the EU (e.g. through Eurostat) provide clear definitions of forms of migration that would support the development of key indicators that would

apply to all EU Member States, allowing for comparison between them. **Latvia** also argues that, to avoid increasing the administrative burden when changing the process of collecting statistical information, a detailed justification prepared by the EU institutions on the aims and added value for collecting data on circular migration is required. **Luxembourg** highlights two issues with current definitions of *temporary* migration: a) they do not currently delineate the duration of stay(s) that can be considered temporary and permanent; and b) temporary migration can only be recognised and properly recorded once the migration cycle has been completed.

Finland, France, Germany, and **Malta** suggest that their systems of registering and monitoring individual migrants should be adapted so as to specifically identify circular migration patterns. **Finland** and **France** underline the need for better interaction between their existing data collection systems, such as the visa database and permit registration database. **Luxembourg** notes that, as their existing data on migrant inflows and outflows are anonymous, they cannot be linked to any one individual and hence to any one migratory life cycle. By contrast, in the **Netherlands**, migrants can have their residence registered in the Municipal Administration when they reside in the Member State for at least four months. Registration gives them a unique citizen's service number (BSN). This unique number can then be used to track the migrant throughout all national and local authorities' databases. Data of the Immigration and Naturalisation Service (the IND) can be linked to data from the Municipal Administration through this number. It also records the address to which an individual moves to when they deregister from the municipality, which is useful for monitoring patterns of circular migration. This could thus be upheld as best practice in data collection; nonetheless issues related to data protection and civil liberties would need to be taken into account before a system was established to ensure that such monitoring did not infringe on individuals' right to private life and to protection of personal data.

Germany suggests that their national system may be improved by documenting the parameter "any previous stay" of incoming seasonal workers. **Malta** postulates that their systems of registering work permits could be improved by recording data on the *purpose* of migration as well as 'legal status'. The **United Kingdom** also proposes the implementation of an electronic system to monitor departures and arrivals to enable them to better monitor the movement of migrants (including circular migration).

By contrast, **Lithuania**, states that its system of monitoring migration could already be utilised to monitor circular migration, but that there is an issue of compliance. Under the *Law on Declaration of the Place of Residence*, when declaring the place of residence, persons must indicate their citizenship and the country from which they have arrived, and when leaving Lithuania – the country which they intend to enter. However, relatively few migrants comply with this obligation, and because of this, such statistics have so far not been processed or published.

Luxembourg (following the academic literature) proposes a number of innovative ways by which data on circular migrants could be collected. First, data collection could be carried out by taskforces in both countries of origin and destination, in order to measure effects of migration in origin countries. Second, census statistics over a ten year period could be compared to assess the degree of out-migration among permanent migrants from non-national-born cohorts. Census questions relating to previous residencies could be of use. Third, administrative data on visas, work permits, and population registers should be more readily shared between Member States and third-countries (although they acknowledge the issues that this could cause regarding data protection),

Belgium, Estonia, Luxembourg and **Sweden** consider that surveys could be used to collect data on circular migration. **Belgium** suggests that a survey could be used to collect data on the aspirations of individual migrants so as to better understand the rationale and drivers behind circular migration. Similarly, **Estonia** states that it would be useful to gather data on the reasons of absence of third-country nationals, to have a better idea of why migrants engage in circular migration. **Sweden** also stressed the substantial need for cohort analyses and better research in the field of temporary and circular migration. Such a study was recently carried out by the **United Kingdom**'s Border Agency, who tracked a cohort of nearly 500 000 migrants from 2004-2009 on whether they remained in the Member State, left or changed migration status. The results showed that, with the exception of migrants who entered for family reasons, the majority of the immigration in 2004 was temporary (i.e. migrants were not in the immigration system after five years). **Portugal** also recommends that additional research could be carried out to gain a better understanding of circular migration. It suggests carrying out longitudinal research with different groups of migrants and monitoring patterns over time. The 2010 EMN Conference in Brussels,[100] which addressed the long-term follow up of migrants' trajectories, put forward similar recommendations. The conference found

100 See http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do;?directoryID=128 for more information.

that longitudinal data could provide a strong added value in the development of EU and national policy responses. However, in order to provide such data, cost-effective longitudinal monitoring methods would need to be developed. One way to do this would be to broaden samples of third-country nationals in existing surveys.[101] The proposed Entry-Exit System[102] could prove a useful tool for providing data on temporary/circular migration.

6.2.2 Targeted programmes versus encouraging spontaneous movements

Germany, Lithuania, and **Slovenia** mention targeted cooperation with third countries and the signing of bilateral and multilateral agreements as a means to progressing in their management of circular migration. Others, such as **Sweden**, refer to the need to facilitate voluntary or spontaneous ("naturally occurring") circular migration, by creating the "right" conditions that would incentivise such migration. **Finland** noted the importance of improving conditions of stay for migrants who only reside temporarily in the Member State; currently temporary migrants do not have the same access to language-learning facilities as third country nationals who are longer term residents, and this makes it more difficult for them to integrate.

