



International employers and diplomats meet to discuss international mobility, dual careers and work permits for spouses and partners

Summary of a meeting at the British Foreign and Commonwealth Office, London, 14 March 2007

Fifty representatives of international employers, government ministries and diplomatic missions met at the Foreign and Commonwealth Office (FCO) to discuss access to employment of spouses and partners during an expatriate assignment.

Permits Foundation, which promotes improvements in work permit regulations for spouses and partners of internationally assigned staff worldwide, organised the meeting jointly with the British Diplomatic Service Families Association (DSFA). The aim was to raise awareness and exchange experience between international employers and countries.

The UK Foreign and Commonwealth Office

In their welcome address, Tina Attwood, chair of the DSFA and David Warren, Human Resources director of the FCO, emphasised the importance of spouse careers in the changing nature of the diplomatic service and welcomed the opportunity to work together with Permits Foundation.

Permits Foundation – the case for change

Permits Foundation representatives explained that concern about partner employment is one of the major reasons why employees turn down an international assignment. The difficulty to obtain a work permit is one of the challenges that partners face in many countries. In view of the increasing number of dual careers, employers experience this as a hurdle to employee mobility, equal opportunity and diversity. What was a personal issue has become a corporate issue. It affects men and women of all nationalities working internationally in both the private and public sectors.

“Allowing partners to work represents a ‘triple win’ for families, employers and countries,” said Jan Schaapsmeeders, chairman of Permits Foundation. Board member Katy van der Wilk-Carlton showed a list of best practice countries and other countries where employers would like to see (more) improvements. The best practice countries that allowed spouses or partners to work saw this as an opportunity to create a competitive and attractive climate for international investment and highly skilled, mobile employees.

The UK

“Migrants boost the UK economy and we see access for spouses and partners to employment as an integral and important part of our managed migration policy,” said Paula Higson, director of the UK Home Office Managed Migration Directorate. Ms. Higson added that migrant workers represented 8 per cent of the UK’s workforce and yet they contributed around 10 per cent to GDP and 10-15 per cent of the UK’s annual growth. Migrant workers brought needed skills and helped to forge Britain’s prosperity. The UK is currently changing to a new 5-tier scheme and there are no plans to impose restrictions on the rights to work of accompanying family members. Ms. Higson was delighted to see the UK listed as one of the best practice countries for partner work authorisation.

Canada

Bob Orr, Minister (Immigration) at the Canadian High Commission in London explained that the core of Canada's immigration programme is permanent residence (almost 250,000 per year) and spouses and dependants have the right to work when issued permanent resident visas. In addition, as the economy continues to grow rapidly, temporary workers were playing an increasingly important role. Spouses (including common law partners and same sex partners) of professional, managerial and skilled trades people could be authorised to work without first having a confirmed job offer, provided the employment of the principal foreign worker was for at least six months. Several considerations lay behind this policy. First, it was in Canada's interest to attract the best foreign workers and spousal employment was an incentive to consider Canada. Employers were supportive and there was interest to extend the scheme to the spouses of unskilled staff. Secondly, allowing spouses to work meant that full use was made of people who were already resident. Finally, if it were not allowed, it might invite people to work illegally. Spouse work permits made up about 10 per cent of the total work permits issued at the High Commission in London.

The Netherlands

Speaking on behalf of The Netherlands Ministry of Social Affairs and Employment, Jan Verboom explained how the new "knowledge migrant" scheme, implemented in 2005, combined residence and work permits for highly skilled workers in a single, fast-track procedure. Accompanying family members were free to work during the assignment. The scheme, which was based on simple salary criteria, had shortened admission time to 2 weeks. Employers liked the scheme and more than 2,000 had signed a covenant to use it. The number of knowledge migrant permits issued had grown from 2,000 in 2005 to 5,200 in 2006. The top countries of origin were India, USA, Japan, Turkey, China and Australia. The top sectors were ICT, intra-company transfers, scientific research and financial services. The government had introduced the scheme because it wanted the Netherlands to become a knowledge economy and recognised that in the worldwide competition for talent, employment opportunity for the partner was one of the most important considerations in choosing for a particular country. It also fitted with the Dutch government's policy of increasing participation in employment and society.

The EU Commission

Sandra Pratt, the European Commission's deputy head of immigration, confirmed that migration, particularly of the highly skilled, was also on the agenda of the European Union. As a result of demographic changes, the EU workforce was predicted to have a shortfall of 52 million by 2050. Immigration from outside the EU was increasingly seen as one of the solutions to this problem and the challenge was to manage it effectively. The fact that the Union now had 27 member states made it both an imperative and a challenge to get agreement on conditions of entry and access to employment. Following extensive consultation, the Commission was planning to publish proposals for highly skilled migrants in September 2007, followed by proposals for intra-company transfers in 2008. The Commission had received Permits Foundation's submissions on allowing partners to work freely. Since the issue had not been raised widely by others, there would be an important role for both Permits Foundation and for individual countries to ensure that any proposals allowing partners to work would be supported at the European Council level.

