Synthesis of the answers to the questionnaire on labour migration: the practical aspects of admission and control

6-7 May 2015

Minsk
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<tr>
<td><strong>1.</strong> Please provide a short overview of the general conditions for admission of labour migrants to your country. Please provide overall number of registered labour migrants.</td>
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</table>
| Admission of migrant workers is regulated by Law of the Republic of Armenia on Foreigners. According to the above RA Law, four types of visas exist:  
  • A visitor visa  
  • An official visa  
  • A diplomatic visa  
  • A transit visa  
To get employment at the RA territory, a migrant worker should be issued a visitor visa. The overall number of registered migrant workers reaches about 15,000 persons. |
| **2.** Are specific categories of labour migrants defined in your national legislation? If yes, please proceed to the point 3. If no, why? |
| So far, the RA legislation does not provide for specific categories of migrant workers. As a result, we apply international definitions. |
| **3.** What specific categories of labour migrants does your national legislation foresee? Do you attract high or low skilled migrant workers, or both? What specific admission criteria are in place as regards particular categories of migrant workers? What authority is in charge of establishing the criteria and verifying compliance? If possible, please provide statistics for 2014 by category. |
| n/a |
| **4.** Do state institutions cooperate with private employment sector regarding legal employment (e.g. hiring migrant workers) and fight against the illegal employment? If yes, how? If no, why? What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and |
| Public and private agencies in the sphere of legal employment may cooperate in the framework of international agreements.  
A Governmental Regulation on the mechanism for accreditation / licensing / monitoring for private employment agencies is being developed now. |
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<tr>
<td>5. Regarding your nationals who seek employment abroad, who can provide counseling and help them making informed and safe decisions? How do you protect migrants from fraudulent schemes?</td>
<td>At the contemporary stage, migration resource centres may provide counselling and assistance to Armenian nationals seeking employment abroad, allowing them to make safe and informed decisions. The Government develops arrangements to engage different consular facilities into the process.</td>
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<tr>
<td>6. What are the main difficulties you face in combating illegal employment?</td>
<td>Our agency does not deal with illegal employment issues. Functions of combating illegal employment of RA nationals and migrant workers are fulfilled by RA taxation authorities.</td>
</tr>
<tr>
<td>7. Do you work with countries of origin of migrant workers to fight illegal employment? And/or countries of destination of your nationals who work abroad? What do you focus on and how could cooperation be improved?</td>
<td>No, we do not.</td>
</tr>
<tr>
<td>8. In what areas do you think your country's framework (policies, procedures and practices) could be improved (for example, to more efficiently promote well-managed legal labour migration, fight irregular labour migration and employment or to protect migrant workers)?</td>
<td>The national system may be improved in such spheres as: statistics, data gathering, development of the legal/regulatory framework, study and introduction of international experience.</td>
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**AZERBAIJAN**

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<tr>
<td>1. Please provide a short overview of the general conditions for admission of labour migrants to your country. Please provide overall number of registered labour migrants.</td>
<td>Matters of employment of foreign nationals and stateless persons at the territory of Azerbaijan are regulated by the Migration Code of Azerbaijan. The Code provides for a uniform procedure of paid employment of migrant workers who entered the territory of Azerbaijan. In particular, every employable foreign national or a stateless person over 18 can be employed in Azerbaijan only if granted a work permit through his/her employers (legal entities, physical persons - individual entrepreneurs without a legal entity status, branches and subsidiaries of foreign legal entities). According to the State Migration Service of Azerbaijan, in 2013, the overall number of registered labour migrants reached 13,758 persons, while in the first half of 2014 their number reached 5,691 persons.</td>
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<tr>
<td>2. Are specific categories of</td>
<td>The national legislation does not define specific categories of migrant workers. However, our policies in the sphere of labour migration focus on</td>
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<td><strong>labour migrants defined in your national legislation? If yes, please proceed to the point 3. If no, why?</strong></td>
<td>protection of the internal labour market, rational use of local labour resources and attraction of highly qualified foreign specialists accounting for economic development rates in the country. Besides that, depending on needs of the domestic labour market, unskilled foreign specialists may be also attracted. To this end, annual quotas for attraction of foreign labour are applied. Quotas for coming years are defined by types of economic activities and are approved by the Government of Azerbaijan. Authorised bodies in charge of verifying compliance with the due legislation in the sphere of labour migration include the Ministry of Labour and Social Protection of the Population and the State Migration Service of Azerbaijan.</td>
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<td><strong>3. What specific categories of labour migrants does your national legislation foresee? Do you attract high or low skilled migrant workers, or both? What specific admission criteria are in place as regards particular categories of migrant workers? What authority is in charge of establishing the criteria and verifying compliance? If possible, please provide statistics for 2014 by category.</strong></td>
<td>Legal entities, after their due state registration in Azerbaijan, can operate as mediators in employment of citizens of Azerbaijan abroad. In order to get involved into such activities, legal entities must be issued a special permit (license). These special permits (licenses) are issued by the Ministry of Labour and Social Protection of the Population of Azerbaijan for 5 years. Physical persons are prohibited to operate as mediators in the sphere. A legal entity - mediator should conclude a contract with a foreign employer - the contract should cover issues pertaining to protection of rights and ensuring social protection of citizens of Azerbaijan. The contract must be approved by the Ministry of Labour and Social Protection of the Population of Azerbaijan. The due legislation does not provide for mediation activities in attracting foreign labour to Azerbaijan, foreign nationals can be provided paid employment in Azerbaijan when their employers arrange work permits for them.</td>
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<td><strong>4. Do state institutions cooperate with private employment sector regarding legal employment (e.g. hiring migrant workers) and fight against the illegal employment? If yes, how? If no, why? What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and sending them abroad, if applicable)?</strong></td>
<td>According to the Migration Code of Azerbaijan, every employable citizen of Azerbaijan over 18, is granted rights to engage into paid employment abroad. Citizens of Azerbaijan can seek employment abroad independently or with support of legal entities granted special permits (licenses) for employment mediation activities. To this end, citizens of Azerbaijan may be provided free counselling in relevant governmental agencies (the Ministry of Labour and Social Protection of the Population and the State Migration Service of Azerbaijan). Relevant governmental agencies protect migrants' rights in their spheres of competence (the Ministry of Labour and Social Protection of the Population and the State Migration Service, the Ministry of Interior, etc.), with a particular focus on provision of information to migrants and employers and on implementation of necessary prevention activities. Besides that, non-governmental organisations protect migrant' rights, provide them legal assistance and raise their awareness. According to the due legislation, only legal entities that were granted special permits (licenses) for employment mediation activities, can engage</td>
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<tr>
<td><strong>5. Regarding your nationals who seek employment abroad, who can provide counseling and help them making informed and safe decisions? How do you protect migrants from fraudulent schemes?</strong></td>
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### BELARUS

**1. Please provide a short overview of the general conditions for admission of labour migrants to your country. Please provide overall number of registered labour migrants.**

Legal status of foreign nationals and stateless persons (referred hereinafter to as foreigners) in Belarus is regulated by Law of the Republic of Belarus on Legal Status of Foreign Nationals and Stateless Persons in the Republic of Belarus (referred hereinafter to as the Law on Legal Status).

According to Article 11 of the Law on Legal Status, procedures of labour activities of foreigners who stay and reside in the Republic of Belarus temporarily are regulated by specialised legal acts of the Republic of Belarus, including *inter alia* Law of the Republic of Belarus on External Labour Migration (referred hereinafter to as the Law).
According to para 2 of Art. 23 of the Law, immigrant workers may work in the Republic of Belarus if granted special permits to work in the Republic of Belarus (referred hereinafter to as special permits) and if concluded labour contracts. In addition, according to para 1 of Art. 23 of the Law, immigrant workers may be employed only if relevant vacant jobs (vacancies) cannot be filled by Belarussian nationals and foreigners - permanent residents of the Republic of Belarus.

An immigrant worker means a foreigner without a permanent residence permit in the Republic of Belarus, who entered Belarus for employment and work, based on a labour contract with a Byelorussian employer, or a foreigner who is already working in the Republic of Belarus (para 10 of Art. 1 of the Law). A special permit means a document that certifies rights of an immigrant worker to be employed for work under a labour contract with a Byelorussian employer (para 9 of Art. 1 of the Law).

Special permits are issued to foreigners without permanent residence permits, based on applications of the Byelorussian employers.

According to point 4 of para 2 of Art. 3 of the Law, labour contracts with immigrant workers should be registered by their Byelorussian employers within 1 month from dates of conclusion in units of the citizenship and migration authority.

Availability of a special permit and a registered labour contract provides grounds for issuance of a permit for temporary residence in the Republic of Belarus to a foreigner - temporary residence permits are issued by citizenship and migration units of the Ministry of Interior in places of prospective residence.

Temporary residence permits are granted to foreigners who entered Belarus for stay over 90 days/year for employment at the territory of the country, according to legislatively set procedures. The permits are issued for a period of stay, but their validity terms cannot exceed 1 year.

As at January 1, 2015, the overall number of foreigners who entered the Republic of Belarus for employment reached 37,868 persons.

### Table

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<th>2. Are specific categories of labour migrants defined in your national legislation? If yes, please proceed to the point 3. If no, why?</th>
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<tr>
<td>The Law does not stipulate specific categories of migrant workers. However, now, the Ministry of Interior, jointly with other interested state authorities developed draft Law of the Republic of Belarus on Introduction of Changes and Amendments into Law of the Republic of Belarus on External Labour Migration.</td>
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<th>3. What specific categories of labour migrants does your national legislation foresee? Do you attract high or low skilled migrant workers, or both? What specific admission criteria are in place as regards particular categories of migrant workers? What authority is in charge of establishing the criteria and verifying compliance?</th>
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<td>The draft Law incorporated some proposals developed in the course of review of law enforcement practices in the sphere of external labour migration, including <em>inter alia</em> the definition of &quot;highly qualified workers&quot;. According to signed contracts submitted to citizenship and migration units of the Ministry of Interior (referred hereinafter to as Mol bodies), 37,868 immigrant workers were admitted to the Republic of Belarus in 2014 (in comparison to 18,180 immigrant workers in 2013). Labour migrant to Belarus were mainly represented by citizens of Ukraine (17,778 persons), China (4,765 persons), the Russian Federation (4,546 persons), Uzbekistan (1,527 persons), Turkey (1,279 persons), Lithuania (1,071 persons). The overwhelming majority of immigrant workers sought blue collar jobs in Belarus - 15,556 foreign nationals. Besides that, they were also</td>
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If possible, please provide statistics for 2014 by category.

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<td>employed as skilled workers and specialists (4,260 persons), agricultural workers (3,361 persons), managers (1,240 persons), services and trade workers (1,577 persons).</td>
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<td>In 2014, according to signed contracts submitted to MoI citizenship and migration units, 5,441 Byelorussian nationals went abroad for employment (in comparison to 5,715 persons in 2013).</td>
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<tr>
<td>The overwhelming majority of emigrant workers went abroad for blue collar jobs - 3,711 persons. In addition, they went abroad for employment as skilled workers and specialists (517 persons), agricultural workers (231 persons), managers (7 persons), services and trade workers (975 persons).</td>
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4. Do state institutions cooperate with private employment sector regarding legal employment (e.g. hiring migrant workers) and fight against the illegal employment? If yes, how? If no, why? What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and sending them abroad, if applicable)?

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<th>4. Do state institutions cooperate with private employment sector regarding legal employment (e.g. hiring migrant workers) and fight against the illegal employment? If yes, how? If no, why? What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and sending them abroad, if applicable)?</th>
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<td>As a priority, authorised governmental bodies in the sphere of external migration management ensure efficient combating illegal labour migration, seeking to prevent and suppress labour exploitation and human trafficking.</td>
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<tr>
<td>Priority actions of non-governmental organisations and private sector entities in the sphere of external labour migration include promotion of safe entry and departure of migrant workers, their legal and safe employment at the territory of Belarus and abroad.</td>
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<tr>
<td>In the Republic of Belarus, labour migration issues are dealt with by international agencies and organisations (e.g. representative offices of the World Bank and the International Organisation for Migration in Belarus), as well as by non-governmental organisations (e.g. La Strada NGO Association).</td>
</tr>
<tr>
<td>The Citizenship and Migration Department cooperated with private entities and non-governmental organisations in actions to prevent and combat illegal external labour migration. In particular, if notified by the above organisations on cases of illegal employment of foreigners at the territory of Belarus, and cases of non-compliance with rules of employment of the country's nationals abroad, the Department conducts relevant checks and inspections, and then shares findings with the applicants.</td>
</tr>
<tr>
<td>According to Regulation on Licensing Some Activities (approved by Decree # 450 of the President of Belarus of 01.09.2010), MoI of Belarus issues special permits (licenses) to legal entities and individual entrepreneurs for activities associated with employment abroad.</td>
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<td>According to provisions of the above Decree, the Ministry of Interior of Belarus, in the sphere of its competence, supervises compliance of license holders with licensing laws, terms and conditions of their licenses.</td>
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<td>According to Article 14 of Law of Belarus on External Labour Migration, emigrant workers who are Byelorussian nationals or stateless persons with permanent residence status in Belarus, are granted protection and support of the Republic of Belarus in countries of employment.</td>
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<tr>
<td>Diplomatic missions and consular facilities of Belarus are obliged to protect and support emigrant workers according to procedures stipulated by the due legislation of Belarus, including its international treaties.</td>
</tr>
<tr>
<td>If no diplomatic missions or consular facilities of Belarus exist in a country of employment, rights and legitimate interests of emigrant workers may be protected by relevant bodies of other countries, according to international treaties of Belarus.</td>
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Organisational arrangements of control (supervision) activities in Belarus provide for scheduled inspections (i.e. inspections under half-year control/supervision coordinated plans), ad hoc inspections (i.e. in response to notifications on cases of non-compliance with the due labour migration legislation), as well as monitoring of organisations operating in the sphere of employment abroad and recruitment of foreign labour.

5. **Regarding your nationals who seek employment abroad, who can provide counseling and help them making informed and safe decisions? How do you protect migrants from fraudulent schemes?**

In order to organise information dissemination and awareness raising activities for public awareness raising on legal employment opportunities, the Citizenship and Migration Department maintains the following activities:

- permanent control of compliance is maintained over activities of legal entities and individual entrepreneurs engaged into facilitation of employment of Byelorussian nationals abroad;
- mass media outlets are systematically monitored to identify adverts on employment abroad published by persons who were not granted due licenses for such activities;
- a Hot Line service operates to provide phone consultations to callers;
- regular presentations are conducted at workplaces and in mass media outlets to highlight different issues in the sphere of external labour migration;
- lists of licensed entities authorised to operate in the sphere of employment abroad are published in mass media outlets;
- information campaigns are implemented (production and dissemination of booklets, leaflets on safe employment, posters, PSAs);
- radio media outlets broadcast information on activities of the Hot Line service of the Department;
- at the territory of the country, in outdoor advertising places, information is presented with contact phone numbers for consultations on employment abroad;
- suppression of activities of persons who are engaged into employment of Byelorussian nationals abroad illegally.

If Byelorussian nationals inform the Citizenship and Migration Department of the Ministry of Interior of Belarus on suspected cases of non-compliance of foreign employers with terms and conditions of labour contracts or their failures to pay due wages, the Department applies to competent bodies of other countries asking for assistance in getting reliable information on these matters.

Based on information from competent bodies of other countries, if cases of non-compliance with the due labour legislation were identified, the guilty persons should be sanctioned according to the legislation of the foreign country. If such cases were identified, the Citizenship and Migration Department of the Ministry of Interior of Belarus should take measures to avoid further employment relations between nationals of Belarus and foreign employers found guilty in such infringements.

