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Research Report

Germany is looking for foreign labour: How to make recruitment development-orientated, sustainable and fair

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SWP Research Paper

Steffen Angenendt, Nadine Knapp and David Kipp

Germany is Looking for Foreign Labour

How to make recruitment development-orientated,
sustainable and fair



Stiftung Wissenschaft und Politik
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- Germany's shortage of skilled workers has sharply increased, especially in the social and education sectors, health and care, construction and skilled crafts, information technology and jobs in science, technology, engineering and mathematics (STEM). Simultaneously, the demand for low qualified labour has also been growing, for instance in help and household-related services.
- While EU member states continue to be the source for the majority of labour migration, their migration potential is declining due to their similarly ageing and shrinking populations. Recruiting workers from third countries, including Germany's development partner countries, will become of strategic importance.
- In spite of many recent reforms, the recruitment of workers from third countries is still inadequate, and not enough attention has so far been paid to development policy aspects.
- Germany's recruitment activities need to be more closely embedded in fair, development-orientated partnerships with countries of origin, in which their interests are taken into account and the rights of migrant workers are respected. Since many industrialised countries now recruit workers, this could also be a competitive advantage for Germany.
- The German government should make use of the extensive experience gained from the pilot projects to attract skilled workers for large-scale recruitment programs. These projects will require the systematic co-operation of all relevant ministries (whole-of-government approach) as well as the involvement of civil society and the private sector to set the course for development-orientated recruitment.
- The German government should engage even more strongly in the relevant global processes and forums whilst advocating fair recruitment.

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Germany is Looking for Foreign Labour How to make recruitment development-orientated, sustainable and fair

Many industrialised nations with ageing and shrinking demographics are seeing a rise in structural labour shortages, while many poorer countries have to cope with strong population growth and increasing difficulties in providing work and sufficient income for their young adults. The shrinking of Germany's working population will be particularly drastic in coming years as cohorts with high birth rates reach retirement age. The Institute for Employment Research (IAB) of the Federal Employment Agency (BA) predicts that the current labour volume can only be maintained with an annual net immigration of 400,000 workers until 2035. The labour shortage – particularly in the social and education sectors, health and care, construction and the skilled crafts and STEM jobs – can no longer be compensated by internal EU migration alone because all EU states are experiencing a similar demographic transformation. This makes attracting workers from third countries, including partner countries of German development cooperation, of strategic importance for the future.

Since the turn of the millennium, some efforts have been made to open up Germany's labour market. However, they focused on liberalising especially the immigration of highly skilled workers so that, according to the Organisation for Economic Cooperation and Development (OECD), in 2013 Germany already had the lowest legal hurdles to the immigration of such workers among all OECD countries. By contrast, the immigration of skilled and low qualified workers was pursued much less consistently. The Christian Democrat-Social Democrat coalition government under Chancellor Angela Merkel, which was in office until 2021, picked up the thread again and, among other things, adopted the Skilled Immigration Act (FEG) in 2020. This law enables nationals from third countries with eligible professional training to enter Germany to seek work or to have their professional qualifications recognised. However, its effects have so far been very limited: because the Covid-19 pandemic sharply reduced international mobility, in 2021 only about 25,000 skilled workers in total came to Germany under the new FEG rules, and about

8,000 third-country nationals used the expanded immigration possibilities to seek work. Moreover, in 2021 only 3,000 people made use of the Western Balkans Regulation, which makes it possible for anyone without qualification requirements to immigrate so as to take up a job offer.

Further measures will be necessary to meet Germany's demand by attracting skilled as well as low qualified workers from abroad. The substantial number of refugees from Ukraine and asylum-seekers from other regions of the world will not change this. Germany will have to be more active in recruiting the workers it needs, including from its development partner countries. To this end, administrative procedures must also be simplified and accelerated.

However, recruitment has been a controversial subject in development cooperation for a long time. It has been argued that the emigration of urgently needed skilled labour, especially from the health sector, risks causing a brain drain and development setbacks in the countries of origin. Commentators also point to the human-rights violations to which migrants are often vulnerable in host countries, for instance the Gulf States. In contrast, advocates of recruiting workers abroad emphasise the substantial contribution to development that migration can make in countries of origin, as well as the individual opportunities that can be associated with migration — if the latter is safe, orderly and regular.

The German government will have to involve itself in this debate even more fervently in years to come. All forecasts agree that the demographically generated need for labour will increase so sharply that larger recruitment programmes will become necessary. Simultaneously, other industrialised countries are also facing similar challenges and are recruiting suitable workers. This competition will increase. Germany could gain the competitive advantage if it succeeds in concluding development-orientated and fair partnerships with countries of origin, which also take into account the interests of those partner countries and stipulate high standards for protecting migrant workers. The German government will therefore have to reflect not only on how to shape state-led recruitment but also on how the private recruitment of workers from development partner nations can be designed, supported and regulated.

This is the background against which the paper explores the state and non-state efforts in Germany to recruit workers, especially from its development cooperation partner countries, and examines the asso-

ciated conflicting political objectives and the opportunities and risks for development.

Controversies in Development Policy

The interaction between migration and development has long been disputed in research and policy.¹ However, there is a broad consensus on the fact that the development impact of migration flows ultimately depends on how they are shaped politically: fundamentally, well-managed migration has more positive consequences for the development of origin and host countries than irregular migration.² The opportunities for those involved are also lower where there is insufficient political control. This principle also holds true for the design of labour recruitment.

Over time, positive interpretations have alternated with negative interpretations of the links between labour migration and development, and whichever perspective prevailed during a given period also shaped the way that development policy approached migration.³ Thus, positive assessments of migrant labour at first predominated in the 1950s and 1960s. At the time, in the context of economic growth after the Second World War, such labour was primarily seen as a balancing mechanism between labour markets with differing supply and demand structures. The assumption was that migration — mainly in the shape of “guest workers” who were unskilled or learned on the job — would contribute to growth in both their countries of origin and the industrialized Western countries hosting them. In the two decades that followed, this assumption was replaced by more pessimistic assessments. Now, the prevailing view was that migrant workers were exploited and that their

recruitment removed skilled labour from their countries of origin that was indispensable for their development (in other words, a brain drain). Money transfers by migrants were also considered a problem: the remitted sums — it was claimed — were mainly used for consumption, which aggravated inflation in the country of origin and kept women out of the labour market there; therefore, they did not promote development.⁴

In the early 1990s, development policy became more interested in labour migration.

In the early 1990s, the pendulum swung the other way again.⁵ Under the paradigm of the New Economics of Labour Migration and the accelerating globalisation of the world economy, development policy became more interested in labour migration; the latter was now considered to have a markedly positive influence on development processes.⁶

For some time, however, there has been a counter-movement in research, which questions the optimistic paradigm concerning migration and development policy.⁷ Its criticism derives from the assumption that the positive assessment of (labour) migration and development is part of a neoliberal agenda. It believes that supporting money transfers and diasporas relieves host countries of their responsibility for migrants and

1 For an overview, see Hein De Haas, “Migration and Development: A Theoretical Perspective”, *International Migration Review* 44 (2010): 227–64.

2 Commission of the Root Causes of Displacement, *Preventing Crises, Creating Prospects, Protecting People. Report by the Commission on the Root Causes of Displacement* (Berlin, April 2021).

3 Steffen Angenendt, “Migration und nachhaltige Entwicklung: Zusammenhänge, Herausforderungen und Handlungsmöglichkeiten der Politik”, in *Almanach Entwicklungspolitik* 2019, ed. Caritas Schweiz (Lucerne: Caritas, 2018), 61–77.

4 Demetrios G. Papademetriou and Philip L. Martin, eds., *The Unsettled Relationship: Labor Migration and Economic Development* (Westport, CT: Greenwood Press, 1991).