The USA

Marie Damour, chief of visa services at the US embassy in London confirmed that the married spouses of intra-company transferees, treaty traders and research scholars were eligible to apply for an employment authorisation document that allowed them to work freely for any employer during their stay. This did not yet apply to the spouses of other highly skilled workers (H1B visas) for which there was a cap of 60,000

per annum. There was currently a spirited debate in the USA on possibly raising the annual cap on skilled workers in the H1B category and a more comprehensive reform of the immigration system. The USA also had a number of bilateral and de facto agreements allowing spouses of diplomatic staff to be granted work authorisation.

France

Anne-Sophie Canihac, bureau chief of work permit regulations and family reunification at the French Ministry of Employment and Social Cohesion described how, in order to make the country more attractive to international executives, France had simplified and speeded up the process for senior management personnel and their families in 2004. This included access to employment for spouses, provided the spouses themselves earned more than Euro 2,000 per month. Further improvements would shortly be implemented as a result of new immigration legislation of 2006. Under the new law, family members of two new categories of work permit holders ('skills and talents' and intra-group transferees) would be issued temporary residence permits that allow them to work freely.

Bilateral arrangements in the diplomatic world

With respect to diplomatic staff, most of the countries represented had developed bilateral agreements and memoranda of understanding allowing spouses to work on a bilateral basis, even though this involved waiving certain aspects of diplomatic immunity. Canada, for example had around 55 such agreements. However, there was still some way to go as not all countries had yet signed these agreements and all the diplomatic staff present were pleased to contribute to a wider discussion of the issue.

While work permit agreements were an important contribution, it was also recognised that they were not panacea. Just as in the private sector, diplomatic spouses faced additional challenges such as a shortage or absence of suitable employment opportunities, a need for fluency in a foreign language, differences in working conditions and salaries etc. As a result, spouses were often under-employed.

The International Organisation for Migration (IOM)

From a global migration perspective, Jan de Wilde, Director London Office of the IOM felt that issuing work visas to spouses and partners was a virtually costless way of promoting international business. This small group of highly skilled people moving for a limited time posed none of the problems often associated with mass migration (assimilation, use of public benefits etc.) and made a large contribution to international exchange. World business centres compete for these mobile human resources and it seemed to make excellent sense to encourage mobility of this small group of people by permitting their spouses to work.

Open discussion and feedback from other country delegates

Kees van der Waaij, CEO Unilever Nederland and member of Permits Foundation board, facilitated a lively 'round table' and plenary discussion, asking delegates – particularly from countries that did not currently grant work authorisation to spouses – for their initial reaction, if they felt able to give one. Delegates were asked to consider the prospect for change and identify factors that might help or hinder change; also what was realistic and achievable in terms of time horizon and how to share best practices and build networks for promoting change.

Several delegates explained that their government had not yet considered automatic work authorisation for spouses, though in some cases bilateral agreements existed for the spouses or partners of diplomatic staff. Delegates were generally sympathetic to the idea and prepared to report back what they had learned to their home country ministries.

There were no fundamentally negative reactions to the principle of spouses being granted work authorisation, though the state of the economy and local unemployment levels, particularly among the highly skilled, could be a short-term limiting factor. Definitions of spouse and partner varied and were subject to strong cultural norms that needed to be respected.

The list of best practice countries and comparative details of regulations that Permits Foundation had developed were felt to be very useful in raising awareness. The delegates were also pleased to have heard the reasons why several best practice countries had introduced the change.

The delegate from the High Commission of India felt that India's regulations were better than presented and it was agreed to explore this further. Another delegate suggested that getting local international employers on board would help in discussions with governments. Pilot schemes, possibly limited to a group of trusted employers, skills level, business sector or geographical region, were suggested as a way of testing procedures and building confidence.

Conclusion and the way forward

Jan Schaapsmeeders thanked the delegates for their contributions and the Foreign and Commonwealth Office for hosting the meeting. It was clear from the attendance that there was wide interest in the topic in both the diplomatic and private sector. Jan hoped that this common interest would help to raise awareness with governments and that the experience of countries that granted work permission to accompanying partners would stimulate others to consider similar arrangements.

Jan urged delegates to spread the information among their organisations and to feed back further reactions in due course. Permits Foundation would follow up from the meeting and would welcome suggestions for "in country" contacts or avenues to explore.

Jan emphasised that granting work authorisation did not mean that all spouses would want to work or be able to find work. It was important, however, to give people the choice. Relatively, the numbers were small and ought to be easy to accommodate, as best practice countries had shown. He noted that several countries had moved towards best practice in two steps and that the Netherlands required companies to sign a covenant to use the knowledge migrant scheme. Together with the idea of pilot schemes, these might be useful aspects to consider on implementation.

Permits Foundation will be pleased to provide further information.

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