6. **What are the main difficulties you face in combating illegal employment?**

If economic actors fail to comply with the due procedures of employment of foreign workers, or if a foreign national fails to comply with the due employment procedures, the guilty persons should be sanctioned administratively.

Besides that, in the case of identified non-compliance with the due procedures of employment of foreign workers in the Republic of Belarus, relevant compliance notices should be issued to local authorities and facilities' managers requesting elimination of causes and conditions that facilitate such infringements.

In the case of repeated failures to comply with the due migration legislation foreigners may be deported.
Now, it is necessary to adjust (raise) the sanctions applied against employers that employ foreigners illegally.

7. Do you work with countries of origin of migrant workers to fight illegal employment? And/or countries of destination of your nationals who work abroad? What do you focus on and how could cooperation be improved?

In order to expand international cooperation in the sphere of external labour migration, we constantly explore opportunities to get access to labour markets of foreign countries and to sign agreements with them on mutual employment of citizens.

Agreements on temporary employment and social protection of nationals working outside their countries are concluded to protect national interests at the international labour market, as well as to ensure efficient protection of own nationals employed abroad, to intensify labour inflows/ outflows, and to organise combating illegal employment abroad.


CIS countries that do not have bilateral agreements with Belarus on mutual labour exchanges, rely on the CIS Agreement of Cooperation in the Sphere of Labour Migration and Social Protection of Migrant Workers, signed in Moscow on April 15, 1994 (Belarus acceded to the CIS Agreement on November 20, 1997), as well as on the Convention of Legal Status of Migrant Workers and their Family Members of CIS Member States, signed in Chisinau on November 14, 2008. Law of Belarus on Ratification of the Convention of Legal Status of Migrant Workers and their Family Members of CIS Member States was approved on July 6, 2009.

8. In what areas do you think your country's framework (policies, procedures and practices) could be improved (for example, to more efficiently promote well-managed legal labour migration, fight irregular labour migration and employment or to protect migrant workers)?

We think, that activities for efficient management of legal labour migration, combating illegal labour migration and illegal employment should focus on development of recommendations on improvements in all spheres of the national legislative framework (policies, procedures and practices).

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**CZECH REPUBLIC**

1. Please provide a short overview of the general conditions for admission of labour migrants to your country. Please provide overall number of registered labour migrants.

The Czech Republic has a flexible supply-driven system of labour migration based on labour market tests applied to all job vacancies created by local employers. No visas / residence permits are issued for the purpose of job-seeking. No quotas on labour migration are set, no national occupation shortage lists are used. A third-country national applying for admission for the purpose of employment (for a time period longer than 90 days) is required to obtain a single permit called an Employee Card; high-skilled migrants may apply for a Blue Card. Both Cards are long-term residence permits. However, certain categories of labour migrants (e. g. intra-corporate transferees) have to apply for a work permit as well (see point 3). Both Cards are issued by the Ministry of the Interior of the Czech Republic; applications are filed at relevant embassies of the Czech Republic. Certain categories of migrants have a right of free access to the Czech labour market (see point 3). There were 19460 third-
2. Are specific categories of labour migrants defined in your national legislation? If yes, please proceed to the point 3. If no, why?

| Yes. |

3. What specific categories of labour migrants does your national legislation foresee? Do you attract high or low skilled migrant workers, or both? What specific admission criteria are in place as regards particular categories of migrant workers? What authority is in charge of establishing the criteria and verifying compliance? If possible, please provide statistics for 2014 by category.

| The Act no. 326/1999 Sb., on Residence of Foreign Nationals in the Territory of the Czech Republic, which specifies the criteria for admission of third-country nationals for the purpose of employment, does not define any categories of labour migrants. According to Act no. 435/2004 Coll., on Employment, which specifies the conditions under which foreign nationals gain access to the Czech labour market, there are several categories of foreign workers. However, these categories include all kinds of migrants, not only foreign nationals admitted for the purpose of employment:

I. Workers mentioned below are obliged to have a **work permit** issued by the Labour Office (work permits for workers belonging to the categories a) + b) are issued on the base of **labour market test**):

- a) worker who performs tasks arising from the scope of activity of corporate body/cooperative procured by a partner, statutory body, or a member of a statutory or other body of a corporate body/cooperative for that corporate body/cooperative
- b) holder of a visa/long-term residence permit for the purpose of business
- c) **seasonal worker** (max. 6 months, can be repeated after 6 months)
- d) **posted worker** by a foreign employer to perform work in the CR according to the contract with the local entity
- e) participant of internship to improve their skills and qualifications
- f) **student** (below 26 years of age) in the framework of specific foreign exchange programmes
- g) worker according to **specific international treaty**
- h) holder of a visa/long-term residence permit granting them leave of stay
- i) applicant for the issuance of the **international protection** or a worker who have been already issued a visa for stay over 90 days granting him/her leave of stay (after 12 months following the day when the application for asylum was filed)

II. Workers mentioned below have a **free access to the labour market**:

- a) holder of a **permanent residency permit**
- b) relative of a specific member of a diplomatic mission/consular authority/international government organization
- c) person who was granted asylum or additional protection
- d) artist/pedagogue/scientist etc. staying less than 7 successive days or 30 days/year
- e) worker according to **specific international treaty**
- f) member of a rescue unit in case of specific conditions
- g) **posted worker in international transport**
- h) accredited mass media worker
- i) armed force member according to specific law
- j) **student** (in specific cases)
- k) **posted worker** by a foreign employer based in the EU due to **service providing**


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<td>i)</td>
<td>holder of a <strong>long term residence permit for the purpose of reconciliation</strong> with his family (in specific cases)</td>
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<tr>
<td>m)</td>
<td><strong>resident of another EU member state</strong></td>
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<tr>
<td>n)</td>
<td>specific categories of <strong>pedagogues/scientists/academics</strong> who perform continuous activities in institutions specified by law</td>
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<tr>
<td>o)</td>
<td><strong>graduate of secondary and higher level</strong> of education gained in the CR in certain institutions according to specific law</td>
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<tr>
<td>p)</td>
<td>holder of a <strong>long-term residence permit granting them protection in the territory of the CR</strong> according to Resident act</td>
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<tr>
<td>q)</td>
<td><strong>cleric</strong> of the church registered in the CR.</td>
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III. Blue Cards for high-qualified workers (single permit according to the EU Directive 2009/52/EC)

IV. Employee Cards (single permit according to the EU Directive 2011/98/EU for categories who are not mentioned above)

**Do you attract high or low skilled migrant workers, or both?**
None.

**What specific admission criteria are in place as regards particular categories of migrant workers?**
Third-country nationals admitted for the purpose of employment are required to submit:
- a **contract of employment containing a stipulation which provides that the agreed salary of a migrant will meet the relevant salary threshold**: at least the monthly minimum wage (Employee Card) or at least 1.5 times the average gross annual salary (Blue Card).
- a **document proving migrant’s professional qualifications for performance of the desired job** (diploma, certificate),
- a **document proving that the migrant meets the requirements for performing a “regulated occupation”, if his/her application concerns this kind of occupation.**

A labour migrant is not required to prove any language skills.

**What authority is in charge of establishing the criteria and verifying compliance?**
Ministry of Labour and Social Affairs is in charge with employment policy/employment criteria, Ministry of Interior with migration policy/admission criteria and verification of compliance.

**If possible, please provide statistics for 2014 by category:**
MoLSA: Due to data migration from one IT system to another, such data are not available at the moment.

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4. **Do state institutions cooperate with private employment sector regarding legal employment (e.g. hiring migrant workers) and fight against the illegal employment? If yes,**

   Yes, in the framework of so-called tripartite (state bodies + employers + labour unions; cooperation in the legislative process etc.), cooperation in specific inter-ministerial bodies (e.g. Interdepartmental Body for Repressing the Illegal Employment of Foreigners).

   **What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and sending them abroad, if applicable)?**

   LICENCING
How? If no, why? What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and sending them abroad, if applicable)?

Based on the Act no. 435/2004 Coll. Act on Employment (Employment Act), the regional branches of the Labour Office and legal entities or natural persons who are authorized to broker the respective form of employment (hereinafter referred to as “employment agencies”) may broker employment under the conditions set forth in this Act. Permission to broker employment is given by the General Directorate of the Labour Office on the basis of an application by a legal entity or natural person for a permit to broker employment on the territory of the Czech Republic, or permit to broker employment abroad. But, according to Section 66 of above mentioned Employment Act, the employment agency may not assign for temporary work with the user such employee who has not been issued an Employee Card, Blue Card, or who has not been issued a work permit.

Monitoring
The Czech Republic has been ratified ILO convention no. 181 on private employment agencies in 2000. According its Article 13 and section 59 of an Employment Act shall employment agencies provide the following data for the previous calendar year to the General Directorate of the Labour Office by January 31st of the current year:

- a) the number of job vacancies for which requests were received to hire workers,
- b) the number of natural persons filling the vacancies, of these the number of job seekers who filled the vacancies on the basis of an agreement with the Labour Office under Section 119a,
- c) the number of their employees who performed temporary work with the user, while the number of citizens of the Czech Republic, the number of the EU citizen, the number of other member states of the EEA and Switzerland and number of other foreign nationals by the nationality will be reported separately.

The General Directorate of the Labour Office shall decide to revoke the permit to broker employment if should the legal entity or natural person repeatedly fail to breach this notification obligation.

5. Regarding your nationals who seek employment abroad, who can provide counseling and help them making informed and safe decisions? How do you protect migrants from fraudulent schemes?

There are services provided by EURES (European Employment Services) network (in the EU).

How do you protect migrants from fraudulent schemes?
EURES and other state institutions disseminate information regarding employment abroad (mainly via web pages).

6. What are the main difficulties you face in combating illegal employment?

The most serious, from our point of view, is willingness of migrant workers to enter into illegal labor relations. Trying to get a job, even if it is illegal, outweighs the effort to follow the laws and the fear of possible punishment or expulsion. Primary interest of migrant workers is certainly not to work illegally, but they only want to have some work to raise funds for support themselves and their families. It is associated with the interest of some employers to exploit migrant status and bind migrant workers into illegal labor relations. There is also a quite high level of tolerance of illegal employment in the society.

State Labour Inspection Office through regional labor inspectorates checks illegal work in accordance with applicable law and assesses each case individually. Inspection should be efficient and effective, and its conclusions should correspond to the actual state. Inspection finding supported with relevant documents is the basis for the conclusion about committing illegal work.
State Labour Inspection Office methodically leads the regional inspectorates, how to proceed during the inspection, conduct an annual training of inspectors, inform inspectors about changes in legislation. The Guide for inspectors has been issued, where is described, how to proceed during inspections and how to combat illegal work. There are continuously processed guidance focused on specific areas where are currently the biggest problems. How to proceed during inspections at workplaces (which documents must be in the place of work available), inspections of family businesses, circumvention of legal acts (pretended independent work) etc.

<table>
<thead>
<tr>
<th>7.</th>
<th>Do you work with countries of origin of migrant workers to fight illegal employment? And/or countries of destination of your nationals who work abroad? What do you focus on and how could cooperation be improved?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ad hoc cooperation (information exchange etc.). And/or countries of destination of your nationals who work abroad? EURES cooperation (in the EU) and ad hoc cooperation. What do you focus on and how could cooperation be improved? Better willingness of countries of origin would help to establish adequate information supply (e.g. publishing information on their embassies’ web pages, distribution of information materials on their Labour Offices etc).</td>
<td></td>
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</tbody>
</table>

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<tr>
<th>8.</th>
<th>In what areas do you think your country’s framework (policies, procedures and practices) could be improved (for example, to more efficiently promote well-managed legal labour migration, fight irregular labour migration and employment or to protect migrant workers)?</th>
</tr>
</thead>
</table>
| - more selective criteria for natural persons and legal entities willing to employ third-country nationals  
According to the outcomes of the regular monitoring of labour migration, many third-country nationals are recruited by legal entities or natural persons who are unable or not willing to meet their responsibilities and duties and therefore should not be allowed to employ foreign workers at all. The current Czech national legislation does not allow third-country nationals to apply for an Employee Card or a Blue Card if the job vacancy was created by an employer who was lawfully fined for allowing undeclared employment in the previous 12 months. However, this restriction is considered to be insufficient. In order to increase protection of foreign workers and responsibility of employers, the Czech state bodies currently consider further extension of the abovementioned ban, e.g. on employers sanctioned for the breach of legal obligations regarding taxation, social security or labour rights, wound up under national insolvency laws, economically inactive or unavailable for inspection authorities etc. |

| - facilitation of migration procedures of selected groups of skilled migrants  
The Czech Republic currently implements several fast-tracking migration projects for selected target groups of labour migrants. Since these projects have been positively evaluated, the relevant state bodies intend to launch more projects and establish the system of wider programmes of economic migration which would provide more advantages to its participants and their employers in order to support brain-gain, attract foreign investors and increase competitiveness of the Czech Republic. |

| - better cooperation with countries of origin - the labor inspection authorities of the Czech Republic cooperate with labor inspection authorities in other EU members. Electronic information exchange system - IMI has been working for several years. Through this system may the authorities of the Member State ask for a general information on employment conditions in the Czech Republic, and as well ask for an information about specific employer and employee. This system is primarily focused on the posting of workers in the framework of the provision of services. Regarding the inspection authorities of third countries, we are not in contact with them and we have no interaction with them. So far, no such activity has not been developed yet. We believe that the cooperation of labor inspection between EU Member States is at a good level, but there is definitely room for improvement of this cooperation. We would welcome a better cooperation with EEA countries (non-EU members), notably Switzerland. Such cooperation practically does not work. Possible way, how to improve of above mentioned cooperation, lies in meeting representatives of inspections of these states, better knowledge of the environment in the member countries, good orientation in the scope and competence of this authorities. Various organization and competences of state authorities in different |
Member States, which are tackling illegal migrant work, sometimes are a complicating factor.

- **better prevention of illegal or semi-legal migration** (e.g. safety checks done before migrants enter the CR) - State Labour Inspection Office emphasizes prevention of illegal work as well. Prevention primarily involves in publication of information about the rights and obligations of employers and employees in the Czech Republic which is available in several foreign languages on the Office’s website. Labour inspection bodies can help migrants within the free employment counseling - information about their rights, opportunity for suggestions for an inspection, etc.

- **more possibilities to assist migrants to start legal employment in the CR** (e.g. help with obtaining residence permit etc.) – NGOs etc. mainly in the countries of origin

- **more possibilities to assist migrants to enforce their labour rights** (via legal advisers, ombudsman etc.)

### ESTONIA

1. **Please provide a short overview of the general conditions for admission of labour migrants to your country. Please provide overall number of registered labour migrants.**

   Aliens, who are residing in Estonia on the basis of residence permit, are, in general, permitted to work in Estonia. As of 1st September 2013, separate work permits are no longer issued.

   For issuing a temporary residence permit for employment, the employer must request permission from the Estonian Unemployment Insurance Fund and must pay an alien a salary that is at least equal to the latest annual average wages in Estonia published by Statistics Estonia, multiplied by the coefficient 1.24. Exceptions to the permission of Estonian Unemployment Insurance Fund and remuneration requirements are proscribed in §181 of the Aliens Act.

   In addition to the employment in Estonia on the basis of a residence permit, short-term employment on the basis of visa is also permitted. Pursuant to §106 of the Aliens Act, an alien who has a legal basis for temporary stay in Estonia and whose employment has been registered with the Police and Border Guard Board before the employment commences, may work up to six months during a year on specific line of activities.

   As at the date of 2nd March 2015, a total of 2793 persons held a valid temporary residence permit for employment.

2. **Are specific categories of labour migrants defined in your national legislation? If yes, please proceed to the point 3. If no, why?**

   Yes.