5 Hein de Haas, “The Migration and Development Pendulum: A Critical View on Research and Policy”, *International Migration* 3 (2012), Special Issue: Migration and Development Buzz?: 8–25.

6 Oded Stark and David E. Bloom, “The New Economics of Labor Migration”, *American Economic Review* 75 (1985): 173–78.

7 Alan Gamlen, “The New Migration-and-Development Pessimism”, *Progress in Human Geography* 38 (2014): 581–97.

refugees, and that the promotion of circular migration movements accommodates the interests of the industrialized host countries in cheap and available workers. In both cases, so the argument runs, the fate of individual migrants — who ultimately bear the social and economic costs, especially women — risks being ignored.⁸ In fact, many countries of origin now insist much more emphatically on good and fair working conditions for their migrant workers, and they denounce human-rights violations against their citizens or negative impacts on development much more stringently than before.⁹

Moreover, there continues to be both academic and political disagreement about whether more development leads to more or less (labour) migration, and what conclusions should be drawn from this for development cooperation. Thus, many economists have long held the view that migration from poorer to richer parts of the world could be reduced through development. This thesis has been challenged by the insight derived from development economics that development processes generally lead to an increase in migration first — the so-called “migration hump”.¹⁰ As the level of a developing country’s socioeconomic development increases, migration from it also tends to keep growing — until incomes reach the upper middle class; only then will migration diminish. The theoretical and empirical controversy surrounding the issue has not been resolved, and it is very likely

to continue influencing the discussion over the consequences of recruitment for development.

In summary, there is still controversy on many of the links between migration and development in research. Given the differing normative positions of the researchers, this is hardly surprising. However, there is agreement on a few points at least. These include the fact that migration, displacement and development are closely linked; that the impact of migration on development depends on how it is managed; and that framework conditions which promote development require an intensive and binding cooperation with development partner countries. The current German government shares this assessment, as is clear from its 2021 coalition agreement.¹¹

8 Ester Hernandez and Susan Bibler Coutin, “Remitting Subjects: Migrants, Money and States”, *Economy and Society* 35 (2006): 185–208; Rahel Kunz, “Remittances are Beautiful? Gender Implications of the New Global Remittances Trend”, *Third World Quarterly* 29 (2008): 1389–1409.

9 Kathleen Newland, “The Governance of International Migration: Mechanisms, Processes and Institutions”, *Global Governance* 16 (2010); Steffen Angenendt and Anne Koch, *First UN Summit on Large Movements of Refugees and Migrants. Focus on Shared Challenges*, SWP Comment 39/2016 (Berlin: Stiftung Wissenschaft und Politik, July 2016).

10 Steffen Angenendt et al., *More Development – More Migration? The “Migration Hump” and Its Significance for Development Policy Co-operation with Sub-Saharan Africa*, SWP Comment 40/2017 (Berlin: Stiftung Wissenschaft und Politik, October 2017), 4; Nicolas Berthiaume et al., *A Reappraisal of the Migration-Development Nexus: Testing the Robustness of the Migration Transition Hypothesis*, Policy Research Working Papers 9518 (Washington, D.C.: World Bank Group, January 2021); Mercator Dialogue on Asylum and Migration, “Migration and Development: Revisiting the Migration Hump”, online event, 24 June 2020.

11 Sozialdemokratische Partei Deutschland (SPD)/Bündnis 90/Die Grünen/Freie Demokraten (FDP) et al., *Mehr Fortschritt wagen. Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit. Koalitionsvertrag 2021–2025* (Berlin, 2021).

Labour Needs and Immigration Potential

Germany's labour needs

Germany's need for labour is rising, both for skilled workers, i.e. people with a professional qualification, university degree or comparable multi-year qualification, and low qualified workers. While there is a broad academic and political consensus on the need for the former, the need for workers for low qualified occupations is controversial.¹² The labour shortages are first and foremost driven by demographic transformation and structural changes in the labour market. Digitalisation has thus eliminated many traditional jobs, but it has also created many new ones. The same is true for the decarbonisation of the economy. In addition, there are current needs, for instance those linked to the repercussions of the Covid-19 pandemic.

Shortage occupations and lack of skilled workers

During the Covid pandemic, the number of occupations identified as shortage occupations by the Federal Employment Agency (BA) fell noticeably; even in late 2021 it was still below the pre-Covid year of 2019 (2019: 185; 2021: 148). However, the BA considers this to be a merely temporary phenomenon and assumes that the number of shortage occupations will rise again in the medium term.¹³ According to analyses by the Centre of excellence for securing a supply of qualified professionals (KOFA) of the German Eco-

nomic Institute in Cologne (IW), the demand for skilled workers noticeably rose again in late 2021 after the Covid-related slump in 2019 and 2020, and in March 2022 reached a new record high with 1.5 million vacant posts. With regards to skilled labour there is a shortage of 558,000 workers (seasonally adjusted figures that do not include help activities).¹⁴ This illustrates once again that Germany's demand for skilled workers is structural in nature, even though cyclical fluctuations can temporarily suppress demand.¹⁵

In 2021 skilled labour shortages increased in all occupational fields, in some fields markedly (see Info box 1, page 10).¹⁶ Due to disparities in demographic development, migration or wage levels, skilled labour shortages differ by region, for instance between eastern and western German federal states. However, there are also nationwide shortages, such as in care jobs and skilled crafts, for instance in heating, plumbing and air-conditioning technology.¹⁷

¹² Alexander Burstedde et al., *Die Messung des Fachkräftemangels. Methodik und Ergebnisse aus der IW-Fachkräftedatenbank zur Bestimmung von Engpassberufen und zur Berechnung von Fachkräftelücken und anderen Indikatoren*, IW Report 59/2020 (Cologne: German Economic Institute [IW], November 2020), 4.

¹³ Federal Employment Agency (BA), *Fachkräfteengpassanalyse 2021*, Berichte: Blickpunkt Arbeitsmarkt (Nuremberg, May 2022).

¹⁴ Helen Hickmann and Lydia Malin, *Fachkräftereport März 2022. Offene Stellen und Fachkräftelücke auf Rekordniveau*, KOFA Kompakt 4/2022 (Cologne: Kompetenzzentrum Fachkräftesicherung [KOFA], March 2022), 1f.; Stefan Hardege and Ulrike Friedrich, *Fachkräfteengpässe schon über Vorkrisenniveau. DIHK-Report Fachkräfte 2021* (Berlin and Brussels: Association of German Chambers of Commerce and Industry [DIHK], November 2021).

¹⁵ Hermann Gartner et al., *Drohende Rezession brems boomenden Arbeitsmarkt. IAB-Prognose 2022/2023*, IAB-Kurzbericht 15/2022 (Nuremberg: German Institute for Employment Research [IAB], September 2022).

¹⁶ Helen Hickmann and Filiz Koneberg, *Die Berufe mit den aktuell größten Fachkräftelücken*, IW-Kurzbericht 67/2022 (Cologne: IW, August 2022).

¹⁷ BA, *Fachkräfteengpassanalyse 2021* (see note 13), 16ff.

Info box 1

Occupations particularly affected by the skilled labour shortage

The “skilled labour gap” describes the vacant posts as reported to the BA, extrapolated from the reporting quotas of the IAB post survey and adjusted for the effects of temporary work, which could not be filled with suitably qualified unemployed workers. The following occupational fields are considered particularly hard hit:

Social sector and education

In social work and social education, there was a yearly average of vacant posts annually in 2021–2022 and a further 20,500 vacant posts for educators.^a

Health and care

The skilled labour shortages continue to be particularly acute in the care professions which require training with qualification or a degree: 18,300 posts in geriatric care and a further 16,800 posts in healthcare and nursing could not be filled (annual average 2021–2022).^b

a Helen Hickmann and Filiz Koneberg, *Die Berufe mit den aktuell größten Fachkräftelücken*, IW-Kurzbericht 67/2022 (Cologne: IW, August 2022), 2.

b Hickmann and Koneberg, *Die Berufe mit den aktuell größten Fachkräftelücken* (see note **a**); Seyda et al., *Pflegeberufe besonders vom Fachkräftemangel betroffen*, KOFA Kompakt 10/2021 (Cologne: KOFA, November 2021).

c Lydia Malin and Helen Hickmann, *Fachkräftemangel und Ausbildung im Handwerk*, KOFA Kompakt 5/2022 (Cologne: KOFA, June 2022).