With regard to targeted programmes, **Lithuania** recognises that the creation of a legal basis for circular migration could involve conclusion of treaties with third countries. It asserts that, in concluding cooperation agreements, account should be taken of the existing links between **Lithuania** and the proposed third country, as well as the general standpoint of the EU on external relations with the proposed third country. **Malta** also supports the idea of increased cooperation with third countries on temporary and circular migration, and suggests that circular migration – particularly when managed through agreements– could help to reduce irregular migration.

The **Netherlands** and **Czech Republic** also see cooperation with third countries as a means to improving the management of circular migration. In relation to the circular migration of students, the **Czech Republic** notes that scholarship holders should be involved in development projects in their country of origin. They also state that the payment of the last scholarship instalment should be linked to the student's obligation to provide feedback on their studies. The **Netherlands** stipulate the need for the country of origin to: a) contribute to capacity building in that country; and b) have a positive attitude towards the diaspora and the role that the diaspora can play in development in the country of origin in order for such programmes to work successfully.

The **Czech Republic, Netherlands** and **Portugal** also point to the need of establishing partnerships and contacts within the country of origin. The **Czech Republic** mention the need for close cooperation with embassies and, in the case of third country nationals coming to the EU for the purpose of study, with universities in the country of origin. The **Netherlands** point to the importance of creating partnerships with non-governmental organisations in the country of origin. Similarly, **Portugal** notes the utility of "corporate mediation structures" that can facilitate the recruitment of workers from third countries onto circular migration schemes. **Portugal** also stressed the importance of providing equal rights to migrants whether they are temporary (or circular) or not, as stipulated in Article 15(1) of the Portuguese Constitution. Such rights include the right to education or professional training, to healthcare and the right of access to justice.

6.2.3 Raising awareness and promoting exchanges of experience and best practices

In relation to the public debate on this issue, Member States have highlighted a number of concerns, both in relation to a perception that temporary and circular migration may result in unwanted, irregular migration or permanent stay, balanced against concerns about the negative consequences for the migrants themselves and their countries of origin. These include concerns about exploitation of labour and 'brain drain' from developing countries of much needed skills. They recognise a need to deal with both the public perception as well as the need to indeed learn more about the expectations and to consider "what works and what does not work," as part of temporary and circular migration policies and approaches.

Finland argues that research into the benefits of circular migration and the effects of such migration on the national economy and service system should be put on the EU and national political agendas. **Lithuania** is also in favour of an assessment of the need for circular migration, before considering in which areas and in what ways this type of migration should be encouraged. Similarly, **Germany** reports that it would be useful to also explore the different expectations linked to

101 The conference also found that the EMN could support the activities of other EU entities, such as Eurostat and help in the identification of "gaps" in current research and data collection, as well as contributing to the development of longitudinal follow-up surveys by translating the needs of policymakers and explaining to policymakers the context in order to better understand the data.

102 Further information available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0069:FIN:EN:PDF.

any (new) policies on circular migration, before these are implemented, for example by assessing whether the policy is driven by labour market goals, development objectives, the need to control migration and return – or a mix of these goals.

6.3 Other Aspects for further Consideration

Taking into account the three main needs identified above in this EMN study, namely to harmonise key concepts and improve data collection; to either develop targeted programmes or encourage spontaneous movements; and to raising awareness and promote exchanges of experience and best practices, this section provides some further aspects for consideration which could be used a basis on which to improved our understanding of temporary and circular migration and to provide programmes and schemes which would be most likely to achieve the "triple win."

6.3.1 Harmonising key concepts and improving data collection

At the EU level, there would seem to be benefit in further developing a common understanding of temporary and circular migration. The development of common concepts could be informed by the current EU and national definitions and concepts. This would help the Member States, when introducing new legislation or policies, to introduce some level of harmonised definitions and concepts at the same time. It would also help them not only to understand the extent to which their national policies and programmes are different from those in other Member States, but also to identify which features are similar, in view of exchanging experiences and identifying transferable best practices.

In addition, the developing of a common understanding would constitute a first step towards the development of common definitions for the purpose of data collection and the development of common indicators to measure the effectiveness of policies and programmes focusing on temporary and circular migration. The latter may require changes to national registers and other national databases collecting information on migrants, for example by introducing fields to add the "nature" of the stay and the previous places of residence.

6.3.2 Evaluating existing programmes / policy and promoting exchange

Whilst a number of Member States have introduced circular migration into national policy and/or have reacted positively to the increasing prominence of circular migration on the EU policy agenda, there is, as yet, no consensus on as to whether or not it is a form of migration that should be promoted. In light of this, there could be value in facilitating an exchange of knowledge at EU level, as well as in the identification of best practices, particularly those elements which could be transferred to national contexts.

6.3.3 Common "principles" for Temporary and Circular Migration

Informed by improved information collection, exchanges of experiences and the identification of best practices, the EU could then be well-placed to consider developing, in close consultation with the Member States, common "principles" for temporary and circular migration. The Study has shown that, whilst there is no approach or solution that would fit all Member States, taking into account the different focus and policy goals pursued when developing temporary and circular migration policies, there is certainly scope to identify common principles for the successful implementation of these forms of migration.