3. **What specific categories of labour migrants does your national legislation foresee? Do you attract high or low skilled migrant workers, or both? What specific admission criteria are in place as regards particular categories of migrant workers? What specific conditions for issue of temporary residence permit for employment are proscribed for certain categories of migrant workers: f. ex. for employment as teacher, employment as sportsman, employment as top-specialist or expert, etc. (for full list please see §181 of the Aliens Act). Also, separate provisions exist with regard to EU Blue Card.**

   The named categories of labour migrants are exempted from Unemployment Insurance Fund permission and/or remuneration requirement. For top specialist however, the remuneration for professional work has to be in the amount at least equal to the annual average gross monthly salary in Estonia, last published by Statistics Estonia, multiplied by a coefficient of 2.

   Additional documents for applying for temporary residence permit are required for these categories of migrant workers (list of documents to be
authority is in charge of establishing the criteria and verifying compliance? If possible, please provide statistics for 2014 by category.

submitted upon application is provided in Government Regulation nr 88). These documents are for example certificates of qualification for experts and top-specialist, an invitation from a university for researcher and lecturer, etc.

As for short-term employment for aliens entering Estonia on temporary basis (with visa or visa free if exemption from visa requirements), short-term employment may be registered only for specific employment activities, i.e. employment as a teacher, for research work, employment as top specialist, employment as au pair etc. (for full list, please see §106 of the Aliens Act). The employer is required to register the short-term employment before the employment commences and is obliged to pay a remuneration in the amount equal to at least the annual average gross monthly salary and wages of the main area of activity of the employer, last published by Statistics Estonia, but not less than the annual average salary in Estonia, last published by Statistics Estonia, multiplied by a coefficient of 1.24.

The aim of the Estonia migration policy is to foster the arrival and stay of third country nationals who can contribute to the development of the Estonian society. The Estonian Government Action Plan provides that there is a need for so smart immigration, which means simplifications in residence permit process for highly skilled specialists, students, lecturers and scientists.

According to Police and Border Guard statistics, 1237 temporary residence permits for employment were issued in 2014.

<table>
<thead>
<tr>
<th>Temporary residence permits for employment issued in 2014 (by basis)</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aliens Act § 118 p 4 employment</td>
<td>332</td>
</tr>
<tr>
<td>Aliens Act § 181 (1) p 1 employment – minister of religion, nun or monk</td>
<td>54</td>
</tr>
<tr>
<td>Aliens Act § 181 (1) p 2 employment – accredited journalist</td>
<td>0</td>
</tr>
<tr>
<td>Aliens Act § 181 (1) p 4 employment – person engaged in creative activities</td>
<td>31</td>
</tr>
<tr>
<td>Aliens Act § 181 (1) p 5 employment – employment as a teacher or lecturer</td>
<td>37</td>
</tr>
<tr>
<td>Aliens Act § 181 (1) p 6 employment – employment as a researcher</td>
<td>25</td>
</tr>
<tr>
<td>Aliens Act § 181 (1) p 7 employment – sportsman, coach, referee, sports official</td>
<td>62</td>
</tr>
<tr>
<td>Aliens Act § 181 (1) p 9 employment – posted worker</td>
<td>427</td>
</tr>
<tr>
<td>Aliens Act § 181 (1) p 11 employment – graduate of Estonian higher education</td>
<td>22</td>
</tr>
<tr>
<td>Aliens Act § 190¹ employment – EU Blue Card</td>
<td>18</td>
</tr>
<tr>
<td>Aliens Act § 181 (1) p 8 employment- performing directing or supervisory functions</td>
<td>0</td>
</tr>
<tr>
<td>Aliens Act § 181 (1) p 10 employment - long-term resident's residence permit of a member state</td>
<td>3</td>
</tr>
<tr>
<td>Aliens Act § 181 (2) p 1 employment - expert, adviser or consultant</td>
<td>54</td>
</tr>
<tr>
<td>Aliens Act § 181 (2) p 2 employment - member of the management board or supervisory board</td>
<td>90</td>
</tr>
<tr>
<td>Aliens Act § 181 (2) p 3 employment – top-specialist</td>
<td>82</td>
</tr>
</tbody>
</table>

4. Do state institutions cooperate with private employment sector

The cooperation is regularly limited to dissemination of information concerning the regulations of obtaining residence permits for foreign workers, rights and obligations of employer. Officials meet with the representatives of most commonly hiring companies to keep them updated.
Regarding legal employment (e.g. hiring migrant workers) and fight against the illegal employment? If yes, how? If no, why? What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and sending them abroad, if applicable)?

An employer is required to verify that an alien who is employed by him or her would have a legal basis to take employment in Estonia and he/she is required to preserve during the employment of an alien and within ten years after termination of the employment of an alien the copies of the data and documents that prove the existence of the legal basis for employment in Estonia of an alien during recruitment and employment. The employer for the purposes of whose employment the temporary residence permit has been issued to an alien has the obligations of a sponsor, i.e. in order to compensate for the costs, an administrative authority has right to issue a precept to an alien or his or her sponsor to Estonia to compensate for the costs of the search, detention and compelled attendance of an alien.

An employer is also required to notify the Police and Border Guard Board of the commencement of employment by an alien holding a residence permit for employment, of a failure to commence employment, of any change in the conditions of employment determined by the temporary residence permit for employment, of the premature termination of the contract forming the basis for work relations and of the actual termination of employment of an alien.

In order to prevent, detect and investigate the employment of irregular migrants Police and Border Guard Board cooperate closely with Estonian Tax and Customs Board and labour inspectorates (exchange of data, common trainings, joint inspections). Based on annual risk analysis the Police and Border Guard Board carry out workplace inspections.

5. Regarding your nationals who seek employment abroad, who can provide counseling and help them making informed and safe decisions? How do you protect migrants from fraudulent schemes?

For nationals seeking employment within the EU, counselling services are provided by EURES. The activities of EURES in Estonia are coordinated by the Unemployment Insurance Fund. There are several information materials worked out by the Labour Inspectorate, the Ministry of Social Affairs and in addition there is a Human Trafficking prevention and victim assistance Hotline offered by NGO Living for Tomorrow which also provides help and consultation to persons who are victims of fraudulent employment schemes. Labour exploitation and fixed marriages is an essential part of anti-human trafficking regulations.

In February the new strategy for reducing violence for the years 2015-2020 was adopted covering also activities to combat trafficking in persons. The strategy will put a main focus on prevention.

6. What are the main difficulties you face in combating illegal employment?

Migration surveillance may be challenging due to the activities of fraudulent employers, limited staff and other resources.

The main aim is not always to identify irregular migrants. To combat illegal employment effectively it is necessary to involve various institutions and explore links between illegal employment and other crimes (smuggling, trafficking, money laundering etc).

7. Do you work with countries of origin of migrant workers to fight illegal employment? And/or countries of destination of your nationals who work abroad? What do you focus on and how could cooperation be improved?

As the number of irregularly employed third country nationals is small, there are no specific projects with countries of origin or destination that focus on the fight of illegal employment.

According to the explicit request on behalf of the Embassies of the countries represented in Estonia a meeting is organized which informs about Estonian legislation and practice in order for the foreign representations to inform their citizens on the rights and possibilities.

8. In what areas do you think your country’s framework (policies, procedures and practices) could be

Several amendments have already been made to the Aliens Act in recent years to further improve the entry and stay of highly qualified specialists. Migration surveillance and regular monitoring of trends and information flow among the employers and the most common field of employment
improved (for example, to more efficiently promote well-managed legal labour migration, fight irregular labour migration and employment or to protect migrant workers)?

in Estonia (eg construction) can further be enhanced to protect migrant workers and fight irregular labour migration.

<table>
<thead>
<tr>
<th>GEORGIA</th>
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<tbody>
<tr>
<td><strong>1.</strong> Please provide a short overview of the general conditions for admission of labour migrants to your country. Please provide overall number of registered labour migrants.</td>
</tr>
<tr>
<td>Admission to the country and labor relations of labor migrants in Georgia are regulated by two legal norms: Law of Georgia on Legal Status of Aliens and Stateless Persons and the Georgian Labor Code. At present the special law regulating the labor migration does not exist in Georgia, however, the Ministry of Labor, Health and Social Affairs has developed the draft law on Labour Migration, which has been submitted to the parliament of Georgia and is under consideration. The draft law on labor migration envisages regulation of the field of labor migration, which is necessary for both protection of local labour market as well as for facilitating legal labour migration and protection of rights of labour migrants; for cooperation between the states in the field of labour migration in order to increase the effectiveness of migration for all sides involved in the process of migration (country of origin, destination country, labour migrants). As far as the total number of registered labour migrants is concerned, such statistical data does not exist in Georgia.</td>
</tr>
<tr>
<td><strong>2.</strong> Are specific categories of labour migrants defined in your national legislation? If yes, please proceed to the point 3. If no, why?</td>
</tr>
<tr>
<td>At present the Georgian legislation does not define the specific categories of labour migrants since the special law regulating the field of labour migration does not exist.</td>
</tr>
<tr>
<td><strong>3.</strong> What specific categories of labour migrants does your national legislation foresee? Do you attract high or low skilled migrant workers, or both? What specific admission criteria are in place as regards particular categories of migrant workers? What authority is in charge of establishing the criteria and verifying compliance? If possible, please provide statistics for 2014 by category.</td>
</tr>
<tr>
<td>The Georgian law does not foresee any specific categories of migrants.</td>
</tr>
<tr>
<td><strong>4.</strong> Do state institutions cooperate with private employment sector regarding legal employment (e.g. hiring migrant workers) and fight against the illegal employment? If yes,</td>
</tr>
<tr>
<td>Such mechanism does not exist in Georgia yet; however, the draft law on Labour Migration foresees the registration of private employment companies (working on bringing labour migrants in and working with those seeking employment abroad) in the Ministry of Labour, Health and Social Affairs.</td>
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<tr>
<td>Question</td>
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<td>-------------------------------------------------------------------------</td>
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<tr>
<td>how? If no, why? What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and sending them abroad, if applicable)?</td>
</tr>
<tr>
<td>5. Regarding your nationals who seek employment abroad, who can provide counseling and help them making informed and safe decisions? How do you protect migrants from fraudulent schemes?</td>
</tr>
<tr>
<td>6. What are the main difficulties you face in combating illegal employment?</td>
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<tr>
<td>7. Do you work with countries of origin of migrant workers to fight illegal employment? And/or countries of destination of your nationals who work abroad? What do you focus on and how could cooperation be improved?</td>
</tr>
<tr>
<td>8. In what areas do you think your country's framework (policies, procedures and practices) could be improved (for example, to more efficiently promote well-managed legal labour migration, fight irregular labour migration and employment or to protect migrant workers)?</td>
</tr>
</tbody>
</table>

**HUNGARY**

1. Please provide a short overview of the general conditions for
   | Under the migration legislation of Hungary, foreign nationals are divided into two large groups in accordance with the relevant rules of the European Union law and also in line with the fact that nationals of the Member States of the European Union, nationals of certain European |
admission of labour migrants to your country. Please provide overall number of registered labour migrants.

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>I. Third-country nationals</td>
<td>– with the exemptions laid down by law – may be employed in the territory of Hungary:</td>
</tr>
<tr>
<td></td>
<td>- on the basis of a residence permit issued by the immigration authority in a single application procedure (single permit) specified in Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals or</td>
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<td></td>
<td>- on the basis of a work permit issued for the employment of the applicant in Hungary who is a third-country national with a seasonal worker long-stay visa, C type Schengen short-stay visa or being exempted from the visa requirement.</td>
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<tr>
<td></td>
<td>When applying for a single permit, you need to:</td>
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<td>• present a travel document, which will remain valid for at least 3 months longer than the intended period of stay;</td>
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<td>• prove adequate accommodation;</td>
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<td></td>
<td>• prove sufficient financial resources and subsistence means, including the documents on the future employment (preliminary agreement on employment, the labour force request of the future employer or a declaration that it has already been submitted or is not needed);</td>
</tr>
<tr>
<td></td>
<td>• prove health insurance (by being officially employed you are fully covered by health insurance).</td>
</tr>
<tr>
<td></td>
<td>The person cannot be subject to an entry ban or an alert in the Schengen Information System for the purposes of refusing entry, nor can their entry and stay threaten public policy, public health or public security in Hungary.</td>
</tr>
<tr>
<td>Concerning the authorization for work, according to the main rules the employer needs to register their work force request, and a labour market test is carried out for 15 days. Certain workers are exempted from such requirement (e.g. key personnel) or even from the consent of the employment authorities (e.g. refugees, beneficiaries of international protection, third-country nationals with long-term residence permit). In the latter case, when no work authorization is required, the employment must be reported by the employer. The maximum deadline of adjudicating an application for a single permit is 90 days, within which the procedure of the OIN takes only 21 days, so in case no work authorization is needed, the decision is made within this deadline.</td>
<td></td>
</tr>
<tr>
<td>II. For persons having the right of free movement and residence, that is EU citizens as well as third-country national family members of EU citizens and Hungarian citizens, employment is free in Hungary and no work permit is required, however, the employment of any person having the right of free movement and residence must be reported by the employer. Persons having the right to free movement need to report their stay to the immigration authorities in case their stay exceeds three months and need to prove that they have sufficient financial resources and subsistence means in order not to mean an unbearable burden for the social assistance system of the host society. The person cannot be subject to an entry ban or an alert in the Schengen Information System for the purposes of refusing entry, nor can their entry and stay threaten public policy, public health or public security in Hungary.</td>
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<tr>
<td>III. Overall number (stock statistical data) for labour migrants are not available for the year 2014 yet, but according to the stock statistical data on 31 December 2013:</td>
<td></td>
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<tr>
<td></td>
<td>- the number of valid work permits: 19 348 (out of which 12 993 issued for migrants from outside Europe);</td>
</tr>
<tr>
<td></td>
<td>- the number of valid registration of employment of migrants not in need of work authorization: 53 006 (out of which 51 002 registrations of EU national workers).</td>
</tr>
</tbody>
</table>
In 2013 the stock of foreign workers reached the highest level in ten years: more than 72,000 foreign workers were counted at the end of 2013. More than one-quarter of them were hired on the basis of work permits, while the remainder worked on the basis of registration. Foreign workers were primarily Romanians (36%), followed by Slovaks (13%), Chinese (10%) and Ukrainians (4%). The number of Ukrainian workers fell dramatically (by 36%) in 2013, which likely reflects that many ethnic Hungarians from Ukraine were naturalised. Labour immigration from Asia increased significantly, mainly from China, Vietnam, Japan, and Thailand.

### 2. Are specific categories of labour migrants defined in your national legislation? If yes, please proceed to the point 3. If no, why?

Yes, there are specific categories of labour migrants defined in national Hungarian legislation.

### 3. What specific categories of labour migrants does your national legislation foresee? Do you attract high or low skilled migrant workers, or both? What specific admission criteria?