Construction and skilled crafts

Shortages are particularly acute in electrical construction; plumbing, heating and air-conditioning technology; and construction planning and supervision; and they have further increased in 2021. In manual trades alone, 87,500 vacant posts could not be filled in 2021. Here, the lack is especially in skilled workers who have obtained their professional qualification.^c

IT

The Covid pandemic saw a low of only 9,800 vacant IT posts, but the skilled labour gap increased again to about 28,700 workers in October 2021, a record high. The shortage was particularly among academics – in 2021 their share stood at 56.3 per cent, well above all other professional groups.^d

STEM

In April 2022, there was a total shortage of 320,600 skilled workers for STEM jobs. The largest shortage group in this field was skilled workers who had completed their professional training (136,300).^e

d Anika Jansen, *Fachkräftesituation in den IT-Berufen*, KOFA Kompakt 2/2022 (Cologne: KOFA, January 2022).

e Christina Anger et al., *MINT-Frühjahrsreport 2022. Demografie, Dekarbonisierung und Digitalisierung erhöhen MINT-Bedarf – Zuwanderung stärkt MINT-Fachkräfteangebot und Innovationskraft*, IW-Gutachten (Cologne: IW, May 2022).

The need for low qualified workers

While the political debate concentrates on the need for skilled workers, there are also signs of a growing need for workers for low qualified activities. The IAB in Nuremberg points out that job numbers in the “help segment” have grown almost twice as fast over the past 15 years as employment overall.¹⁸ According to a survey by the Association of German Chambers of Commerce and Industry (DIHK), sectors requiring simple activities were also hit by worker shortages in 2021. Businesses that often do not require any formal

qualification for work, such as in catering or logistics, also had difficulties filling posts.¹⁹

The importance of low qualified workers to the German economy was also shown when, during the Covid pandemic, there was a shortage of up to 20,000 seasonal workers in agriculture, for which German workers could not compensate;²⁰ or in the aviation industry when, at the start of the 2022 summer holidays, chaos reigned at several German airports due to a lack of ground staff.²¹

18 Jens Koenen et al., “Arbeitsmarkt: Deutsche Bahn, Fraport & Hotels für mehr Zuwanderung”, *Handelsblatt* (online), 22 February 2022.

19 Hardege and Friedrich, *Fachkräftengpässe schon über Vorkrisenniveau* (see note 14), 10.

20 Claudia Lechner, *Anwerbung und Arbeitsbedingungen von Saisonarbeitskräften*, Working Paper 89 (Nuremberg: Federal Office for Migration and Refugees [BAMF], July 2020).

21 Notker Blechner, “Sind die Flughäfen schuld am Chaos?” *Tagesschau* (online), 1 July 2022.

Info box 2

Displacement from Ukraine

Following the activation of the EU's Temporary Protection Directive (2001/55/EC), refugees from Ukraine can obtain a residency permit of up to three years in Germany as well and pursue a dependent or independent occupation during that time.

According to the BMI, more than a million refugees from Ukraine were registered by the Central Register of Foreigners (AZR) between February 2022 and beginning of January 2023. Approximately 96 were Ukrainian nationals. Among the adults, about 70 per cent were women, and 34 per cent were children and under 18, including many children of primary-school age. Exactly how many refugees from Ukraine are in Germany is hard to say. Often it is not possible to ascertain whether AZR-registered persons have returned to Ukraine or travelled on to other EU member states.^a

a Mediendienst Integration, "Flüchtlinge aus der Ukraine", online status: January 2023.

b BA, *Auswirkungen der Fluchtmigration aus der Ukraine auf den Arbeitsmarkt und die Grundsicherung für Arbeitssuchende*, Berichte: Arbeitsmarkt kompakt (Nuremberg, December 2022), S. 7, 9.

According to BA figures, in December 2022 its job centres registered about 418,000 persons (of working age) from the Ukraine as looking for work, 185,000 as unemployed and 120,000 as working and subject to social-security contributions.^b

While the EU directive and its implementation under German law allows these Ukrainians wide-reaching participation in the labour market, there continue to be structural hurdles, especially in living space, language skills, recognition of qualifications and childcare.

It is therefore unclear what these refugees' contribution to dampening labour demand in Germany might be in the medium term, not least because a majority of them might only stay in Germany temporarily and return to Ukraine as soon as hostilities cease. In July 2022, for example, 46 per cent of those surveyed indicated that they intended to return to Ukraine within the next two years.^c

c Tetyana Panchenko, "Prospects for Integration of Ukrainian Refugees into the German Labor Market: Results of the ifo Online Survey", *CESifo Forum* 23, no. 4 (2022): 67–75 (71).

Forecasts on future labour needs

Long-term forecasts of future labour needs are usually based on population projections by the Federal Statistical Office of Germany and on estimates of the future labour force potential and net migration. According to current IAB forecasts, without immigration the labour force potential will fall by over 7 million by 2035. Even with a rising employment rate among women and the older population, the potential will shrink so much that a long-term drop in the employable population can only be countered with net immigration of 400,000 people a year.²²

The Federal Ministry of Labour and Social Affairs (BMAS) predicts that, just between 2022 and 2026, 240,000 posts for qualified workers will need to be filled for which no workers are available in Germany. In the medium term, it states, shortages should be expected especially in IT jobs; in occupations strongly hit by the pandemic such as the catering and hotel industry; in the social, health and care sectors; and in

technical occupations and the skilled crafts.²³ Efforts to meet climate goals will also intensify future labour needs. For example, the expansion of renewable energy production is likely to create substantial additional demand for skilled workers, especially in construction, trade jobs and STEM.²⁴

It should be remembered that medium-term forecasts are particularly subject to considerable uncertainty. It is especially unclear what effect the current immigration of Ukrainian refugees might have on labour needs. The future dynamics of the war will dictate whether there is a further influx of refugees or else large return movements to Ukraine. Moreover, and crucially, the integration of Ukrainians into the labour market depends on whether their professional experience and qualification is recognised (see Info box 2).

Ultimately, recruitment abroad is only one of several options for tackling the diminishing labour force

22 Johann Fuchs et al., *Projektion des Erwerbspersonenpotenzials bis 2060. Demografische Entwicklung lässt das Arbeitskräfteangebot stark schrumpfen*, IAB-Kurzbericht 25 (Nuremberg: IAB, 2021).

23 IAB et al., *Mittelfristprognose: Arbeitsmarktdynamik bis 2025*, Forschungsbericht 524/4 (Nuremberg, Bonn and Osnabrück, November 2021).