Included amongst these principles should be the consideration of migrant rights and the impact of temporary and circular migration policies on the migrant. Common or minimum EU standards for integration measures could be developed by Member States for migrants who do not wish to (or are not able to) stay permanently in the host society. Such integration measures would ensure that temporary migrants add value to their host society, and may encourage them to contribute to the development of their country of origin on their return.[103]

Linked to this, at the EU and Member State levels, there could be benefit in considering what kind of awareness-raising activities could be organised to deal with the diverging public attitude towards temporary and circular migration, ranging from concern about the effects on the host society to the rights and the fate of the migrants, to the impact on the county of origin. Awareness-raising could help to clarify what these forms of migration stand for. Additionally, greater public awareness of the programmes would bring greater accountability, ensuring that they protect the migrant's welfare and that migrants participating in temporary schemes do not end up overstaying.

103 See Dagmar Hilpert, Roderick Parkes: Split Citizenship: Immigrant integration in an age of circular migration, AIES Fokus 01/2011 for more on this argument.

6.3.4 Developing targeted programmes or encouraging spontaneous movements

With increased knowledge of the effects of temporary and circular migration, Member States could be in a better position to make decisions about which *types* of programme and policy to implement. With respect to this, **Germany**, for example, provides two possible options, further elaborated in Box 1, for the promotion of circular migration to and from the Member State: the first option being to implement targeted programmes, for specific countries of origin or specific professions, in the form of bilateral or multilateral agreements; and the second option being to encourage spontaneous movements (thus following a similar strategy to **Sweden**), which could include measures to ensuring the longevity of residence title in the event of long periods of absence and the portability of social security benefits and pension entitlements.

Whilst these two options could be promoted separately, they could best coexist to maximise their effects. For example, specific programmes may allow Member States to target individuals who might help to fill particular labour market and skills shortages, but general provisions or incentives could be introduced to allow for a more flexible kind of migration, of a more temporary nature, to better meet the needs of migrants overall.

Box 1: Summary of future options for action in the EU with regard to temporary and circular migration

Option 1: increasing cooperation with third countries through specific programmes and agreements

This study has found that temporary and circular migration can be facilitated through targeted, co-ordinated efforts and cooperation with third countries. The majority of Member States have cooperation agreements and projects in place with third countries, which typically operate in relation to specific groups, and have had the effect of facilitating temporary and circular migration, although this may not have been their explicit aim. Cooperation between Member States and third countries has focused on migration in relation to the highly-skilled, seasonal workers, trainees, and students, in specific economic sectors. The range of third countries with whom Member States are co-operating include both developed and developing countries, consistent with the approach of many Member States to address both their own domestic economic needs and those of developing countries. In relation to facilitating temporary and circular migration, and in the context of the EU's Global Approach to Migration, this could be an area with potential for further development.

Option 2: encouraging spontaneous circular migration

Member States could also provide incentives of a general nature, such as *inter alia* increased portability of pension and social security rights, maintained validity of residence titles following periods of absence, which can facilitate voluntary ("spontaneous") circular migration for potentially all migrants (e.g. **Sweden**). **Estonia** notes the importance for migrants being able to register temporary absence from the Member State without losing benefits earned, or their residence permit. **Estonia** also highlights short-term employment registration as tool which can facilitate (managed) circular migration. A role for the EU might be to promote the sharing of best practise in this area.

Annex: 'Temporary migration' and 'Circular migration' in Member State languages

	Temporary migration	Circular migration
Austria	temporäre Migration	zirkuläre Migration
Belgium	migration temporaire / tijdelijke migratie	migration circulaire / circulaire migratie
Bulgaria	временна миграция	циркулярна миграция
Cyprus	προσωρινή μετανάστευση	κυκλική μετανάστευση
Czech Republic	dočasná migrace	cirkulární migrace / cirkulační migrace
Estonia	ajutine ränne	korduvränne
Finland	tilapäinen maahanmuutto	kiertomuutto
France	migration temporaire	migration circulaire
Germany	temporäre Migration	zirkuläre Migration
Greece	προσωρινή μετανάστευση	κυκλική μετανάστευση
Hungary	ideiglenes migráció	körkörös migráció
Ireland	imirce shealadach	imirce chiorclach
Italy	migrazione temporanea	migrazione circolare
Latvia	īslaicīgā migrācija	cirkulārā migrācija
Lithuania	migracija (laikinoji)	migracija (apykaitinė)
Luxembourg	temporäre Migration / migration temporaire	zirkuläre Migration / migration circulaire
Malta	migrazzjoni temporanja	migrazzjoni ċirkolari
Netherlands	tijdelijke migratie	circulaire migratie
Poland	migracja tymczasowa	migracja cyrkulacyjna
Portugal	migração temporária	migração circular
Slovak Republic	dočasná migrácia	okružná migrácia
Slovenia	začasna migracija	krožne migracije
Spain	migración temporal	migración circular
Sweden	temporär migration	cirkulär migration
United Kingdom	temporary migration	circular migration

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