1. According to the criteria of work authorization in Hungary, the following categories of migrants can be defined:
   1. *work authorization is needed and is provided only after a labour market test is carried out*: implemented as a primary rule and necessitates that the employer submits a labour force request, which is the basis of searching the appropriate national or EU labour force for 15 days prior to giving authorization for work.
   2. *work authorization is needed, but it is provided without a labour market test* and within a shorter deadline;¹

---

¹ List of cases, when work authorization is needed, but it is provided without a labour market test:
- within the framework set out in international agreements (e.g. Working Holiday Agreements),
- work of key personnel in the performance of third-country nationals,
- maximum five per cent of the personnel of measured at the end of the previous calendar year of a business entity with foreign majority ownership;
- close relative of the personnel of a foreign diplomatic mission in lack of reciprocity;
- educational, scientific or artistic work purposes in excess of ten working days in any calendar year of internationally recognized third-country nationals invited by higher education institutions, research institutes and educational institutions;
- employment of third-country national family members of non EU Blue Card holders employed in Hungary for at least 8 years, provided that they lived together for a minimum of five years;
- employment of a spouse of a refugee, person with subsidiary protection, temporary protection, or long-term residence, living with the spouse for at least one year in Hungary,
- employment of the widow of a refugee, person with subsidiary protection, temporary protection, or long-term residence, and a person with the right of free movement and residence, who lived in Hungary for at least one year before the death of the deceased spouse;
- commissioning, repair and warranty activities - occasionally within the thirty-day period in excess of fifteen working days - under a private contract concluded with an undertaking established in a third country;
- employment of third-country nationals allowed by the Hungarian Office of Immigration and Nationality;
- employment outside the reception centre of persons under non-refoulement if allowed by the Hungarian Office of Immigration and Nationality on humanitarian grounds;
- employment of non-personnel by international organizations, diplomatic, consular or other foreign government agencies;
- employment by the motion picture for film production;
- for introductory training if its duration does not exceed three months within a calendar year;
are in place as regards particular

3. **no work authorization is needed**, yet the employment needs to be reported to the labour authorities by the employer:

- educational activities carried out parallel to research activities by the researcher with hosting agreement of an accredited research institution;
- employment of the family member of an EU Blue Card holder;

2 List of cases, when no authorization is needed, only notification on behalf of the employer:

- persons with the right of free movement and residence;
- persons with refugee status, beneficiaries of subsidiary protection and persons enjoying temporary protection, persons who have been granted immigrant or permanent resident status;
- if provisions of an international treaty have such effect;
- the employment - defined by international agreement - of the branch manager of a company established abroad;
- work performance as the personnel of the diplomatic (consular) representation, an agency or any other body of foreign government, job performance of close relative of personnel appointed by the sending State member of the representative or other body of, and based on existing between the states reciprocity;
- employment of personnel or close relative of personnel of international organizations, international intergovernmental organization or international organization recognized by Hungary as an organization operating in the territory of Hungary
- employment of a delegate nominated by Parties of international organizations or a common organ Treaty;
- perform - occasionally within the thirty -day period not exceeding fifteen working days - installation, repair and warranty activities under private contract concluded with an undertaking established in a third country;
- employment in the form of posting, secondment work by an employer established in a State of the EEA Agreement, under the cross-border provision of services;
- employment by a temporary work agency established by a State of the EEA Agreement;
- work of an executive officer or a member of the supervisory board of a business entity with foreign shares;
- work under the tender for postdoctoral jobs, and under the János Bolyai Research Scholarship;
- employment organized by the international student organization for third country national higher education students in the framework of professional practice;
- employment of full -time student of a Hungarian higher education institution, secondary school, and elementary art education institutions;
- educational, scientific or artistic activities for not longer than ten working days per calendar year;
- research activity subject to an agreement certified by the Hungarian Academy of Sciences;
- employment of third -country nationals participating in an internship under the Comenius, Erasmus, Leonardo da Vinci and Grundtvig programs;
- widow of a Hungarian citizen, who lived together in Hungary for at least one year before the death of the deceased spouse;
- research activities carried out on the basis of the hosting agreement with an accredited research organization under the provisions of special legal provisions;
- sport activities of professional athletes and coaches;
- employment of close relatives of those residing in Hungary on the basis of the NATO-SOFA agreement;
- employment of persons holding a valid residence permit and legally residing in Hungary for at least one year as family members for the purposes of family reunification with a third-country national, provided that the sponsor is employable without a permission;
- employment of a family member of a person holding a refugee status, subsidiary protection, or of a parent or guardian of a recognized refugee unaccompanied minor, provided that the person has a valid residence permit issued for family reunification.
categories of migrant workers? What authority is in charge of establishing the criteria and verifying compliance? If possible, please provide statistics for 2014 by category.

Such employment rules are primarily drafted by the Ministry for National Economy, mostly in cooperation with further Ministries and Offices concerned (such as the Ministry of Interior). The implementation of such rules also necessitates the cooperation of labour and migration authorities, especially in terms of the single application procedure (implemented from 1 January 2014), during which the application is submitted at the competent Regional Directorate of the Office of Immigration and Nationality, but the labour aspects of the stay are verified by the labour authorities as contacted special authorities. As a result, in case of the positive consideration of the application by both the labour and migration authorities, a single permit is issued, authorizing its holder to stay and work on the territory of Hungary.

II. As for the future, having analyzed the movements of peoples and upon identifying the typical directions and the underlying causes thereof, and upon defining the national interests, values and objectives of Hungary, the actions to be carried out under the entry, stay, integration, international defense and return policy as well as the means required to achieve the objectives specified are detailed in Hungary in a comprehensive manner in the Migration Strategy and the seven-year strategic document related to Asylum and Migration Fund established by the European Union for the years 2014-2020.

It is stated in the Strategy that, considering the economic and labour market needs of Hungary while with special regard to the emigration of the Hungarian workforce that is higher in certain sectors, it is necessary to receive further migrant workers. This primarily concerns certain skilled and unskilled blue collar employees as well as the white collar employees with higher education degree. In these segments the permanent skills shortages arising in certain labour market sectors tend to increase.

III. Based on the provisions summarized under Question 1, the following categories of migrant workers can be determined, and the following statistical data are available on those gaining work authorization or being newly registered in 2014 (flow statistics):

- third-country national employed with a single permit: 3,745
- third-country nationals employed with a separate work permit: 586
- third-country national employed with seasonal worker permit and visa: 340
- employed and registered third-country nationals and EU citizens not requiring work authorization: 8,229

Data concerning third-country national employees requiring a work authorization:

There were 4,671 work permits issued for employees arriving from third countries in 2014. The majority of those work permits were issued for Chinese (18.2 %), Ukrainian (18.6 %) and Japanese (7.5 %) nationals. Third-country nationals are mainly employed in Central Hungary, specifically in Budapest. 58.2 % of the persons employed with a permit worked in the region referred to above, and 51.9 % of them undertook work in Budapest.

The vast majority of third-country employees are employed in simple professions not requiring any special qualifications (25.5 %), or requiring higher qualifications or upper secondary attainment or the independent use of higher qualifications (20 % each). The largest number of permits was issued to bakers and cooks in 2014.
Data concerning employees subject to compulsory notification:
There were 8,229 foreign employees notified by employers to the Labour Centers in Hungary in 2014. Those employees were usually Romanian (45.6 %), Slovakian (15.5%) or British (5.9%) nationals. Most of the employees having the right of free movement and residence were employed in Central Hungary; 42.8 % of them got a job there.

4. Do state institutions cooperate with private employment sector regarding legal employment (e.g. hiring migrant workers) and fight against the illegal employment? If yes, how? If no, why? What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and sending them abroad, if applicable)?

I. The National ILO Council (NILO) of Hungary is the consultative national forum of social dialogue, its function is to conduct tripartite consultations participating the representative association of workers, employers and the government, thus to promote national measures related to the activity of the Organisation, to perform other functions defined in the Statutes of the Council and to provide information on international matters relating to the world of work, and to promote the cooperation of the government and the social partners. It provides technical assistance primarily, but not exclusively, in the fields of employment policy, labour administration, labour law and industrial relations, as well as occupational safety and health. Recognizing that the issue of migration is in their common interest, the consultative forum examines the emerging problems to find equitable solutions through political dialogue.

ILO Convention No. 181, introduced in 1997, changed the way of thinking about the co-operation of private and public actors in European employment policy. Since then the Committee has been making tremendous efforts inside the European Union to promote the idea, the new way of thinking underlying ILO Convention No. 181. In this context, co-operation between the private and the public partners becomes a key issue. 3P (Public Private Partnership), new public management, quasi-market solutions are new issues in the centre of the European policies.

II. In Hungary, the possibility to outsource employment services dates from as late as 2000. The first legal framework for outsourcing temporary work and private job brokerage was set up in the mid-nineties. Private employment agencies (PRES) have to meet the requirements specified under Act IV of 1991 on Job Assistance and Unemployment Benefits and under the Government Decree No. 118/2001 (VI.30.) The Decree actually uses the terms of temporary work agency (TWA) and private job brokerage agency (PJBA). Under the current Hungarian law, a private provider must be either a TWA or a PJBA, or it may apply for both licenses at the same time.

Para (1) a) of Section 2 of the Decree referred to above summarizes private recruitment activity in the following way: “Any job brokerage activity, apart from that carried out by the Government Offices, which facilitates the meeting of job seekers and potential employers in order to establish an employment relationship, including placement of Hungarian nationals abroad as well as foreign nationals to Hungary.”

In order to lawfully provide private employment services, the private provider must demonstrate the following:
- in case of TWA the possession of a valid registration number issued by Company Registry Court, approved by the local court; foundation

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3 The International Labour Organization (ILO) is the UN specialized agency devoted to promoting labour rights, its main aims are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues. The Organization formulates international labour standards regulating conditions across the entire spectrum of work related issues. The ILO works with tripartite bodies at both international and national level, which are statutorily defined in the Tripartite Consultation (International Labour Standards) Convention (No. C144), that aims to promote partnership with such bodies for the implementation of labour standards.
- possession of a special degree, as specified by Appendix 1 of the current Decree (e.g. general HR manager, economist, employment specialist, employment counsellor etc.) by the applicant or one of his/her employees;
- in case of TWA the ownership/leasehold of office premises suitable for the activity;
- proof of the deposit set out by law: in case of PJBA HUF 0.5 million (~EUR 1640) for EEA-level job brokerage or HUF 1 million (~EUR 3280) for job-brokerage outside the EEA; in case of TWA HUF 2 million (~EUR 6560) (if a PRES is active in both forms (TWA and PJBA), commitment to handle the respective compensation deposits separately).

If the PRES fulfills the relevant requirements, in case of TWA the competent Government Office licenses the TWA by registering it. In case of PJBA, the intention of carrying out job-brokerage activities shall be notified to the Government Office by verifying the fulfillment of the relevant criteria, after which the competent Government Office registers the PJBA. The Government Office summarizes the relevant data on a quarterly basis and publishes annual aggregates, too.

5. **Regarding your nationals who seek employment abroad, who can provide counseling and help them making informed and safe decisions? How do you protect migrants from fraudulent schemes?**

Arising from our obligation under EU-membership, the National Coordination Office and the EURES network are operated in Hungary as well, based upon Regulation (EU) No. 492/2011 of the European Parliament and of the Council on freedom of movement for workers within the Union. Within the framework of its information and communication activities, the national EURES network provides assistance also to migrant workers through preparing information leaflets in printed and electronic form, and via cooperation with other national bodies.

In 2012 there was a large-scale national information campaign initiated jointly by EURES and the National Police Headquarters, primarily aiming at promoting the safe employment of Hungarian nationals abroad. Several public administration institutions, bodies, non-profit organizations and foundations have also joined that campaign. In particular the campaign focuses on prevention; it is to be achieved by information of appropriate level and quality and also by raising awareness.

In the framework of prevention of human trafficking campaigns and awareness raising programmes are regularly implemented focusing especially in the prevention of labor exploitation as well. For example in the framework of a prevention campaign of EURES and Hungarian Police Headquarters 30,000 leaflets and posters were prepared in December 2014 and a 20-second-long spot was broadcasted in 4 radio channels. There is also a national round table managed in order to fight human trafficking, in which governmental and non-governmental organizations cooperate in order to enhance the effectiveness of the fight against human trafficking, networking and dialogue between the national coordinator and the relevant non-governmental organizations, including the exchange of information to each other’s activities and the participants exploring possible areas of cooperation.

The Ministry of Foreign Affairs and Trade and the Ministry of Interior also provide information electronically through the anti-trafficking microsite[^4] and consular services website about trafficking in human beings, the dangers of working abroad and important preventive measures.

[^4]: [http://emberkereskedelem.kormany.hu/index](http://emberkereskedelem.kormany.hu/index)
### 6. What are the main difficulties you face in combating illegal employment?

The national employment authorities are presently being integrated into the system of Government Offices in order to provide better management of employment issues, including fighting illegal employment. The major difficulties of fighting illegal employment were mainly due to the lack of capacity, including the low number of personnel carrying out labour inspections. This restructuring work already started in 2014 and will continue this year, as well.

### 7. Do you work with countries of origin of migrant workers to fight illegal employment? And/or countries of destination of your nationals who work abroad? What do you focus on and how could cooperation be improved?

The Internal Market Information System\(^5\) (IMI) within the EU allows the Member States a greater administrative cooperation. When posting of workers is carried out within the EU, the IMI can be used to check the employment conditions for workers posted in the relevant country. IMI also facilitates the recognition of qualifications by providing opportunity for information requests to check the validity of qualifications for professionals wanting to practice in your country, registers directory to find a national register of professionals (architects, accountants, engineers etc.), and notifications to notify new diploma for architects and health professions.

Hungary has also put much emphasis on exploring the importance of the provision of pre-departure information to potential migrant workers as well as the possibilities of labour matching that was carried out during the implementation of Pilot Project 2 on Legal Migration led by Hungary within the Prague Process Targeted Initiative between 2012 and 2014. The results and recommendations of the pilot project have been summarized and published in a Handbook on Labour and Circular Migration.\(^6\)

### 8. In what areas do you think your country's framework (policies, procedures and practices) could be improved (for example, to more efficiently promote well-managed legal labour migration, fight irregular labour migration and employment or to protect migrant workers)?

The Migration Strategy and the seven-year strategic document related to Asylum and Migration Fund established by the European Union for the years 2014-2020 is a basic document in this regard that lays down the action trail and the tools for achieving the goals in the field of admission, residence, integration, international protection and return policies and in a comprehensive manner. Moreover the Strategy makes it possible to use the benefits of migration for the national economy, demography and society by defining the concrete tasks and actions stemming from the positive and negative effect of migration.

Third-country nationals primarily come for purposes of gainful (economic) activity to our country. Because of national economic and demographic reasons it is necessary to stimulate the arrival of those coming with the economic purposes and purposes of carrying out gainful activities, as well as the range and number of incoming knowledge-based migration, but it is crucial to enforce safety aspects as well.

In order for the efficient operation of migration movements and making them beneficial for Hungary it is necessary to monitor trends and to map the characteristics of legally residing migrants - in particular their aims, duration of residence, permanent residence requirement – and to track the certain migration life cycles. Therefore the development and operation of efficient inventory management systems are essential.

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\(^5\) The Internal Market Information system (IMI) is an IT-based information network that links up national, regional and local authorities across borders. It enables them to communicate quickly and easily with their counterparts abroad. The IMI was originally created by Commission Decision 2008/49/EC, repealed and replaced by Regulation 1024/2012/EU of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System. IMI contains, most importantly: a multilingual search function that helps competent authorities to identify their counterparts in another country; pre-translated questions and answers for all cases where they are likely to need information from abroad; and a tracking mechanism that allows users to follow the progress of their information requests and that allows IMI coordinators at national or regional level to intervene if there are problems.

In order to stimulate the domestic labour market motivation of those arriving for the purpose of work can primarily be achieved by simplifying and facilitating the rules of employment, and, in order to support this, by the on-going review and transformation of rules of entry and stay of foreigners continuously adjusted to the current labour market situation. Consequently it is necessary to take into account the national economic and labour market needs in the shortage occupations determined by the county development and training committees, and the development of the potentials to attract foreign workers based on such needs.

Given that the current system of standards already provide for effective, proportionate and dissuasive sanctions to deter employers from unlawful employment, effective practical implementation of these provisions and increased controls shall be ensured for the development of labour inspection results.

Making illegal flows shift to legal ways requires a careful legislative process and consistent enforcement. To do this, cooperation with countries of origin should be increased, and the opportunity to be well-informed already in the countries of origin should be provided.

**LATVIA**

1. Please provide a short overview of the general conditions for admission of labour migrants to your country. Please provide overall number of registered labour migrants.