24 Idem, *Die Auswirkungen der Klimaschutzmaßnahmen auf den Arbeitsmarkt und die Wirtschaft*, Forschungsbericht 526/5 (Nuremberg, Bonn and Osnabrück December 2021).

potential, and there is still substantial domestic potential — such as among women, the older population, people with disabilities and the unemployed, and in improving education, vocational training and professional development.²⁵ Nevertheless, we should expect that Germany's domestic labour force potential will not be nearly enough to compensate for the decrease in its working population.²⁶

Migration potential for Germany's labour market

In this context, Germany depends on immigration from abroad. Numerous studies have shown that refugees and migrants from EU states and third countries have for years been making an important contribution to secure skilled labour in Germany. This is especially true for the skilled occupations with the largest skilled labour gaps.²⁷ The importance of foreign workers for Germany's labour market is also illustrated by the rising share of foreign workers. This share has been rising for years and was twice as high in 2021 as in 2010. The temporary slump in employment during the Covid pandemic has not fundamentally changed this.²⁸

Immigration from EU countries

According to the Central Register of Foreigners (AZR), in 2021 469,000 non-German EU nationals moved to

Germany, two-thirds of them from Romania, Poland and Bulgaria. However, in 2021 this internal EU immigration only accounted for 47 per cent of the total immigration into Germany; third-country immigrants predominated. Moreover, since 2015 EU immigration has been declining. Net immigration from Romania, Bulgaria and Poland has dropped in particular.²⁹

The reasons for this decline are mainly to be found in the weakening over time of the “initial effect” of EU expansions. Those willing to migrate have mostly left these countries already, and the working population there has already shrunk and will continue to do so. Moreover, many of the countries concerned will experience a demographic evolution in the medium and long term that is even more problematic than Germany's, especially in Central and Eastern Europe. According to estimates, there the share of the working-age population will decrease by more than one-tenth by 2050 as compared to 2020.³⁰ It should be assumed that this shrinking and ageing will lead to a further reduction in labour migration from within the EU to Germany. The long-term migration potential of EU member states should therefore be considered merely moderate.³¹

Moreover, EU countries are competing both with each other and with other industrialised nations for skilled workers. Many EU countries have recently reformed their labour-migration policy and liberalised access opportunities for foreign workers. Countries with high emigration levels — such as Latvia, Spain and Portugal — are also strengthening their efforts to retrieve emigrants through return aid and tax relief as well as to retain potential migrants in the country.³²

25 German Federal Government, *Fachkräftesicherung. Ziele und Maßnahmen der Bundesregierung* (Berlin, June 2011), 9.

26 Fuchs et al., *Projektion des Erwerbspersonenpotenzials bis 2035* (see note 22); Alexander Burstedde et al., *Ohne Zuwanderung sinkt das Arbeitskräftepotenzial schon heute. Mehr Renteneintritte als Nachwuchs-Arbeitskräfte überall*, IW-Report 25/2021 (Cologne: IW, July 2021); Wido Geis-Thöne, *Mögliche Entwicklungen des Fachkräfteangebots bis zum Jahr 2040. Eine Betrachtung der zentralen Determinanten und Vorausberechnung*, IW-Report 11/2021 (Cologne: IW, April 2021).

27 Yuliya Kosyakova, *Mehr als nur ein Job: die qualitative Dimension der Integration in Arbeit von Geflüchteten in Deutschland*, WISO Diskurs 9/2020 (Bonn: Friedrich-Ebert Foundation [FES], 2020); Helen Hickmann et al., *Ohne sie geht nichts mehr. Welchen Beitrag leisten Migrant_innen und Geflüchtete zur Sicherung der Arbeitskräftebedarfe in Fachkraftberufen in Deutschland?* FES diskurs (Bonn: FES, November 2021).

28 Federal Statistical Office, “Beschäftigungsstatistik — Sozialversicherungspflichtig Beschäftigte am Arbeitsort” (Wiesbaden, 22 February 2022).

29 Johannes Graf, *Freizügigkeitsmonitoring: Migration von EU-Staatsangehörigen nach Deutschland. Jahresbericht 2021*, Berichtserien zu Migration und Integration — Reihe 2 (Nuremberg: BAMF, July 2022), 6ff., 13ff., 20f.

30 International Centre for Migration Policy Development (ICMPD), *Migration Outlook 2022: Twelve Migration Issues to Look Out for in 2022. Origins, Key Events and Priorities for Europe* (Vienna, January 2022), 25.

31 Matthias Mayer and Marius Clemens, *Fachkräftemigrationsmonitor* (Gütersloh: Bertelsmann Foundation, January 2021), 7; Johann Fuchs et al., *Zuwanderung und Digitalisierung. Wie viel Migration aus Drittstaaten benötigt der deutsche Arbeitsmarkt künftig?* (Gütersloh: Bertelsmann Foundation, February 2019), 11, doi: 10.11586/2019013.

32 Marta Foresti, “Less Gratitude, Please. How COVID-19 Reveals the Need for Migration Reform”, *Future Development* (Blog), 22 May 2020.

Immigration from third countries

This context gives added importance to immigration to Germany from third countries. According to the AZR, in 2021 530,800 people from third countries moved to Germany for stays of at least three months. At 53 per cent of the total, most immigrants come from third countries. Nationals from third countries primarily came from Syria (55,500), Afghanistan (42,300), Turkey (35,500) and India (32,400).³³

Low Level of labour and educational migration

In 2021 166,500 third-country nationals received their first residence permit for educational or employment purposes. 85,000 migrants were granted temporary residence permits for employment and 22,800 settlement permits; 58,800 migrants arrived for educational purposes, mostly to study.³⁴

The most important residence permit in labor migration is still the EU Blue Card.

The most important residence permit for labour migrants from third countries continues to be the EU Blue Card, which was used by about 24,500 people in 2021, or almost a third of total labour migrants. Far behind were the temporary residence permits introduced by the 2020 Skilled Immigration Act (FEG) – 13,500 for skilled workers with academic qualifications and 11,200 for skilled workers with professional qualifications – and the Western Balkans Regulations, which about 3,000 migrants used to obtain a temporary residence permit. Viewed as a whole, the extent to which education migration has contributed to labour migration also becomes obvious. In 2021 about 28,800 people were able to change their residence permit from educational purposes migrants to one for job seekers or directly to gainful employment.³⁵ Substantial gender differences also exist with

the various immigration titles: in 2021 the share of women using the EU Blue Card was particularly low, at 28 per cent. For skilled workers with professional qualifications, on the other hand, many of whom are nurses (geriatric and other), the share of female migrants was particularly high.³⁶

These trends are confirmed by OECD analyses. The latter show that due to its attractive studying conditions, Germany is now the most important non-English-speaking country worldwide for international students. Moreover, more than half of all international students who came to Germany for educational purposes have a different residence permit five years after their arrival, primarily for employment.³⁷

Labour migrants' main countries of origin

In 2021 India was the main country of origin for first permits for labour migrants, with 12 per cent. India was followed by the USA (7 per cent), Turkey (7 per cent) and China (5 per cent). The Western Balkan states had a total share of 17 per cent. Labour migrants were primarily male (65 per cent).³⁸

As with labour migration overall, Indian nationals were the largest group of skilled workers with academic qualifications; they made up as much as a quarter of the EU Blue Card category. By contrast, among skilled workers with professional qualifications, nearly one-quarter came from the Philippines and about half from the Western Balkans. There are markedly more women in this group (62 per cent), which, along with the high proportion of Filipino nationals (72 per cent female), points to the substantial proportion of the care sector.³⁹

Hardly any labour migration from African countries

There has so far not been any noteworthy labour migration from African countries. In 2021 only Egypt was among the most important countries of origin for migrants with academic qualifications, in ninth place.

33 BAMF, Das Bundesamt in Zahlen 2021, Asyl, Migration, Integration (Nuremberg, August 2022), 94, 171.

34 Johannes Graf, *Monitoring zur Bildungs- und Erwerbsmigration: Erteilung von Aufenthaltstiteln an Drittstaatsangehörige. Jahresbericht 2021*, Berichtsreihen zu Migration und Integration – Reihe 1 (Nuremberg: Forschungszentrum Migration, Integration und Asyl des BAMF, Juni 2022), 4: There is a detailed list of the various residency permits for education and employment.

