



Response from Permits Foundation to the EU Green Paper on managing economic migration

The importance of work permits for accompanying spouses and partners

Permits Foundation is an international corporate initiative to promote the improvement of work permit regulations for the spouses and partners of expatriate employees worldwide.

This issue is a concern to international companies and organisations which, in view of the increasing number of dual careers, experience separate work permit barriers for partners as a significant hurdle to employee mobility, diversity and equal opportunity.

The companies and international organisations that support Permits Foundation have considerable experience with international mobility and the transfer of staff between countries. Our experience is that when moving staff internationally, it is the benefits that apply to the family as a whole that make or break the assignment.

Several major international surveys show that concerns about dual careers and finding a job for the partner are the most important reason why staff turn down an international assignment.

Since the Green Paper is silent on the issue of family recognition and partner employment, Permits Foundation appreciates the opportunity to make the following main points:

1. A fundamental requirement for a successful approach to managing economic migration is that family members should be allowed to accompany the principal work permit holder. Once the spouse/partner is legally resident, he or she should be granted an open permission to work for the same duration as the principal work permit holder. This permission should not require a separate test of the employment market and should apply to the partner rather than their employer, so that subsequent changes of employment are also possible.
2. The permit should allow spouses and partners to take up either employment or self-employment.
3. This principle should apply equally to both the private and public sectors and international organisations.

In addition, with respect to specific questions raised in the Green Paper:

- We support the development of an EU policy and efficient procedures on legal migration capable of responding promptly to the fluctuating demands of the labour market.
- We support the delivery of a secure legal status and a guaranteed set of rights to assist the integration of those who are admitted and to support equal opportunity to employment of legal residents. Open work permits for partners is an important example of this.
- We favour a simple horizontal approach and a comprehensive legal framework for the admission of third country workers and their family members. If this fails to gain broad agreement, we would support a sectoral approach with arrangements for the spouses and partners of intra-corporate transferees and skilled and highly skilled migrants, researchers etc.
- We favour fast, 'one stop shop' procedures through which residence and work permit are combined.

Rationale

Permits Foundation maintains that employing expatriate staff goes hand in hand with international trade and investment that improves local employment prospects and economic growth longer term. Granting open work permits to legally resident spouses of non-EU work permit holders would help to increase the EU's attractiveness as a destination for investment and skilled workers.

Granting open work permits for partners is a small but important concession that would improve flexibility for employers with urgent and temporary vacancies and reduce bureaucracy for the authorities once spouses and partners are granted resident status. It would also help to support social integration and support the principle of equal opportunity to employment for legal residents. It would also help spouse and partners to maintain and develop their skill to facilitate reintegration to their home country. The importance of supporting reintegration to the home country is also made in the Green paper.

Moreover, it will be part of a worldwide development that will significantly improve mobility and the employment of women, who have traditionally been the accompanying spouses but increasingly need international experience to reach senior positions. As more countries adopt the best practice standard, this will also benefit European spouses who can continue to work while temporarily assigned overseas, thereby reducing the burden of reintegration training upon return to Europe.

International best practice

Within Europe, the UK, Sweden and the Netherlands allow accompanying spouses from outside the EU to work freely (the Netherlands since 13 April 2005). France introduced a concession in 2004 allowing the spouses of executives to be granted a work permit if the spouse themselves earns more than Euro 24,000 per annum. In Germany, the spouse is granted a work permit on the same basis as the employee.

Outside Europe, Australia, New Zealand, Canada and The USA grant open work authorisation to spouses once the resident formalities have been completed.

Countries that have made the changes in recent years have referred specifically to the importance of partner work permits in attracting skilled employees and creating an attractive climate for investment. If the EU and its member countries want to compete as a destination for investment and talent, they need to respond to this trend.

I hope these comments are helpful and look forward to hearing the date of the public hearing, which I would like to attend on behalf of the Foundation.

Yours faithfully,

Kathleen van der Wilk-Carlton,

Board Member Permits Foundation.

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The United Nations' Chief Executive Board also supports the foundation as observers and knowledge exchange network.