General conditions for admission of labour migrants are laid down in national legislation of Latvia (mostly in the Immigration Law and the Labour Law). If a Latvian employer wants to employ a foreigner:

- the employer has to register the vacancy in the State Employment Agency (SEA),
- the employer has to submit his/her request of invitation (with a contract of employment or other documents),
- foreigner has to submit a residence permit and a work permit,
- foreigner has to register in the State Revenue Service as a tax payer.

For the employment of the non-EU citizens with a work or company contract, or other civil agreement, the vacancy must be registered. The recruitment procedure can be initiated only if the vacancy has not been filled within a month. The vacancy registration is not compulsory only in the exceptional cases.

In those cases when foreigner is employed legally (according to the binding legal enactments), all conditions of Labour Law of Latvia are applicable.

The Office of Citizenship and Migration Affairs (OCMA) issues the work permit, short-term visa or temporary residence permit. The work permit can be issued if the employer's invitation to work is attested in the relevant office of the SEA. In cases of exception the work permit can be issued without an attested invitation.

Non-EU citizens can be employed in Latvia in long-term (more than 90 days within half a year) with a work contract only if they have received a residence and work permit, together with a personal identification number. The non-residents of Latvia or other EU member states (as well as those not having a visa for entrance) apply for residence permit at the corresponding embassy of Latvia.

The work permit is not needed in such cases:
• if foreigner enters for road shows (concerts) as performer (musician, singer, dancer, actor, dangler etc.), author (compositor, choreograph, film/stage director, stage designer etc.), administrative or technical worker who is responsible for ensuring performances (concerts) and if planned residence time does not exceed 14 days;
• if foreigner enters in accordance with educational institution’s or scientific institute’s or independent researcher’s invitation in relation with scientific studies or in order to participate in implementing educational programs and if planned residence time does not exceed 14 days.

An employer who posts an employee to perform work in Latvia has a duty, prior to posting the employee, to inform in writing the State Labour Inspectorate regarding such posted employee. According to the statistics provided by State Labour Inspectorate employers from Austria, Romania, Bosnia and Herzegovina, Slovakia, Sweden, Lithuania, Estonia, Slovenia, Poland have informed in writing the State Labour Inspectorate regarding 133 posted employees in the time period from January 1, 2014 to March 15, 2015.

In order to avoid employment of illegal migrants, it is prohibited to employ a person who is not entitled to reside in the Republic of Latvia. There are specific conditions regarding the employment of non-EU citizens - when preparing an employment contract, the employer has the duty to request that a foreigner presents a visa or residence permit, which attests that the foreigner was granted the right to employment except in the cases provided for in regulatory enactments when the attestation regarding the right to employment with a particular employer or in a particular speciality (profession) is not required. This regulation shall not apply to citizens of the European Union and persons who have the right of free movement in accordance with Article 2(5) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). In case the employer has employed a person who is not entitled to reside in the Republic of Latvia, he or she has the duty to pay this person all the unpaid work remuneration.

OCMA has issued temporary residence permits for the purpose of employment for 612 foreigners (in 2012), for 672 foreigners (in 2013) and for 851 foreigners (in 2014).

2. Are specific categories of labour migrants defined in your national legislation? If yes, please proceed to the point 3. If no, why?

   Yes, national legislation of Latvia defines and lays down provisions as regards highly skilled migrant category (namely, holder of European Union Blue Card).

3. What specific categories of labour migrants does your national legislation foresee? Do you attract high or low skilled migrant workers, or both? What specific admission criteria are in place as regards particular categories of migrant workers? What authority is in charge of establishing the criteria and verifying compliance?

   There are no specific restrictions as regards the admission of labour migrants, therefore employer can employ any category of labour migrants. Meanwhile the employer has the responsibility to pay the salary according to the level of average gross monthly salary of the employee to a foreigner (third-country national), consequently this promotes the admission of middle and high skilled migrants.
   
   The Office of Citizenship and Migration Affairs according to the principles defined by law establishes the admission criteria for labour migrants and verify compliance with them.

   National legislation foresees specific conditions for highly skilled migrants (holders of European Union Blue Card) as regards the admission (can submit the documents in the territory of Latvia), employment of their family members, the duration of the temporary residence permit and possibility to stay in Latvia in case of unemployment (till three months).
   
   In 2014 the OCMA issued 55 temporary residence permits (European Union Blue Cards) – 40 to Ukrainian citizens, 9 to Russian citizens, 4 to Belarus citizens and 1 to both US citizen and Pakistan citizen.
### 4. Do state institutions cooperate with private employment sector regarding legal employment (e.g., hiring migrant workers) and fight against the illegal employment? If yes, how? If no, why? What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and sending them abroad, if applicable)?

The main institutions that are involved in controlling illegal employment of foreigners are State Border Guard, State Labour Inspectorate and State Revenue Service. Public campaigns are organized in order to inform society on undeclared work and its consequences. These campaigns are addressed to general public (public advertisements, information on mass media), targeted groups (employers, employees) and/or targeted sectors (for example, car repair services).

Nevertheless the key factor of effective tackling of illegal employment is appropriate law enforcement mechanisms. Thus the cooperation of controlling authorities and exchange of information is crucial in the fight against illegal employment (mutual agreements, access to data bases, inspections). Also cooperation of controlling authorities and non-governmental organizations (agreements of cooperation) plays an important role in this process. State Revenue Service has concluded agreements of cooperation with 16 non–governmental organizations with aim to combat the tax evasion and the "envelope wages".

Only a merchant, which has received a license issued by the SEA for rendering of job placement services is entitled to offer job placement services (consultations regarding job placement, information on the vacant workplaces, job placement or other employment-promoting services). License for rendering of job placement services is necessary also if free of charge job placement services are offered. The state or states and the type or types of job placement services in which the merchant is entitled to provide job placement services must be indicated in the licence. The licence is issued for an unspecified period of time.

A merchant who wishes to receive a licence must submit a submission to the SEA and fulfil all necessary requirements stipulated in the “Regulations on Procedures for Licencing and Supervision of Merchants – Providers of Work Placement Services”.

The SEA supervises the procedures by which the work placement services are provided at least once in two years inspecting a licence recipient at the place of operation thereof. The SEA has the right to commence the inspection of the operation of a licence recipient upon its own initiative or on the basis of information provided by other State, local government or foreign state competent authorities, as well as by a private individual regarding the possible infringements of laws and regulations in the operation of the licence recipient.

### 5. Regarding your nationals who seek employment abroad, who can provide counseling and help them making informed and safe decisions? How do you protect migrants from fraudulent schemes?

In order to make an informed and safe decision before going abroad to seek employment, nationals of Latvia can find information on the web page of the State Employment Agency as regards the labour market situation in particular country as well as recommendations on finding an appropriate job. This information is mainly provided through the EURES network. EURES task is to give information and advice to job seekers about possibilities of employment, working and life conditions in European countries; to help employers to find most suitable workers and to support cross-border region job seekers and employers with information and advisory.

The list of registered private employment agencies who offer job placement services can be found on the web page of the State Employment Agency.

As for the posted employees, an employer who posts an employee to perform work in another European Union Member State, European Economic Area State or Swiss Confederation, irrespective of the law applicable to the employment contract and employment legal relationships, has a duty to ensure for such posted employee the fulfilment of employment provisions and the working conditions in compliance with the regulatory enactments of the relevant state regulating the posting of employees.

State Labour Inspectorate is qualified to provide information on those specific working conditions which the employer should ensure for a posted employee in Latvia.

Additional information and advice for Latvian nationals regarding employment and ways to reduce risk of becoming a victim of forced labour and other fraudulent activities abroad can be found on the web page of the Ministry of Foreign Affairs of Latvia.

In cases of emergency Latvian nationals can seek assistance in the diplomatic and consular representations of Latvia, which can provide
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| 6. **What are the main difficulties you face in combating illegal employment?** | As for the main barriers to combating illegal employment in Latvia it should be mentioned that it is the most common perception that both parties (employee and employer) would benefit from informal employment. The employer avoids paying social security contributions for the salary of the employee as well as avoids other legal duties of the employer which are prescribed by binding legislative enactments and are considered a burden by the employer. Employees in turn usually receive higher salaries than the net salaries they would receive if they were formally paid. Although in some cases employees may have no choice – they either accept the envelope wages or work undeclared or they do not get the job. Also according to Eurobarometer report half of respondents (50%) who have supplied undeclared work in the past 12 months said that a reason for doing so was that both parties benefitted from such work. Other reasons for doing undeclared work are much less widely mentioned.
State Border Guard of Latvia has identified following illegal employment cases: in 2012 – 88 illegally employed foreigners, in 2013 – 147 foreigners and in 2014 -50 foreigners. In 2014 most of the illegally employed foreigners were Russian citizens (28%), Moldovan citizens (10%), Ukrainian, Chinese, US and Belarus citizens (8%) and others. |
| 7. **Do you work with countries of origin of migrant workers to fight illegal employment? And/or countries of destination of your nationals who work abroad? What do you focus on and how could cooperation be improved?** | As for now, there is no cooperation mechanism between Latvia and countries of origin or between Latvia and countries of destination to fight illegal employment in place. |
| 8. **In what areas do you think your country’s framework (policies, procedures and practices) could be improved (for example, to more efficiently promote well-managed legal labour migration, fight irregular labour migration and employment or to protect migrant workers)?** | In order to improve the current framework of migration policy and deal with different challenges (e.g. aging population, demographic situation that results in a shortage of labour force), Latvia is currently working on Migration policy planning document, inter alia, in order to improve the procedures for those labour migrants that have already been employed in Latvia for some time (e.g. in case of unemployment can stay for job searching purposes or change employer up to 2 months; no requirement of vacancy registration), as well as to lay down provisions for seasonal workers and intra-corporate transferees...
Illegal employment could be reduced by further improving law enforcement mechanisms. For example, efficiency of inspections carried out by controlling institutions could be increased. |
**LITHUANIA**

1. Please provide a short overview of the general conditions for admission of labour migrants to your country. Please provide overall number of registered labour migrants.

   - **European Union citizens**
     Matters regarding citizens of the European Union living and working in Lithuania are regulated by the European Union Citizen Act. A foreign national, who is a citizen of one of the Member States of the European Union, European Economic Area and the Swiss Confederation (hereafter referred to as citizens of the European Union) may arrive and stay in the Republic of Lithuania for up to 3 months within a 6 month period starting from the day of his arrival in the Republic of Lithuania. Citizens of the European Union who wish to stay longer than three months or have already been in Lithuania for longer than three months have to register with the Migration Department. Temporary residence permits are issued for periods of up to five years.

   - **Non-European Union citizens**
     Matters regarding foreigners living and working in Lithuania are regulated by the Law on the Legal Status of Aliens and other legal documents issued by the Ministry of Social Security and Labour of the Republic of Lithuania.

     A foreigner who intends to work in the Republic of Lithuania must obtain a work permit before entering the Republic of Lithuania. A work permit may be issued to a foreigner if there is no specialist in Lithuania meeting the employer’s qualification requirements.

     To employ a foreigner, an employer must apply to the local labour exchange (by the registered office or by the place of residence) and to register a vacancy.

     An application to issue a work permit is not considered if an employer has not registered a vacancy one month before submitting an application to the local labour exchange, as specified in legislation.

     In 2014, 4638 work permits for foreigners to work under a contract of employment were issued, 202 permits for employees of a foreign company who were sent for temporary employment. 542 issued permits were extended, out of which 494 under a contract of employment, 48 for employees of a foreign company who were sent for temporary employment.

2. Are specific categories of labour migrants defined in your national legislation? If yes, please proceed to the point 3. If no, why?

   - A foreigner under a contract of employment;
   - An employee of a foreign company who was sent for temporary employment;
   - Intern or trainee

3. What specific categories of labour migrants does your national legislation foresee? Do you attract high or low skilled migrant workers, or both? What specific admission criteria are in place as regards particular categories of migrant workers? What authority is in charge of establishing the criteria and verifying compliance?

   Before attracting foreigners, situation in LT labour market, having in mind professions that are lacking in LT labour market, are being evaluated. To employ a foreigner, an employer must apply to the local labour exchange and to register a vacancy. Job search priority first of all is given to LT and EU citizens.

   Before hiring high skilled workers, Lithuanian labour exchange is evaluating demand in LT labour market of high qualification work. To employ a foreigner, an employer must apply to the local labour exchange and to register a vacancy. Job search priority priority first of all is given to LT and EU citizens.

   In 2014, 131 decisions for high qualification job conformity to LT labour market requirements have been accepted.
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<th><strong>4.</strong> Do state institutions cooperate with private employment sector regarding legal employment (e.g. hiring migrant workers) and fight against the illegal employment? If yes, how? If no, why? What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and sending them abroad, if applicable)?</th>
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<td>Private employment agencies don’t need to have license for employment activity.</td>
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<th><strong>5.</strong> Regarding your nationals who seek employment abroad, who can provide counseling and help them making informed and safe decisions? How do you protect migrants from fraudulent schemes?</th>
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| EURES (EUROpean Employment Services) brings together the European Commission and the public employment services of the countries belonging to the European Economic Area and Switzerland. Other regional and national bodies concerned with employment issues are also included, such as trade unions, employers’ organizations, as well as local and regional authorities. 

The purpose of the EURES network is to provide services for the benefit of workers and employers as well as any citizen wishing to benefit from the principle of the free movement of persons. This involves three types of service provision: information, advice and recruitment/placement (job-matching).

When implementing Lithuanian labour exchange integration into EURES network strategy in 2003 EURES coordinating service at Lithuanian Labour Exchange and eight EURES bureaus at Regional Labour Exchanges were established. 

Personnel of EURES network gives information and consultation for those who want to know about job opportunities, living, working and studying conditions in EU countries, also for Lithuanian employers who looking for workers in other EU countries. |

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<th><strong>6.</strong> What are the main difficulties you face in combating illegal employment?</th>
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<td>The main difficulties in combating illegal employment in Lithuania are various forms of undeclared work when persons are employed seemingly as part-time employees, working hours, overtime work and working at night are not recorded, work is organised on rest days and is not paid, requirements of woking and rest time are not followed. Moreover, it is very difficult to determine these elements for control authorities (e.g. the State Labour Inspectorate). Thus, employees are not receiving proper remuneration and relevant taxes are not paid.</td>
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<th><strong>7.</strong> Do you work with countries of origin of migrant workers to fight illegal employment? And/or countries of destination of your nationals who work abroad? What do you focus on and how could cooperation be improved?</th>
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| Seeking to fight illegal employment Lithuanian labour exchange is cooperating with other EU countries through EURES network. 

It is expected that cooperation would be improved by implementing EURES reform: increasing the number of job vacancies available through EURES, facilitating recruitment by introducing automatic matching of vacancies and CVs, ensuring that all jobseekers and employers registered with employment services, wherever they were in the EU, would receive the same basic information on EURES services, improving the services offered to jobseekers, such as information on the country to which they wish to move or assistance with their job applications, as well as the services for employers, such as guidance on recruiting abroad and the further integration of workers, facilitating exchange of information between Member States, namely on labour market surpluses and shortages, so as to better target the activities of the network on the ground. |

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<th><strong>8.</strong> In what areas do you think your country’s framework (policies, procedures and practices) could be improved (for example, to more</th>
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| LT takes the first steps seeking to integrate nationals of third countries. This area is being improved constantly. Till 2014, there was not institution responsible for third country nationals’ integration. 

On 22 January 2014, the Government of the Republic of Lithuania resolved to assign responsibility for the formation of foreigners’ integration policy to the Ministry of Social Security and Labour. On the same date, the Government approved the composition of the Commission for |

MOLDOVA

1. Please provide a short overview of the general conditions for admission of labour migrants to your country. Please provide overall number of registered labour migrants.