35 Ibid., 24ff.

36 Susanne U. Schultz, *Fachkräftemigrationsmonitor 2022*.

Fachkräftengpässe von Unternehmen in Deutschland, Trends und Potenziale zum Zuzug ausländischer Fachkräfte (Gütersloh: Bertelsmann Foundation, December 2022), 5.

37 Organisation for Economic Co-operation and Development (OECD), *International Migration Outlook 2022 (46th Edition)* (Paris: OECD Publishing, 2022).

38 Graf, *Monitoring zur Bildungs- und Erwerbsmigration* (see note 34), 10–20.

39 Ibid., 17ff.

Here too most of the titles were granted under the EU Blue Card scheme.⁴⁰

This emphasises the fact that German companies have so far been restrained in recruiting from Africa⁴¹ – although Africa's labour force potential is much discussed, especially with a view to the demographic and economic development of the continent.⁴² According to United Nations projections, Africa's population will more than double from 2015 to 2050, from 1.2 billion to 2.5 bn, especially in sub-Saharan Africa.⁴³ Some studies predict that, due to the so-called youth surplus – defined as the share of 15 to 29 year-olds in the total adult population – it might be difficult to exploit the demographic potential in many regions of Africa because there are no employment prospects, and because the educational and professional training on offer as well as the political participation afforded to young people remain limited.⁴⁴

Integration of refugees into the labour market

However, the statistics on residence permits for employment are only conditionally meaningful for the significance of third-country migration to Germany's labour market. Under certain conditions, residence permits that are granted under international law or for humanitarian or political reasons also give holders the right to pursue gainful employment.⁴⁵ In fact, immigration from third countries is only employment-related to a small extent. In 2021 such migration only contributed 7.6 per cent of the total immigration from third countries and was thus

much lower than other residence purposes.⁴⁶ Employment statistics likewise show that out of the 2.5 million workers from third countries who are subject to social security contributions (as of May 2022), a large proportion comes from asylum countries of origin (around 484,000).⁴⁷ When assessing employment potential, other groups of third-country nationals must therefore also be taken into account, such as recognised refugees and beneficiaries of subsidiary protection, tolerated persons, or those who come to Germany under family reunification.⁴⁸

(Recognised) Refugees have already been making an important contribution to securing skilled workers and young talent in Germany for years.

More recent studies have shown that refugees have for years been making an important contribution to reduce the skilled labour shortage in Germany. Analyses by the IAB and the Friedrich Ebert Foundation show, among other things, that their integration into the labour market so far has been relatively successful. In 2018 60 per cent of refugees were employed five years after their arrival in Germany or were taking part in an educational, integrational or labour-market measure.⁴⁹ More than half of them were employed as skilled workers or in occupations with higher skill levels; 44 per cent were employed in so-called help activities and semi-skilled jobs.⁵⁰ Moreover, the number of refugees employed as skilled workers rose even

40 Ibid., 18.

41 Matthias Mayer, *Fachkräftengpässe und Zuwanderung aus Unternehmenssicht in Deutschland 2021: Stärkerer Anstieg als im Vorjahr angenommen*, Policy Brief Migration (Gütersloh: Bertelsmann Foundation, November 2021).

42 Susanne U. Schultz, *Innovation durch Kooperation: Ausbildungspartnerschaften im Bausektor. Eine Exploration mit Fokus auf NRW und Ghana* (Gütersloh: Bertelsmann Foundation, December 2021), doi: 10.11586/2021116.

43 United Nations, *World Population Prospects. The 2015 Revision*, Data Booklet 2015 Revision (New York, 2015).

44 Kouassi Yeboua and Jakkie Cilliers, *Development Prospects for the Horn of Africa Countries to 2040*, East Africa Report 42 (Institute for Security Studies, September 2021), 12.

45 Johannes Graf, *Monitoring zur Bildungs- und Erwerbsmigration: Erteilung von Aufenthaltstiteln an Drittstaatsangehörige. Jahresbericht 2020*, Berichtsreihen zu Migration und Integration – Reihe 1 (Nuremberg: Forschungszentrum Migration, Integration und Asyl of BAMF, August 2021), 7f.

46 BAMF, *Das Bundesamt in Zahlen 2021* (Nuremberg, August 2022), 94: with 20.3 per cent, the largest group were those who obtained a residency permit (during the asylum procedure) or proof of arrival (asylum seekers). With 15.4 per cent, family reunification supplied the second-largest group of immigrated non-EU nationals.

47 BA, "Migration und Arbeitsmarkt", as of September 2022.

48 Johannes Graf and Barbara Heß, *Ausländische nicht-akademische Fachkräfte auf dem deutschen Arbeitsmarkt. Eine Bestandsaufnahme vor dem Inkrafttreten des Fachkräfteeinwanderungsgesetzes*, Forschungsbericht 35/2020 (Nuremberg: BAMF, 2020), 33.

49 However, there is a significant and lasting gender-specific discrepancy here: only 29 per cent of displaced women were employed, a figure that could be improved among other things by further investments in early childcare.

50 See Herbert Brückner et al., *Integration in Arbeitsmarkt und Bildungssystem macht weitere Fortschritte. Fünf Jahre seit der Flucht-migration 2015*, IAB-Kurzbericht 4/2020 (Nuremberg: IAB, February 2020), 8.

during 2020, although they were disproportionately represented in the service professions that were hard hit by the Covid pandemic.⁵¹

From 2009 to 2019, the number of first-year trainees who were nationals of one of the eight most important countries of origin for asylum-seekers was 20 times greater, rising from 1,000 to 21,000. Among the new trainees, compared to German nationals proportionately more asylum-seekers who arrived in Germany between 2013 and 2016 chose to start training for occupations that are in strong demand or for shortage professions (68.6 per cent versus 57.9 per cent).⁵²

Immigration from third countries already provides the greatest share of total immigration to Germany. Since the EU's internal net migration has stagnated in the last few years, immigration from third countries will continue to play an ever more important role in covering rising labour needs. However, labour migration from third countries remains very low, especially compared to other forms of immigration, such as the immigration of refugees or family members. Simultaneously, the potential of asylum-seekers, recognised refugees, beneficiaries of protection and tolerated persons already present in Germany have a significance for the German labour market that should not be underestimated. They already help to reduce the shortage of (skilled) workers, and this potential should be promoted and used to an even greater extent in the future. The Act on the Introduction of Opportunity Residence (Chancen-Aufenthaltsrecht), adopted by the Bundestag in December 2022, is a first step, as are current efforts to quickly integrate refugees from Ukraine into the labour market.

⁵¹ Hickmann et al., *Ohne sie geht nichts mehr* (see note 27), 4.

⁵² Ibid., 20ff.

Labour Migration Policy and Recruitment

Since the turn of the millennium, all German federal governments have made efforts to encourage the immigration of labour and initiate corresponding reforms. In fact, since then, Germany has gradually changed from the “unwilling immigration country” of Chancellor Helmut Kohl’s era to a “modern immigration country”⁵³ – a development acknowledged by the OECD as far back as 2013 when it stated that Germany now had the most generous immigration rules for skilled and highly skilled workers of all OECD members.⁵⁴ Nevertheless, actual immigration numbers have in no phase met the political expectations of the previous or current federal governments, and the search for ways of fostering labour migration continues.

The reform of the Nationality Act initiated in 2000 by the then-coalition government of Christian Democrats and Socialists, the Green Card Regulation of 2001 and the reform of the Residence Act in 2004 have put an end to decades of standstill in German migration policy and set the course for a modern migration policy. All important political forces have eventually participated in these reforms and negotiated the new immigration legislation in a lengthy and difficult cross-party process. The necessity for and direction of the reforms are now undisputed, at least by the parties represented in the German Bundestag, except by Alternative für Deutschland (AfD).

Germany has gradually opened up to labor immigration over the past decade.

This is how federal governments of the past decade have taken important strategic decisions on pro-

moting labour immigration, especially with the skilled labour concept of 2011,⁵⁵ the progress report on the skilled labour concept of 2017⁵⁶ and the skilled labour strategy of 2018.⁵⁷ Their objectives all include promoting immigration as well as activating domestic potential. The federal states have also developed strategies for skilled labour security, among others by supporting the recognition of foreign professional qualifications and the recruitment of foreign students.⁵⁸

The skilled labour strategy of 2018 adopted concrete measures to increase that labour potential, such as developing the Skilled Immigration Act (FEG), which came into force in 2020, to actively promote the immigration of skilled workers to Germany. These measures are accompanied by others, such as the expansion of German language courses on offer abroad, targeted ad campaigns, information and additional opportunities to train or retrain in Germany.⁵⁹ In December 2019, the federal government agreed a complementary strategy to recruit skilled workers⁶⁰, which stipulates a targeted expansion of its cooperation with countries that have skilled labour potential.

Finally, in October 2022, the cabinet adopted a new skilled labour strategy, which provides for an

55 German Federal Government, *Fachkräftesicherung* (see note 25).

56 German Bundestag, *Unterrichtung durch die Bundesregierung: Fortschrittsbericht 2017 zum Fachkräftekonzept der Bundesregierung*, 31 August 2017 (Drucksache 18/13480).

57 German Federal Government, *Fachkräftestrategie der Bundesregierung* (Berlin, November 2018).

58 See Table 3-3 “Übersicht der Strategien der Bundesländer” in Stephan Humpert, *Fachkräftezuwanderung im internationalen Vergleich*, Working Paper 62/2015 (Nuremberg: BAMF, April 2015), 25.

59 German Federal Government, *Fachkräftestrategie der Bundesregierung* (see note 57).

60 German Federal Government, *Strategie zur gezielten Gewinnung von Fachkräften aus Drittstaaten. Fachkräftegewinnungsstrategie* (Berlin, December 2019).

53 SPD/Bündnis 90/Die Grünen/FDP, *Mehr Fortschritt wagen* (see note 11), 110.

54 OECD, *Zuwanderung ausländischer Arbeitskräfte: Deutschland* (Paris: OECD Publishing, 2013).

immigration policy that further develops the FEG and for further administrative reforms in recruitment.⁶¹ As part of this, the federal government in late November 2022 published a white paper on amending the law on skilled labour immigration, with the objective of making the recruitment of such workers from third countries for the German labour market simpler and quicker.⁶²

The Current Legal Framework

Skilled immigration

Federal governments since 2012 have above all lowered conditions for highly skilled workers with academic qualifications. They have created new limited residence permits to offer more attractive immigration possibilities for academics, such as the EU Blue Card in 2012 or the Intra Corporate Transfer Card in 2014. Since 2012 graduates of foreign universities have also been able to travel to Germany to look for a job. After two years in a job that corresponds to their skills, they can also apply for a permanent residence permit.⁶³

Initially, these reforms simplified immigration for non-academic workers only to a limited extent. Thus in 2013 workers with a professional qualification were permitted to enter Germany to work in certain understaffed occupations.⁶⁴

Recognition legislation

Legislation on improving the assessment and recognition of professional qualifications obtained abroad⁶⁵ also entered into effect in 2012. The so-called Recognition Act was intended to create uniform procedures for the more than 600 federally controlled occupations in Germany, so as to confirm equivalence be-

tween foreign professional qualifications and German ones. The federal states complemented the Act by adopting their own recognition legislation for teaching and social professions, which fall under their jurisdiction. This created the legal right for third country nationals to start recognition processes.⁶⁶ Under the FEG, the recognition of foreign professional qualification is in many cases the crucial prerequisite for skilled workers from third countries to be allowed to immigrate to Germany.

In 2021 three-quarters of applications for the recognition of federally controlled professions came from third-country nationals – most frequently from Bosnia and Herzegovina, the Philippines and Serbia. Two-thirds of the applications were for medical health jobs, followed by non-federally controlled occupations such as electronics technicians and cooks. Overall, 39,300 applications for recognition were reviewed at the federal level. Fewer than half of applications from third countries were found to be equivalent, whilst the majority of qualifications from within the EU were considered equivalent.⁶⁷

The interim assessment after ten years of the Recognition Act is that the legislation has had a positive effect on the employment rate and rate of income and contributed to improving immigrants' integration into the labour market, but that further simplifications are necessary.⁶⁸ This is confirmed by the federal government in its new skilled labour strategy, which points out that immigrants are more likely to have jobs below their skills level than the overall population.⁶⁹

⁶¹ German Federal Government, *Fachkräftestrategie der Bundesregierung* (Berlin, October 2022).

⁶² German Federal Government, *Eckpunkte zur Fachkräfteinwanderung aus Drittstaaten* (Berlin, November 2022).

⁶³ Expert Council for Integration and Migration (SVR), *Zuwanderung zum Zweck der Erwerbstätigkeit. Wichtige Regelungen im Überblick, Kurz und Bündig* (Berlin, March 2022), 4ff.

⁶⁴ Graf and Heß, *Ausländische nicht-akademische Fachkräfte auf dem deutschen Arbeitsmarkt* (see note 48), 19ff.

⁶⁵ "Gesetz zur Verbesserung der Feststellung und Anerkennung im Ausland erworbener Berufsqualifikationen vom 6. Dezember 2011", *Bundesgesetzblatt*, Part I (2011), no. 63, 2515–52.

⁶⁶ Federal Ministry of Education and Research (BMBF), *Bericht zum Anerkennungsgesetz 2019* (Berlin, December 2021): previously only few immigrated skilled workers (especially from within the EU) were able to have their vocational qualifications assessed.

⁶⁷ Carolin Böse and Nadja Schmitz, *Auswertung der amtlichen Statistik zum Anerkennungsgesetz des Bundes für 2021, Ergebnisse des BIBB-Anerkennungsmonitorings* (Bonn: Federal Institute for Vocational Education and Training [BIBB], September 2022), 11.

⁶⁸ Herbert Brückner et al., *Anerkennung ausländischer Berufsabschlüsse hat positive Arbeitsmarkteffekte. Integration von Migrantinnen und Migranten in Deutschland*, Aktuelle Analysen aus dem Institut für Arbeitsmarkt- und Berufsforschung, IAB-Kurzbericht 2/2021, Nuremberg: IAB, February 2021); BMBF, *Bericht zum Anerkennungsgesetz 2019* (see note 66).

⁶⁹ German Federal Government, *Fachkräftestrategie der Bundesregierung* (see note 61), 26.

The Skilled Immigration Act (FEG)

The FEG, which came into effect on 1 March 2020, is intended to facilitate the immigration of third-country nationals for employment purposes and to create new prospects for recruiting skilled workers from third countries.⁷⁰ To achieve this, the FEG has simplified the entry of third-country nationals for qualified on-the-job or vocational training including a “search option”, allowing them to enter first and only then search for a training position. However, the most far-reaching change is the creation of a unified concept of “skilled worker”: it now includes those with a vocational training as well as university graduates.

The FEG has also introduced an accelerated skilled labour process to reduce the administrative procedure before the skilled worker’s arrival in Germany. This procedure can also be used for trainees and those wishing to complete a qualification. So far, however, the accelerated procedure can only be initiated for a fee by businesses that recruit abroad, not by the skilled worker himself or herself.⁷¹

The need for a BA priority test is usually eliminated by the FEG, as is the case with the regulation on short-age occupations. Thus, the entry for skilled workers with non-academic qualifications is no longer limited to professions in which the BA has determined a shortage but is open to all professions for which the third-country nationals’ qualifications are suitable. However, a prerequisite for the entry of skilled workers from third countries is that they already have a job offer and that their vocational and educational qualifications have been recognised as equivalent to German standards.⁷²

The FEG stipulates further exceptions to be applied to skilled workers from third countries to allow their entry under the following conditions:

- 1) entry to seek work;
- 2) replacement of lacking qualifications by substantial practical professional experience in selected occupations in Information and Communication Technology (ICT);

- 3) entry of workers with partially recognised vocational qualifications for additional training (the so-called “qualifications measure”) towards full recognition;
- 4) in cases where the BA has made a recruitment arrangement for skilled workers (with professional training) with a BA partner administration in a country of origin (see Info box 3, page 19).