Now, the following legal acts are in place in the sphere of labour migration:
- Law # 180 of 10.07.2008 on Labour Migration;
- Law # 200 of 16.07.2010 on the Foreigners Regime in Moldova;

According to Art. 4 of Law # 180 of 10.07.2008 on Labour Migration, foreigners who entered the country for employment based on individual labour contracts, can be employed by one employer only and can take only vacant jobs registered by the employer in a territorial employment agency (referred hereinafter to as territorial agencies). Foreigners may be employed at the territory of Moldova based on temporary residence permits for employment purposes.

Employment rights are granted to a foreigner by a decision to grant employment rights issued by the National Agency. Rights for temporary residence for employment purposes are granted by a decision to grant rights for temporary residence for employment purposes, issued by a competent authority on foreigners matters.

A decision to grant rights for employment provides grounds for issuance of a decision on granting rights for temporary residence for employment.

Rights for employment and rights for temporary stay for employment purposes are granted to the following categories of persons:
- a) immigrant workers;
- b) posted employees;
- c) seasonal workers;
- d) transborder workers;
- e) other categories as stipulated by bilateral agreements in the sphere, signed by Moldova with other countries.

Employment rights and rights for temporary stay for employment purposes cannot be granted to underage persons and immigrants admitted to Moldavian education facilities (for the period of studies).

According to the due labour legislation, foreigners with rights for temporary stay for education purposes, may work at the territory of Moldova for less than 10 hours/week, or for the equivalent number of days in a year.

Rights for employment and rights for temporary residence for employment purposes can be extended if the terms of their initial granting were met.
Rights for employment and rights for temporary residence for employment purposes are withdrawn from the moment of issuance of decisions on withdrawal of rights for employment and rights for temporary residence for employment purposes, or after expiration of validity terms or after cancellation of permits for temporary residence for employment purposes.

After expiration of validity terms of a permit for temporary residence for employment purposes, the foreigner may apply for granting him/her rights for employment and rights for temporary residence for employment purposes, seeking to be employed by another employer on general grounds.

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<th>2.</th>
<th>Are specific categories of labour migrants defined in your national legislation? If yes, please proceed to the point 3. If no, why?</th>
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| 3. | What specific categories of labour migrants does your national legislation foresee? Do you attract high or low skilled migrant workers, or both? What specific admission criteria are in place as regards particular categories of migrant workers? What authority is in charge of establishing the criteria and verifying compliance? If possible, please provide statistics for 2014 by category. | Article 1 of Law # 180 of 10.07.2007 on Labour Migration defines the following categories of migrant workers:
- **immigrant workers** mean foreigners who were granted rights for employment at the territory of Moldova;
- **posted workers** mean employees of a foreign legal entity located at the territory of another country, who were posted to work in Moldova, or employees of a foreign legal entity located at the territory of another country, who were posted to work in a local office or a subsidiary of the legal entity located at the territory of Moldova;
- **seasonal workers** mean foreigners/citizens of Moldova, employed at the territory of Moldova/another country under individual labour contracts for a definite period of employment or for performing a certain work in a definite period of a calendar year;
- **transborder workers** mean nationals of neighbouring countries of Moldova who work in border areas at the territory of Moldova and nationals of Moldova who work in border areas of neighbouring countries, who return daily (or at least once in a week) to the territory of states of their citizenship and permanent residence;
- **foreign mediators** mean legal entities (regardless their organisational and legal forms, and types of ownership), granted the right to mediate in recruiting foreign workers;

In 2014, 1370 decisions were issued to grant rights for temporary residence for employment purposes to migrant workers and 905 decisions to extend rights for temporary residence for employment purposes. |
| 4. | Do state institutions cooperate with private employment sector regarding legal employment (e.g. hiring migrant workers) and fight against the illegal employment? If yes, how? If no, why? What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and sending them abroad, if applicable)? | Moldavian nationals may be employed abroad temporarily:
- a) individually - i.e. based on individual labour contracts concluded with foreign employers prior to departure from Moldova;
- b) with mediation services of licensed private employment agencies;
- c) according to provisions of bilateral agreements.

Private agencies provide employment mediation services based on licenses for employment of Moldavian nationals abroad.

Licenses for activities in the sphere of employment of Moldavian nationals abroad are issued by the Licensing Chamber to economic actors meeting the following requirements:
- a) availability of reception offices in non-residential buildings easily accessible for all categories of citizens, duly furnished and equipped by communication facilities (PCs, phones and faxes); |
b) economic actors were duly granted licenses or other documents issued by specially authorised bodies in the sphere, certifying rights of foreign mediators/employers to mediate in employment or to employ foreigners and legalised according to established procedures;

c) economic actors have concluded cooperation agreements with mediators/employers authorised by competent foreign authorities (the cooperation agreements should contain reliable job offers) and have agreed model individual labour contracts with them (the model labour contracts should comply with the due legislation of a country of destination and Moldova);

d) economic actors have agreed the cooperation agreements with foreign mediators/employers and model individual labour contracts with the National Employment Agency;

e) economic actors have skilled personnel (persons who reside permanently at the territory of Moldova, have professional skills necessary to work in the relevant sphere, the chief manager and employees of a private employment agency must be Moldavian nationals with higher or secondary education and master the state language). Moldavian nationals with outstanding or non-expunged convictions are prohibited to work in the sphere of foreign employment;

f) economic actors have to maintain databases with reliable information on labour supply and demand abroad, on requirements to job seekers and qualification requirements for recruitment of potential employees.

Job offers of employers are considered reliable if they contain the following mandatory elements:

- a) terms of employment, cessation of employment or repeated employment, duration and nature of employment;
- b) positions or professional qualification, remuneration, work/rest time, arrangements to pay for overtime work, paid leaves, labour conditions, occupational safety arrangements;
- c) compensations for employees in the case of occupational diseases or workplace accidents;
- d) living conditions and provision of meals;
- e) ensuring fulfilment of formalities, compensations for travel costs;
- f) taxes and other deductions from salaries.

Physical persons and legal entities without licenses, if engaged into provision of mediation services of foreign employment of Moldavian nationals (including establishment of databases, publishing adverts, dissemination of information on foreign employers and mediators), are liable to sanctions according to the due legislation.

<table>
<thead>
<tr>
<th>5. Regarding your nationals who seek employment abroad, who can provide counseling and help them making informed and safe decisions? How do you protect migrants from fraudulent schemes?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law # 180 of 10.07.2008 on Labour Migration is the key legal act dealing with regulation of labour migration.</td>
</tr>
</tbody>
</table>

According to the due legislation, private employment agencies can organise temporary employment of Moldavian nationals abroad only if granted licenses for relevant activities. In order to be granted such licenses, economic actors should agree cooperation agreements with foreign employers and model individual labour contracts with the National Employment Agency. Private employment agencies disseminate information on vacant jobs and requirements at the labour market, recruit and promote employment of Moldavian nationals abroad, and monitor employment of labour migrants. More than 50 licensed private employment agencies in the country promote employment in Italy, Israel, the Czech Republic, the Russian Federation, Cyprus, Japan, UAE, etc.

Another support option is associated with implementation of protocols under bilateral agreements in the sphere of labour migration.

According to the due legislation, the state ensures protection of immigrant workers without any discrimination on grounds of race, nationality,
ethnicity, language, gender, political affiliations, property status or social background.

Contracted employment is a recognised form of protection, allowing to provide certain economic guarantees. Employment with application of labour contacts is a key provision of bilateral agreements signed in the sphere of labour migration. Besides that, if migrants arrange their employment independently, prior to their departure abroad they are obliged to submit their labour contracts for registration to the National Employment Agency that checks whether individual labour contracts meet the minimal standards set. The minimal standards specify: remuneration, social benefits, free travel to and from places of employment, paid leave, days off, work hours and overtime work, compensations in the case of workplace accidents, etc.

At the background of growing transborder labour mobility and intensive migration of employable residents (Moldova has been facing these problems in recent decades) coordination of social protection systems becomes an important national social policy component and a form of protection of labour migrants' rights.

Governmental agencies active in the sphere of protecting rights of labour migrants of Moldova and dealing with associated matters, include:

The National Employment Agency

In the sphere of labour migration:
- ensures registration of labour migrants (registration of individual labour contracts between Moldavian nationals and their foreign employers);
- coordinates activities in the sphere of granting, extension and withdrawal of employment rights of foreign nationals and stateless persons;
- controls compliance with the due legislation on employment of foreign nationals and stateless persons at the territory of Moldova;
- monitors activities of private foreign employment agencies;
- ensures collection, maintenance, processing, dissemination and exchange of information on labour migration processes, both domestically and internationally.

Non-governmental organisations/entities active in the sphere of protecting rights of labour migrants of Moldova, include:
- LA STRADA - international NGO
  - Contacts: http://migratiesigura.lastrada.md/
- The Information Centre for Labour Migrants
  - Contacts: http://muncitorimigranti.md/
- IOM - the Mission of the International Organisation for Migration in Moldova
  - Contacts: http://www.iom.md/
- ILO - the International Labour Organisation in Moldova

6. What are the main difficulties

n/a
### 7. Do you work with countries of origin of migrant workers to fight illegal employment? And/or countries of destination of your nationals who work abroad? What do you focus on and how could cooperation be improved?

Moldova signed bilateral agreements in the sphere of labour migration and social protection of migrant workers with the Russian Federation (1993), Ukraine (1994), Belarus (1995), Italy (2011), and Israel (2012). Three former agreements do not work, while the latter ones are almost identical and provide for employment at the base of labour contracts, mutual recognition of work records and provision of social benefits by a party of employment.

In 1994, the Intergovernmental Agreement on Cooperation in the Sphere of Labour Migration and Social Protection of Migrant Workers was signed in the framework of CIS. The Agreement regulates main issues of cooperation of CIS MS in the sphere. As an important aspect, the Agreement provides for mutual recognition of diplomas and work records. Labour conditions of workers are regulated by labour legislation of a party of employment.

On October 16, 2012, the Government of Moldova and the Government of Israel signed Agreement on Temporary Employment of Workers from Moldova in Certain Sectors (Construction) in Israel - the Agreement is effective since January 06, 2013.

The Agreement and its Implementation Protocol primarily seek to ensure legal, transparent and well informed employment of Moldavian nationals in Israel.

According to the Agreement and its Implementation Protocol, the Government of Israel offered cooperation in temporary employment of 1000 skilled workers in the construction sector. Recruitment and temporary employment of foreign workers in Israel was implemented according to the due legislation of Israel, needs of the national labour market and national policies on economic sectors open for employment of foreign labour, annual quotas for temporary foreign workers and sector-specific preconditions for issuance of work permits. Israel needs such specialists as stutters, steel fixers, tile-setters and plasterers.

### 8. In what areas do you think your country’s framework (policies, procedures and practices) could be improved (for example, to more efficiently promote well-managed legal labour migration, fight irregular labour migration and employment or to protect migrant workers)?

n/a

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### POLAND

1. **Please provide a short overview of the general conditions for admission of labour migrants to your country. Please provide overall**

   Generally, in order to perform work in Poland a third country national is obliged to obtain work permit issued for a specified employer and specified post and also must have a valid residence permit. Work permit is issued by territorially competent provincial governor (voivod) at the request of an employer. As a rule, a prerequisite to grant a work permit is that no appropriate job seekers are available on the local labour market. The employer must also satisfy the requirements set out by the relevant legislative provisions. On the basis of work permit consul
Starting from May 1, 2014, a third country national who is already in Poland may apply for a temporary residence and work permit in a single procedure to a territorially competent provincial governor (if the period of employment exceeds 3 months).

There are however several categories of foreigners (for example holders of given residence statuses, performing certain types of work and nationals of selected third-countries) who are entitled to work without having to obtain a work permit. The most numerous group entitled to work without work permit are citizens of Ukraine, Belarus, Russian Federation, Moldova, Georgia and Armenia performing work within the framework of the so called ‘simplified procedure’. Within this procedure foreigner is allowed to work without a work permit for a maximum of 6 months within the period of 12 consecutive months provided he/she has an employer’s declaration of intention to entrust work to foreigner registered at the local labour office. A visa for the purpose of work for the citizens of above mentioned states is issued by the consul competent with respect to the country of the foreigner’s permanent residence, and – in the case of a foreigner residing legally in the territory of another EU Member State, European Economic Area country or the Swiss Confederation – the consul whose seat is located in a given state, provided the foreigner has justified submission of the application outside the country of his/her permanent residence. Temporary residence permit is issued by the voivod competent with respect to the place of residence of the foreigner in the Polish territory.

In 2014 there were 43,663 work permits issued and 387,398 registered declarations on intention to entrust work to foreigner. There is also a group of third country nationals who enjoy free access to Polish labour market (no work permit or declaration required), therefore it is hard to estimate the overall number of labour migrants in Poland.

Please find below tables (1.1, 1.2) with the number of work permits and declarations on intention to entrust work to foreigner registered in the local labour offices over the recent years.

### 1.1 Work permits 2010 - 2014:

<table>
<thead>
<tr>
<th>years</th>
<th>Number of work permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>36,622</td>
</tr>
<tr>
<td>2011</td>
<td>40,808</td>
</tr>
<tr>
<td>2012</td>
<td>39,144</td>
</tr>
<tr>
<td>2013</td>
<td>39,078</td>
</tr>
<tr>
<td>2014</td>
<td>43,663</td>
</tr>
</tbody>
</table>

The number of temporary residence and work permit issued since May 2014 was 11,643.

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7 The number of registered declarations of intention to entrust work is does not precisely reflect the actual number of foreign citizens working in Poland, which is smaller (i.e. due to not granting visa by foreigner non appearance at work or several declarations registered for the same person by different employers.)
### 1.2 Declarations on intention to entrust work to foreigner 2010-2014:

<table>
<thead>
<tr>
<th>years</th>
<th>Number of declarations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>180,073</td>
</tr>
<tr>
<td>2011</td>
<td>259,777</td>
</tr>
<tr>
<td>2012</td>
<td>243,736</td>
</tr>
<tr>
<td>2013</td>
<td>235,616</td>
</tr>
<tr>
<td>2014</td>
<td>387,398</td>
</tr>
</tbody>
</table>

### 2. Are specific categories of labour migrants defined in your national legislation? If yes, please proceed to the point 3. If no, why?

Yes.

### 3. What specific categories of labour migrants does your national legislation foresee? Do you attract high or low skilled migrant workers, or both? What specific admission criteria are in place as regards particular categories of migrant workers? What authority is in charge of establishing the criteria and verifying compliance? If possible, please provide statistics for 2014 by category.

There are numerous categories of third country nationals that are exempted from the work permit requirement. The exemptions are based on the foreigners citizenship or special status, for example:
- citizens of EU, other countries of the EEA, Switzerland and their family members;
- foreigners granted long-term EU resident status in Poland;
- foreigners with permanent residence permit;
- forced migrants.

Another groups of foreigners exempted from the work permit requirement with regard to specific situation or type of work are:
- foreign language teachers in public schools;
- graduates of Polish universities and other schools above the secondary level;
- scientists in research and development institutions;
- conducting training, participating in professional internships, providing advisory or supervisory role, or a role requiring special qualifications and skills as part of programs implemented in the framework of actions conducted by the European Union or other international aid programs,
- citizens of 6 countries (Armenia, Belarus, Georgia, Moldova, Russia and Ukraine) if in possession of employer’s declaration on intention to entrust work to foreigner registered in the local labour office (simplified procedure for this group: see point 1).

The implementation into the Polish legal system the directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (2009/50/EC - “the EU Blue Card”) introduced another group of third-country nationals (Blue Card holders) entitled to enter Polish labour market according to separate rules (special residence permit issued after conducting labour market test procedure).

The foreigner should fulfill following specific admission criteria:
- have concluded an employment agreement or a civil law agreement under which he/she performs work or services, for a period of minimum 1 year,
- have higher professional qualifications (qualifications obtained on completion of higher education or at least a five-year
professional experience at a level comparable to the level of qualifications obtained on completion of higher education, required to perform work specified in the employment agreement),

- annual gross remuneration resulting from the monthly or annual salary, specified in the work agreement, shall not be lower than the minimum wage specified in separate regulation (minimum 5.475 PLN (1.300 EUR) per month).