When assessing the results of the FEG to date, it must be remembered that the Covid pandemic made its application more difficult. It is therefore not yet impossible to tell how, in the medium term, the FEG might have any noticeable effect on labour migration. However, the numbers of skilled workers who have immigrated have so far fallen markedly short of political expectations, which is probably due in part to companies’ general reservations about recruiting foreign labour in third countries.⁷³

Immigration of low-qualified workers

Low-qualified workers continue to have very limited and temporary opportunities to immigrate — which the federal government will have to expand if it wants to meet the demand in this area.⁷⁴

Western Balkans Regulation

The key instrument for the immigration of third-country nationals without vocational or academic qualifications is the Western Balkans Regulation. In 2016 it made possible for the first time a more diverse labour migration from third countries.⁷⁵ The background to this was a growing desire to migrate on the part of people from the Western Balkans, who had little legal channels to immigrate to Germany and were, if they applied for asylum after having arrived in Germany, very rarely recognised as in need of international protection. In 2014 and 2015, these countries were therefore declared safe countries of origin. Since this was politically controversial within the federal government and the German Bundesrat, as a political compromise the Western Balkans Regulation was adopted at the same time.⁷⁶ This special

⁷⁰ “Fachkräfteeinwanderungsgesetz vom 15. August 2019”, *Bundesgesetzblatt*, Part I (2019), no. 31, 1307–46.

⁷¹ Geis-Thöne Wido, *Zur Fachkräftesicherung braucht die Migrationspolitik drei Säulen*, IW-Kurzbericht 89/2021 (Cologne: IW, November 2021), 2.

⁷² Graf and Heß, *Ausländische nicht-akademische Fachkräfte auf dem deutschen Arbeitsmarkt* (see note 48), 40f.; SVR, *Zuwanderung zum Zweck der Erwerbstätigkeit* (see note 63), 4.

⁷³ Schultz, *Fachkräftemigrationsmonitor 2022* (see note 36), 20.

⁷⁴ Informal conversations with officials from the Federal Ministry for Economic Affairs and Climate Action (BMWK), 29 September 2022.

⁷⁵ Graf and Heß, *Ausländische nicht-akademische Fachkräfte auf dem deutschen Arbeitsmarkt* (see note 48), 11.

⁷⁶ Jessica Bither and Astrid Ziebarth, *Legale Zugangswege schaffen, um irreguläre Migration zu verringern? Was wir von der*

Info box 3

Recruitment arrangements for skilled workers

The BA can make recruitment arrangements (§ 16d para 4 Residence Act) with third countries for recruiting and placing skilled workers with professional training. On this basis, recruitment agreements have so far been concluded with Indonesia (July 2021), the Indian state of Kerala (December 2021) and Jordan (May 2022) for care workers. These agreements are implemented under the “Triple Win” programme of the German Agency for International Cooperation (GIZ),^a through which a total of 3,561 skilled workers and 198 trainees have taken up a position or training place in Germany (as of May 2022).^b There are also agreements with Mexico (care workers and cooks) and Colombia (electronics technicians and gardeners).

The BA’s analysis of potential also identified all these countries as countries with which the BA should in future collaborate on the recruitment of skilled labour. The agreements enable skilled workers in certain professions to initiate the recognition procedure for their qualifications only after entering Germany — in other cases, proof of recognition must be supplied when applying for a visa.^c

Under the Triple Win project, recruitment agreements were also concluded with the Philippines, Bosnia and Herzegovina and Tunisia; these were signed before the FEG entered into force. They continue to be valid since they comply with the requirements of § 16d para 4 Residence Act. The BA has also negotiated agreements for care professions with El Salvador and Vietnam.^d

a GIZ, “Nachhaltig ausgerichtete Gewinnung von Pflegekräften (Triple Win)”, as of January 2022.

b BA, “Bundesagentur für Arbeit unterzeichnet Vermittlungsabsprache mit Jordanien”, Presseinfo, no. 4, 10 May 2022.

c BA, “Trotz Pandemie: Bundesagentur rekrutiert mehr Fachkräfte aus dem Ausland”, Presseinfo, no. 5, 20 January 2022.

d German Bundestag, *Antwort der Bundesregierung auf die Kleine Anfrage der Fraktion Die Linke. Grenzüberschreitende Abwerbung von Pflegekräften* (Bundestag-Drucksache 20/2237), 8 June 2022.

provision gave unskilled workers from Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro and Serbia the opportunity to immigrate

Westbalkan-Regelung lernen können (Gütersloh: Migration Group on International Cooperation and Development, October 2018), 12.

legally without having their qualifications or language skills tested. To be eligible, workers had to prove that they have a BA-approved job offer from a German firm.

The Regulation has been prolonged twice and is now limited to an annual quota of 25,000 workers until 2023. According to the government’s coalition agreement and new skilled labour strategy, the Regulation is to be made permanent. The government has also announced in its recently adopted white paper on the immigration of skilled workers from third countries that it intends to raise the quota significantly on a permanent basis and possibly extend it to other countries.⁷⁷ During the Covid pandemic, entries under the Western Balkans Regulations dropped sharply; however, a clear increase is expected for the reporting year 2022.

The Western Balkans Regulation can be seen as an example of a successful migration policy.

The Western Balkans Regulation is seen as an example of a successful migration policy. However, its medium and long-term consequences cannot be predicted as yet, and there is criticism of the long wait for visas. In April 2020, these periods are said to have exceeded a year in five of the six foreign missions of the Western Balkan nations.⁷⁸ There are also concerns of a further brain drain, even though the future development of immigration under the Western Balkans Regulation in Germany is difficult to predict. However, the region is likely to lose additional skilled workers over the coming ten years and immigration to lessen only after that period. The German Marshall Fund (GMF) points out that the Western Balkan nations are amongst the countries hardest hit by brain drain worldwide. According to its figures, Serbia has lost 9 per cent of its inhabitants in the past three decades, North Macedonia 10 per cent, Bosnia and Herzegovina 24 per cent and Albania 37 per cent, most of them young, educated and qualified.⁷⁹

⁷⁷ German Federal Government, *Eckpunkte zur Fachkräfteinwanderung aus Drittstaaten* (Berlin, November 2022), 7.

⁷⁸ Herbert Brücker et al., *Erwerbsmigration über die Westbalkanregelung. Hohe Nachfrage und gute Arbeitsmarktintegration*, IAB-Kurzbericht 16/2020 (Nuremberg: IAB, August 2020).

⁷⁹ Marijan Icoski, *Toward a New Youth Brain Drain Paradigm in the Western Balkans* (Ankara i.a.: German Marshall Fund of the United States [GMF], August 2022).

Bilateral recruitment agreements for seasonal workers

The BA and the employment authorities of third countries can also conclude bilateral recruitment agreements for seasonal workers in agriculture and the food industry (for a maximum of six months per year). These agreements provide for visa-less entry with the BA work permit without priority test. Such workers must be treated as equal to comparable German workers, for instance with regards to working hours or pay.⁸⁰ Since January 2020 an agreement has existed with the Georgian employment authorities, which is restricted to agriculture and a stay of 90 days within a 180-day period. The first Georgian seasonal workers arrived in 2021. The quota will be adjusted annually; it is currently 5,000. However, far fewer seasonal workers actually came to Germany. In July 2021 the BA also concluded a recruitment agreement with the Republic of Moldova for a quota of 500 seasonal labourers for the harvest season of 2022.⁸¹ To recruit seasonal workers, the BA is also in contact with other third countries such as Bosnia and Herzegovina or Albania but not with partner countries outside of Europe.