The foreigner is exempted from the obligation to prove that he/she has sufficient means of subsistence for himself/herself and his/her dependent family members as well as an accommodation ensured in the Polish territory. In such case the voivod competent with respect to the place of residence of the foreigner on the Polish territory is in charge to establish above criteria and verify compliance.

In addition, there are some categories of migrants with regard to whom work permit is issued without the labour market test, for example: to foreigners working as doctors or dentists, interns or trainees who pursue a specialization programme pursuant to legal provisions on the specialization of doctors and dentists, sports coaches or athletes, persons performing work for sports clubs and other entities whose statutory activities include promoting sports. Such possibility also refers to citizens of 6 countries: Armenia, Ukraine, Belarus, Russia, Moldova and Georgia providing domestic services (including the care giving) and citizens of the above mentioned countries whose employers wish to keep for longer after the minimum 3 month period of work on the basis of declaration.

The statistics on number of declarations (2010-2014) are presented above in the table 1.2

During the last period (2012-2014) there were 63 Blue Cards issued in Poland.

Here are no other statistics precisely reflecting the number of labour migrants by the category specified in the provisions of law.

<table>
<thead>
<tr>
<th>4. Do state institutions cooperate with private employment sector regarding legal employment (e.g. hiring migrant workers) and fight against the illegal employment? If yes, how? If no, why? What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and sending them abroad, if applicable)?</th>
</tr>
</thead>
</table>
| State institutions are not directly involved in the process of recruitment of foreign labour force from abroad, nevertheless public employment services play an important role in the procedure of issuing work permits for foreigners. Local labour offices provide the information on availability of local workers already registered as unemployed or job seekers for the post advertised by an employer (labour market test). If such persons are to be found in the registry local labour office arranges recruitment process. Local labour offices are also responsible for registering declarations on intention to entrust work on foreigners (citizens of Armenia, Belarus, Georgia, Moldova, Russia or Ukraine).

An authority established to execute supervision and inspection of the labour law observance and legality of employment in Poland (in case of nationals and no nationals) is the State Labour Inspectorate (PIP). Both PIP and Polish Border Guards have competences to control the legality of employment of foreigners. District labour inspectorates and labour offices provide free of charge advice and information on legality of employment and other labour-related issues.

Polish private employment agencies could be helpful when seeking employment in Poland. Legally operating Private Employment Agencies in Poland should have an entry in the register of employment agencies, confirmed with a certificate issued by the Marshal of Voivodeship. The list of officially operating PEA’s is available at www.kraz.praca.gov.pl (bookmark: List of Employment Agencies).

Under the Polish law, legal employment agencies must not charge the jobseekers for finding a job. Entities providing services in the scope of directing persons to work abroad for foreign employers are obliged to fulfill additional requirements. Ministry of Labour and Social Policy is responsible for setting up the legal provisions on rules on functioning PEA’s in Poland.

An institution responsible for controlling the employment agency in respect of the obligations of employment agencies conduct in accordance with the conditions laid down in the Act of 20 April 2004 on promotion of employment and labour market institutions is the State Labour...
5. Regarding your nationals who seek employment abroad, who can provide counseling and help them making informed and safe decisions? How do you protect migrants from fraudulent schemes?

<table>
<thead>
<tr>
<th>Inspectorate, and (to a limited extend) Marshal of Voivodeship.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polish branch of EURES supports persons seeking employment in EU/EEA offering a wide range of information and recruitment services.</td>
</tr>
<tr>
<td>Entities providing services in the scope of directing persons to work abroad for foreign employers are obliged to fulfill additional requirements. The aim of these obligations is to increase the level of protection of jobseekers.</td>
</tr>
<tr>
<td>Ministry of Labour and Social Police regularly publishes brochures targeting potential emigrants with the aim of providing them with useful information on safe recruitment and employment abroad. The information is also to be found on the website of the ministry and public employment services portal.</td>
</tr>
<tr>
<td>Ministry of Labour and Social Policy also publishes brochures with information in Belarusian, Georgian, Moldovan, Russian, Ukrainian, Armenian and Polish on the possibility of taking up work within the so called ‘simplified procedure’ The aim of these publications is to increase the awareness of foreigners wishing to start work in Poland about the rules of legal and safe employment within the existing legal procedures and about their rights. One of the elements aimed at improvement the labour migrant’s safety is that work entrusted on the basis of declaration must be performed on the basis of written contract.</td>
</tr>
<tr>
<td>One of the conditions of issuing the work permit to foreigner is that salary offered to foreigner is not lower than the renumeration of employees performing work of comparable type or on comparable work post. The conditions in the work permit and in the contract on the basis of which work can be performed should comply. The work permit will not be granted if the employer was repeatedly found guilty of illegal employment of foreigners, or was sentenced for trafficking in human beings as well as serious offences against the rules on employment of foreigners.</td>
</tr>
</tbody>
</table>

6. What are the main difficulties you face in combating illegal employment?

<table>
<thead>
<tr>
<th>The main difficulties in combating illegal employment (of foreigners) in Poland stem from the following factors (among others):</th>
</tr>
</thead>
<tbody>
<tr>
<td>relatively widespread shadow economy in Poland (in some sectors),</td>
</tr>
<tr>
<td>limited mandate of State Labour Inspectorate (PIP controls do not cover domestic sector or family farms),</td>
</tr>
<tr>
<td>employer’s intention to entrust work to foreigner registered in labour offices exceeding the possibility to employ.</td>
</tr>
</tbody>
</table>

7. Do you work with countries of origin of migrant workers to fight illegal employment? And/or countries of destination of your nationals who work abroad? What do you focus on and how could cooperation be improved?

<table>
<thead>
<tr>
<th>State Labour Inspectorate actively participates in such projects and cooperation. Ministry of Labour and Social Policy also participated in activities of several EU projects within the framework of EU Mobility Partnerships with Moldova, Georgia and Armenia, which were partly aimed at the dissemination of information on legal employment in the EU and preventing irregular labour migration.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bilateral cooperation with Ukraine in the field of legal migration has been initiated.</td>
</tr>
</tbody>
</table>

---

8 within the framework of EU Mobility Partnerships with Moldova, Georgia and Armenia
8. In what areas do you think your country's framework (policies, procedures and practices) could be improved (for example, to more efficiently promote well-managed legal labour migration, fight irregular labour migration and employment or to protect migrant workers)?

The areas for improvement entail (among others):
- better provision of information on rules of legal employment and labour rights to foreigners,
- improvement of the quality of data on labour migration,
- cooperation with institutions of sending countries with regard to management of labour migration (especially fighting illegal job placement) and dissemination of information.

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## ROMANIA

1. Please provide a short overview of the general conditions for admission of labour migrants to your country. Please provide overall number of registered labour migrants.

A job in Romania can be occupied by a third country national worker if the following conditions are met:

a) the job vacancies cannot be occupied by Romanian citizens, citizens of EU/EES member-states or by the permanent residents in Romania (does not apply to Seasonal workers and Cross-border workers);

b) the special conditions of professional education, experience and authorization are met;

c) he/she is medically able to perform the respective activity;

d) he/she doesn't have any criminal record proving incompatibility with the activity performed or to be performed in Romania;

e) the annual quota approved by Government Decision is not exhausted;

f) the employer timely paid its obligations to the state budget;

g) the employer carries on the activity for which the work permit is requested;

h) the employer shouldn't have been sanctioned for an undeclared activity or illegal employment.

The third country national must have a firm work offer from a Romania employer, and, of course, to fulfill the general condition of admission (proof of the subsistence means; criminal record or other document of the same legal value issued by the authorities in the state of domicile or residence; medical insurance during the validity of the visa).

However, a Romanian employer cannot make a firm work offer to a TCN unless he/she obtains first, from the Romanian General Inspectorate for Immigration an “employment approval”, official document that demonstrates the capability of the employer to hire a TCN and to assure the protection of his/her work related rights.

2. Are specific categories of labour migrants defined in your national legislation? If yes, please proceed to the point 3. If no, why?

Yes.

3. What specific categories of labour migrants does your national legislation foresee? Do you attract high or low skilled migrant workers, or

The institution responsible for establishing the criteria and for verifying compliance with the legal condition in order for a TCN to access the Romanian labour market is the General Inspectorate for Immigration within the Ministry of Internal Affairs.

Our national legislation defines a number of 6 categories of workers, as follows:
both? What specific admission criteria are in place as regards particular categories of migrant workers? What authority is in charge of establishing the criteria and verifying compliance?

If possible, please provide statistics for 2014 by category.

However, as the statistical data shows, only 3 types are used by TCN in order to access the Romanian labour market.

<table>
<thead>
<tr>
<th>Type</th>
<th>Number of TCN with residence permits in 2014</th>
<th>Number of TCN admitted to the Romanian labour market in 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single permit (permanent workers)</td>
<td>4595</td>
<td>231</td>
</tr>
<tr>
<td>Dispatch workers' permit</td>
<td>200</td>
<td>210</td>
</tr>
<tr>
<td>Blue Card (Highly skilled workers)</td>
<td>324</td>
<td>1905</td>
</tr>
<tr>
<td>Grand Total</td>
<td>5119</td>
<td>2346</td>
</tr>
</tbody>
</table>

4. Do state institutions cooperate with private employment sector regarding legal employment (e.g. hiring migrant workers) and fight against the illegal employment? If yes, how? If no, why? What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and sending them abroad, if applicable)?

There is a close cooperation between state institutions and private sector regarding legal employment and countering illegal employment. The Romanian legal framework in the area of employment of third country nationals stipulates that the employer must first obtain an “employment approval” (prior to the admission of the TCN) from the Romanian General Inspectorate for Immigration in order to employ a non-European citizen. On this occasion, several checks are made regarding the employer in order to assure the protection of the future employee.

This is also the reason why the Romanian authorities do not approve/recognize private employment agencies for admission of migrant employees.

Based on the terms of the Law no. 156 of 26 July 2000 on the protection of the Romanian citizens who work abroad, republished, activities of mediating the employment of Romanian citizens abroad may be pursued by employment agencies, meeting the requirements stipulated by article 8 of Law no. 156/2000, republished, namely to have the space and facilities necessary for properly running the business (defined in the methodology of law enforcement), to have employed staff with experience in the field of labour, to have created a database on labour demand and supply for jobs abroad, information on employment on these jobs as well as on qualifications and skills of applicants from these database, to have concluded contracts with legal persons, individuals and employers' organizations from abroad, where appropriate, containing firm offers of jobs and to be registered with the Labour Inspectorate in whose jurisdiction they have their headquarters.

5. Regarding your nationals who seek employment abroad, who can provide counseling and help them making informed and safe decisions? How do you protect migrants from fraudulent schemes?

In order to obtain a job abroad, Romanian citizens have to be well informed on the access to the European labour market requirements, rights and obligations they have in the EU Member States where they will perform the specific activities. In these respect, they benefit of pre-departure information provided by the Romanian Government through the following information channels:

- The EURES advisers within the National Agency for Employment, and its local public employment services;
- The EURES Portal;
- Private agents for labour force employment from abroad, stipulated by the Law no. 156/2000 on the protection of Romanian citizens working abroad, subsequently modified and completed;
- The Ministry of Labour, Family, Social Protection and Elderly activities & website -section “Labour Force Mobility”;
<table>
<thead>
<tr>
<th>6. What are the main difficulties you face in combating illegal employment?</th>
<th>At national level, no major difficulties were identified regarding the fight against illegal employment. The cooperation between General Inspectorate for Immigration and Labour Inspection (the institution who deals with the violations of the work contracts provisions and also with the protection of all employees, Romanians or TCNs) is very close, with a lot of common actions and a very good exchange of information.</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Do you work with countries of origin of migrant workers to fight illegal employment? And/or countries of destination of your nationals who work abroad? What do you focus on and how could cooperation be improved?</td>
<td>Taking into consideration that the phenomenon of illegal employment does not raise major problems in Romania, at this point there are no agreements with countries of origin regarding cooperation in this area. Since most of Romanians who work abroad are located in the EU, the cooperation with the receiving countries is made mainly through the labour and social issues attachés mentioned at point 5.</td>
</tr>
<tr>
<td>8. In what areas do you think your country's framework (policies, procedures and practices) could be improved (for example, to more efficiently promote well-managed legal labour migration, fight irregular labour migration and employment or to protect migrant workers)?</td>
<td>At national level, the institutions with competences in combating illegal employment and protection of the employees’ rights, The General Inspectorate for Immigration and The Labour Inspection, develop each year a Common Action Plan based on data and information gathered in the previous years. Besides the ad-hoc local activities, actions against illegal employment and violations of the workers rights targeting specific types of employers or work fields are carried on, at national level, based on the Common Action Plan.</td>
</tr>
</tbody>
</table>
In general, the labor market test is required which means that the competent Labor office may grant TCN a work permit, if the vacancy could not be filled by a job seeker in the register of job seekers. There is no legal claim to the issuance of a work permit.

Work permit is issued for duration of labor contract but max. for two years. Issuance of the work permit is not subject to any administration fee.

There are exemptions to labor market testing stipulated in the act.

Third country national shall apply for employment permit either by himself/herself or through the future employer.

Due to transposition of the EU (Single permit) directive, there is a new type of temporary residence for the purpose of employment in place, so-called single permit.

In case of a single permit it is sufficient to apply for temporary residence for the purpose of employment, whereas it is not necessary for TCN or for the future employer to apply at the competent Labour office for a work permit.

If within 30 working days of reporting a job vacancy it was not possible to fill it in with a job applicant listed in the register of job seekers, an employer may issue a written promise of employment or conclude a contract of employment.

Then it is necessary to apply for temporary residence for the purpose of employment (so-called single permit) only after 30 working days from reporting a vacancy.

However the future employer must report a job vacancy the competent Labor Office at least 30 working days before applying for temporary residence for the purpose of employment (due to labor market testing).

Statistic data from Feb 2015:
- TCN with the work permit – 2 566
- TCN registered on the information card – 2 221
- TCN with the EU Blue cards – 21 (a number of all issued cards)

2. Are specific categories of labour migrants defined in your national legislation? If yes, please proceed to the point 3. If no, why?

   YES

3. What specific categories of labour migrants does your national legislation foresee? Do you attract high or low skilled migrant workers, or both? What specific admission criteria

   The Slovak Republic declares its ambition to attract qualified and highly qualified TCN. The share of TCN in the total number of foreigners is low, unlike EU nationals who are represented to a larger degree. There are several reasons for the low number of TCN in the labour market of the SR - relatively low salaries, language barriers. Categories are as following:

   - TCN applying for highly qualified employment (EU Blue Card). There are specific criteria in place regarding this category:
are in place as regards particular categories of migrant workers? What authority is in charge of establishing the criteria and verifying compliance?

If possible, please provide statistics for 2014 by category.

<table>
<thead>
<tr>
<th>Inflows of TCN for 2014:</th>
</tr>
</thead>
<tbody>
<tr>
<td>TCN – EU Blue Card - 5</td>
</tr>
<tr>
<td>TCN registered on the information card – 933</td>
</tr>
<tr>
<td>TCN – seasonal work permit – 0</td>
</tr>
<tr>
<td>TCN – posted- 180</td>
</tr>
</tbody>
</table>

4. Do state institutions cooperate with private employment sector regarding legal employment (e.g. hiring migrant workers) and fight against the illegal employment? If yes, how? If no, why? What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and sending them abroad, if applicable)?

Due to new legislative change which comes into effect from 1 January 2014, it is forbidden for the Temporary work agencies to assign TCN to the using employer.

The license to perform the activity of an agency for temporary employing shall be issued by the Centre of Labour, Social Affairs and Family for indefinite period.
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Regarding your nationals who seek employment abroad, who can provide counseling and help them making informed and safe decisions? How do you protect migrants from fraudulent schemes?</td>
<td>EURES advisors operating at the Labor offices offer help and provide advice to clients, information about living and working conditions in EU/EEA countries, counseling and mediation/brokerage services. Advisors are able to check potential employers in another EU/EEA country, obtain references and information about his registration and credibility.</td>
</tr>
<tr>
<td>6. What are the main difficulties you face in combating illegal employment?</td>
<td>In this regard, we find difficult to limit the cases of not fulfilling the legal obligation of employers to register employees to the Social Insurance Agency, so the workers are not covered by the social insurance.</td>
</tr>
<tr>
<td>7. Do you work with countries of origin of migrant workers to fight illegal employment? And/or countries of destination of your nationals who work abroad? What do you focus on and how could cooperation be improved?</td>
<td>Our competent bodies have no formal cooperation with third countries in the field of illegal employment. No specific measures are in place aimed to protect our nationals working abroad.</td>
</tr>
<tr>
<td>8. In what areas do you think your country’s framework (policies, procedures and practices) could be improved (for example, to more efficiently promote well-managed legal labour migration, fight irregular labour migration and employment or to protect migrant workers)?</td>
<td>The SR aims to support the admission of economic migrants and the employment of migrants from third countries in line with the demands of the national economy and the labour market needs. In general, we should develop an effective analyzing mechanism to assess the economic benefits of the different groups of economic migrants in line with the Migration Policy of the Slovak Republic.</td>
</tr>
</tbody>
</table>

**SWEDEN**

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Please provide a short overview of the general conditions for admission of labour migrants to your country. Please provide overall number of registered labour migrants.</td>
<td>Since 15 December 2008, Sweden has had regulations on labour immigration that make it easier for employers to recruit labour from third countries. The employer’s assessment of the need to recruit foreign labour is the key point when processing residence and work permit applications. There are no quotas to determine how many labour migrants can enter the Swedish labour market. A basic requirement for being granted a work permit in Sweden is that there is an offer of employment that will enable the person to support themselves. The terms of employment offered must be no worse than those specified in relevant Swedish collective agreements or provided by common practice in the occupation or industry. The principle of Union preference must be respected. The principle of Union preference means</td>
</tr>
</tbody>
</table>
that residents of the EU, the EEA and Switzerland should receive information about vacancies in the Swedish labour market.

Work permits may be granted for the duration of the employment, but for no longer than two years at a time. Work permits may then be extended on one or more occasions. Such applications for extension may be made while in Sweden. The total duration of a permit may not, as a rule, exceed four years. However, if there are special grounds, the total duration may be extended to a maximum of six years. An employee who has held a residence permit for work purposes for four of the past seven years may be granted a permanent residence permit.

The first time a work permit is granted it is to be tied to a certain employer and a certain type of work. After two years, the work permit is only to be tied to a certain type of work.

Guest students who have completed studies equivalent to 30 higher education credits or who have completed one term of a postgraduate programme may apply for a residence and work permit while in Sweden. However, they must apply for a permit before their residence permit for study purposes expires.

Guest students who have completed at least two terms at a higher education institution in Sweden may under certain conditions be granted a residence permit in order to look for work or to examine the possibilities of conducting business activities in Sweden. This kind of residence permit may be granted for a period of six months.

In certain circumstances, asylum seekers who have received a final decision rejecting their application for asylum can apply for a residence and work permit while in the country. The person must have worked for at least four months and been offered at least one year of continued employment that meets the basic work permit requirements. In addition, the application must be made within two weeks of the final decision rejecting the asylum application.

A residence permit for an alien who has lost their job or resigns during the permit period may be withdrawn if the alien does not apply for a work permit for a new job within three months. If the employment ended after the Swedish Migration Board launched an investigation into whether there are grounds to withdraw the residence permit, the alien must instead apply for a work permit for a new job within four months. To put it another way, a person who loses their job or resigns while in possession of a valid work permit has up to four months to find a new job.

### 2. Are specific categories of labour migrants defined in your national legislation? If yes, please proceed to the point 3. If no, why?

The legal provisions of the Swedish Alien’s Act for obtaining a work permit does not make a distinction between different categories of labour migrants. Having said that, Sweden has implemented the EU Blue Card Directive (2009/50/EG) for highly qualified employment. The blue card has only a marginal effect on the status and benefits compared to national legislation (ch 6 § 2 Aliens act) such as the possibility to apply for EU Blue Card in other Member States without having to apply from the country of origin and the slightly more favorable provisions for taking up permanent residency in the EU. Sweden has also signed a few bilateral agreements on working holiday program (Australia, Canada, New Zealand and South Korea).

The Swedish labour migration system recognizes that Sweden needs foreign workers of all skill levels and in many different branches and sectors. The same rules and conditions apply to all labour migrants.

### 3. What specific categories of labour migrants are defined in your national legislation?

The Swedish legislation does not contain any particular category of labour migrants. The Swedish Migration Agency is the responsible authority.
labour migrants does your national legislation foresee? Do you attract high or low skilled migrant workers, or both? What specific admission criteria are in place as regards particular categories of migrant workers? What authority is in charge of establishing the criteria and verifying compliance? If possible, please provide statistics for 2014 by category.

<table>
<thead>
<tr>
<th>Profession category</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistance in agriculture, gardening, forestry and fishery</td>
<td>7200</td>
<td>4508</td>
<td>2821</td>
<td>5708</td>
<td>5915</td>
<td>2885</td>
<td>29037</td>
</tr>
<tr>
<td>Computer specialists</td>
<td>2202</td>
<td>2208</td>
<td>2795</td>
<td>3259</td>
<td>3477</td>
<td>2525</td>
<td>16466</td>
</tr>
<tr>
<td>Restaurant staff</td>
<td>769</td>
<td>1049</td>
<td>1323</td>
<td>861</td>
<td>830</td>
<td>666</td>
<td>5498</td>
</tr>
<tr>
<td>Civil engineers and architects</td>
<td>541</td>
<td>525</td>
<td>630</td>
<td>558</td>
<td>415</td>
<td>424</td>
<td>3093</td>
</tr>
<tr>
<td>Kitchen and restaurant tassistant</td>
<td>257</td>
<td>548</td>
<td>796</td>
<td>570</td>
<td>470</td>
<td>364</td>
<td>3005</td>
</tr>
<tr>
<td>Cleaners</td>
<td>295</td>
<td>487</td>
<td>798</td>
<td>553</td>
<td>397</td>
<td>208</td>
<td>2738</td>
</tr>
<tr>
<td>Engineers and technicians</td>
<td>481</td>
<td>332</td>
<td>338</td>
<td>412</td>
<td>267</td>
<td>335</td>
<td>2165</td>
</tr>
<tr>
<td>Artists, entertainers, professional athletes</td>
<td>278</td>
<td>396</td>
<td>252</td>
<td>443</td>
<td>45</td>
<td>1414</td>
<td></td>
</tr>
<tr>
<td>Butchers, bakery etc.</td>
<td>130</td>
<td>330</td>
<td>386</td>
<td>251</td>
<td>172</td>
<td>97</td>
<td>1366</td>
</tr>
<tr>
<td>Construction</td>
<td>191</td>
<td>226</td>
<td>362</td>
<td>329</td>
<td>141</td>
<td>93</td>
<td>1342</td>
</tr>
<tr>
<td>Health care professionals</td>
<td>132</td>
<td>210</td>
<td>250</td>
<td>257</td>
<td>282</td>
<td>189</td>
<td>1320</td>
</tr>
<tr>
<td>Economists, marketing and human resources</td>
<td>170</td>
<td>205</td>
<td>240</td>
<td>236</td>
<td>190</td>
<td>199</td>
<td>1240</td>
</tr>
</tbody>
</table>

Total number of work permits granted

| Total | 14481 | 13612 | 14722 | 16543 | 15357 | 12094 | 86809 |

4. Do state institutions cooperate with private employment sector regarding legal employment (e.g. hiring migrant workers) and fight against the illegal employment? If yes, how? If no, why? What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and sending them abroad, if applicable)?

The Swedish Migration Agency faced problems in delivering timely decisions, which affected companies in their recruitment process. Therefore, a “fast track” system was put in place to facilitate for employers with a high level of foreign recruitment with a track record of flawless applications. These employers have the possibility to become certified and thereby receive faster decisions from the SMA.

The SMA does not accredit recruitment agencies and there is no such general mechanism in place for foreign recruitment. There are however private-public cooperation’s such as the “Crossroads project” (http://stockholmcrossroads.se) which provides information and assistance for EU citizens working in Sweden.
5. Regarding your nationals who seek employment abroad, who can provide counseling and help them making informed and safe decisions? How do you protect migrants from fraudulent schemes?

The Swedish Public Employment Agency offers information on vacancies abroad and also information on working conditions.

Foreign workers in Sweden are protected through legislation and active participation from trade unions safeguarding their rights.

6. What are the main difficulties you face in combating illegal employment?

The regulations of the Swedish Aliens Act changed on 1 August 2014 giving the Swedish Migration Board increased powers to conduct follow-up checks and revoke permits if the conditions of the work permit (e.g. the requirements concerning the terms of employment) are no longer met or if the employment does not begin within four months. An obligation carrying a penal sanction to provide written information, at the request of the Swedish Migration Agency, about terms of employment has been introduced for employers of workers who have been granted a work permit.

In general, it is difficult to counteract illegal employment and abuse of the labour migration system in cases where both the employer and the employee agree on misusing the system. In addition, there is limited incentive for migrants to report abuse or poor working conditions to the authorities if it might result in a revocation of the residence and work permit.

7. Do you work with countries of origin of migrant workers to fight illegal employment? And/or countries of destination of your nationals who work abroad? What do you focus on and how could cooperation be improved?

There is no such cooperation on government level at present.

8. In what areas do you think your country’s framework (policies, procedures and practices) could be improved (for example, to more efficiently promote well-managed legal labour migration, fight irregular labour migration and employment or to protect migrant workers)?

In Sweden, the main objective at the moment is to maintain the open labour migration system we have in place, while at the same time making sure that foreign workers are not exploited. It is important that labour migrants receive fair terms of employment and Sweden intends to take additional measures at the national level to prevent exploitation.

UKRAINE

1. Please provide a short

According to Law of Ukraine on Legal Status of Foreigners and Stateless Persons, foreigners and stateless persons who enter Ukraine for
Overview of the general conditions for admission of labour migrants to your country. Please provide overall number of registered labour migrants.

<table>
<thead>
<tr>
<th>2. Are specific categories of labour migrants defined in your national legislation? If yes, please proceed to the point 3. If no, why?</th>
</tr>
</thead>
</table>
| Use of labour of foreigners and stateless persons in Ukraine is stipulated by Law of Ukraine on Employment of the Population (Article 42) - the Law specifies that facilities, bodies and organisations may apply labour of foreigners and stateless persons at the territory of Ukraine, based on permits for employment of foreigners and stateless persons, provided that Ukraine (a region of Ukraine) lacks skilled workers who can perform relevant work functions, or if there is a sufficient justification for appropriateness of application of foreign labour. The above Law also defines categories of foreigners who may be employed in Ukraine without such permits, including:

- foreigners who reside in Ukraine permanently;
- foreigners who have been granted refugee status in line with the due legislation of Ukraine or granted permits for immigration to Ukraine;
- foreigners who have been recognised as persons in need of supplementary protection or persons granted temporary protection in Ukraine;
- representatives of foreign sea/inland carriers and air carriers, who serve such carriers at the territory of Ukraine;
- personnel of foreign mass media outlets accredited in Ukraine;
- athletes with professional status, actors and artists who perform their professional work in Ukraine;
- members of rescue teams for emergency response operations;
- personnel of foreign diplomatic missions duly registered at the territory of Ukraine;
- priests (foreigners) who stay in Ukraine temporarily based on invitations of religious organisations, for religious activities in such organisations only, if officially authorised by a body of registration of a statute/regulations of a relevant religious organisation;
- foreigners who enter Ukraine for participation in implementation of international technical assistance projects;
- foreigners who enter Ukraine for lecturing and/or research activities in higher education facilities, based on invitations of these facilities.

Grounds for attraction of highly qualified foreign specialists and workers are stipulated by Law of Ukraine on Immigration. The Law specifies that labour migrants of the latter category may be granted permits for immigration to Ukraine within quotas, set by the Government based on proposals of the Ministry of Social Policy of Ukraine.
<p>| 3. | What specific categories of labour migrants does your national legislation foresee? Do you attract high or low skilled migrant workers, or both? What specific admission criteria are in place as regards particular categories of migrant workers? What authority is in charge of establishing the criteria and verifying compliance? If possible, please provide statistics for 2014 by category. | According to official statistics, by late 2014, the State Migration Service registered 7.1 thousand foreigners and stateless persons who resided in Ukraine temporarily, based on residence permits for employment purposes. The State Migration Service does not maintain statistical records by categories of migrants. |
| 4. | Do state institutions cooperate with private employment sector regarding legal employment (e.g. hiring migrant workers) and fight against the illegal employment? If yes, how? If no, why? What is the mechanism for accreditation/licensing/monitoring for private employment agencies (both for admission migrant workers and sending them abroad, if applicable)? | Public and private agencies in the sphere of legal employment cooperate according to Law of Ukraine on Employment of the Population (art. 36-41). Economic actors that provide mediation services in employment in Ukraine, cooperate with territorial entities of the central executive body in charge of implementation of the state policy in the sphere of employment of the population and labour migration, by means of: 1) agreements on cooperation on specific matters, including exchange of information of available jobs (vacancies); 2) joint activities (projects); 3) consultations for improvement of professional practices and provision of services to employers and job-seekers, including additional employment promotion guarantees. Activities of economic actors that provide mediation services in employment abroad are subject to licensing requirements and are regulated by Law of Ukraine on Licensing Certain Types of Economic Activities, Law of Ukraine on Foreign Economic Activities and by other laws and regulations of Ukraine. |
| 5. | Regarding your nationals who seek employment abroad, who can provide counseling and help them making informed and safe decisions? How do you protect migrants from fraudulent schemes? | The State Employment Service systematically implements information, consultative and professional orientation activities for different categories of citizens, highlighting relevant aspects of materialisation of labour rights, including employment abroad, raising awareness on causes and consequences of human trafficking: seminars on general employment matters, on prevention of illegal labour migration, exploitation of child labour. Besides that, individual and group consultations are provided on risks associated with use of employment mediators and employment abroad. |
| 6. | What are the main difficulties you face in combating illegal employment? | n/a |</p>
<table>
<thead>
<tr>
<th><strong>7.</strong> Do you work with countries of origin of migrant workers to fight illegal employment? And/or countries of destination of your nationals who work abroad? What do you focus on and how could cooperation be improved?</th>
<th>By late 2014, main recipient countries of Ukrainian labour included: the Russian Federation (43.2%), Poland (14.3%), Italy (13.2%), the Czech Republic (12.9%), Spain (4.5%), Germany (2.4%), Hungary and Portugal (1.8% each). The Government seeks to enhance social and legal protection of labour migrants by concluding bilateral agreements and by accession of Ukraine to multilateral international agreements.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8.</strong> In what areas do you think your country's framework (policies, procedures and practices) could be improved (for example, to more efficiently promote well-managed legal labour migration, fight irregular labour migration and employment or to protect migrant workers)?</td>
<td>In the nearest future, the Government plans to make the following steps: approval of the Primary Spheres of Implementation of the State Policy of the Population Employment up to 2016, Law of Ukraine on External Labour Migration, the State Program for Return and Reintegration of Labour Migrants; signature of new agreements on social security of labour migrants.</td>
</tr>
</tbody>
</table>