Recent Developments and Reform Efforts

Germany's coalition government announced a “paradigm shift” in German migration and integration policy in its coalition agreement of November 2021. Among other things, it intends to add a supply-orientated pillar to the so far mainly demand-orientated system of labour migration, with an “opportunity card” based on points, which is meant to facilitate access to the German labour market for skilled workers even without a job offer. The EU Blue Card is also to be expanded to non-academic occupations, and time limits in existing labour migration rules are to be removed. As well as speeding up the visa process, the intention is to lower obstacles to qualifications being recognised, to dismantle bureaucracy and to accelerate procedures in general.⁸²

⁸⁰ Lechner, *Anwerbung und Arbeitsbedingungen von Saisonarbeitkräften* (see note 20).

⁸¹ BA, “Trotz Pandemie: Bundesagentur rekrutiert mehr Fachkräfte aus dem Ausland”, *Presseinfo*, no. 5, 20 January 2022.

⁸² SPD/Bündnis 90/Die Grünen/FDP, *Mehr Fortschritt wagen* (see note 11).

In June 2022 the federal government adopted its first migration package, which, among other things, aims to put an end to the practice of repeatedly issuing certificates of exceptional right to remain, to facilitate family reunification and to offer asylum-seekers better access to language and integration courses. The federal government's new white paper on skilled labour immigration also stipulates further legislative changes intended to further simplify the recruitment and entry of workers from third countries. Foreign skilled workers are to be able to pursue any qualified employment in non-regulated occupations in the future, regardless of their specific qualification (“skilled workers pillar”). In addition, under certain conditions, entry for skilled workers is to be made possible even without the often lengthy formal recognition of foreign vocational qualifications (the “experience pillar”). The “opportunity card”, which was announced in the coalition agreement and is based on a points system using criteria such as qualifications, language skills, professional experience, connection to Germany and age (the “potential pillar”), will now also be introduced. In contrast with the reforms initiated by the previous government, the current coalition moreover wants to enable low qualified workers to immigrate temporarily or permanently for employment in sectors with labour shortages.⁸³

Administrative capacity is needed to implement the planned reforms.

However, by themselves these legal changes will in all probability not solve recruitment problems. The decisive factor will be whether adequate administrative support exists to implement these planned reforms and whether there are sufficient administrative capacities. The main problem is still the long wait for visas and the inadequate administrative and infrastructure in Germany. In 2022 its Foreigners' Offices, which are chronically overwhelmed in any case, were faced with the additional challenge of taking in refugees from Ukraine.⁸⁴ In recent years, substantial capacity had already been tied up by the implementation of the many changes to migration policy. Further

⁸³ German Federal Government, *Eckpunkte zur Fachkräfte-einwanderung aus Drittstaaten* (see note 62).

⁸⁴ Franck Düvell, *Flucht aus der Ukraine und aus dem Globalen Süden über den Balkan* (Osnabrück: Institute for Migration Research and Intercultural Studies [IMIS], November 2022), 2.

reforms and tasks can only be implemented appropriately if these shortages are tackled.

The federal government has reacted to some of these administrative bottlenecks in its recently adopted white paper, for instance by announcing that it intends to replace paper applications for skilled labour immigration by a completely digital visa procedure within the current legislative period. To this end, the Foreigners' Offices in the various federal states will have to move in the same direction. This has not always been the case. It is problematic that the central authorities for skilled labour immigration envisaged by the FEG have so far only been established in nine (of the 16) federal states.

Actors and Structures of Germany's Recruitment Policy

The more recent reforms to Germany's migration policy are ultimately intended to dismantle bureaucratic barriers to recruitment, and to improve and expand information and advice, initiatives and pilot projects in this area. Successful recruitment also depends on the commitment of employers. It should be expected that many German firms will continue to lack sufficient capacities to recruit workers abroad by themselves. They will need to keep relying on state support and some on non-state intermediaries. Fundamentally, valuable lessons can be learned from the pilot projects carried out to date on how to cooperate with countries of origin.

Government recruitment structures

A large number of German state actors participates in Germany's recruitment policy, including many ministries and state implementers. However, recruitment still resembles a patchwork, and overlapping portfolios prevent recruitment policy from being coherent.

Nevertheless, Germany's experience with inter-departmental coordination has been positive, especially during the high immigration levels of 2015–16. The most important coordination mechanisms have included meetings of the secretaries of state. BMAS and BMI cooperated closely on integration courses and implemented the language programme "Gemeinsames Programm Sprache"; interministerial cooperation also worked well when the FEG was being drawn up. Other examples are more complex: the BMBF is responsible for the legal basis underpinning the recognition of foreign vocational qualifications (the recognition act) but it is implemented by the BA and BMAS.

The federal government's new skilled labour strategy has in 2022 established a steering meeting of secretaries of state to work out a white paper for skilled

labour recruitment.⁸⁵ Such ad-hoc coordination is valuable but not sufficient when the goal is to achieve a truly comprehensive approach – taking into account foreign and development-policy goals. A certain level of staffing and resources is necessary for the requisite continuous exchange with other departments and institutions. This becomes evident in complex projects such as transnational training partnerships, during which several departments need to cooperate closely with each other and with other actors, including in the partner country.⁸⁶ Figure 1 (pp. 24) gives an overview over the most important actors in government recruitment policy and their key tasks.

In summary, the structures of state actors in recruitment are extremely complex and the division of responsibilities is often not very clear-cut. In general Germany lacks a whole-of-government approach to balance out and moderate the ministries' different interests, to assign responsibilities and to define the tasks of subordinate institutions.⁸⁷

Recruitment by Companies

So far, only a small proportion of German companies has looked for workers abroad. In 2022 only 17 per cent of companies polled in a survey by the Bertelsmann Foundation recruited skilled workers abroad, a number that has remained constant for several years. Instead, they attempted to solve their skilled labour shortages by using the labour potential in Germany,

⁸⁵ German Federal Government, *Fachkräftestrategie der Bundesregierung* (see note 61), 26.

⁸⁶ Samik Adhikari et al., *Expanding Legal Migration Pathways Nigeria Europe: From Brain Drain to Brain Gain* (Washington, D.C.: Center for Global Development [CGD], 2021), 6, 49.

⁸⁷ Matthias M. Mayer and Thomas Liebig, *Wie attraktiv ist Deutschland für ausländische Fachkräfte?* (Gütersloh: Bertelsmann Foundation, December 2019); Hardege and Friedrich, *Fachkräfteengpässe schon über dem Vorkrisenniveau* (see note 14), 25f.

especially by providing better working conditions, promoting work/life balance and offering initial and further training. Yet at the same time, few of the businesses polled believed that the skilled workers already in Germany would be sufficient. Over two-thirds would welcome more state recruitment agreements for recruiting foreign skilled workers and trainees. Moreover, those companies polled which had already recruited abroad indicated that bureaucratic and legal hurdles as well as language barriers had increased.⁸⁸

Large businesses and multinational corporations headquartered in Germany can often resort to their own recruitment structures or relocate their own workers to Germany. Fundamentally, recruiting workers carries direct recruitment costs, as well as expenses for legal advice on residency and taxes or for travel, moving and settling in.

Large companies can usually shoulder these expenditures more easily than small and medium enterprises (SMEs); they also more frequently resort to non-state recruitment actors where internal company structures cannot be used.⁸⁹

SMEs in particular increasingly use digital recruitment opportunities such as websites, career networks and online job boards to recruit skilled workers.⁹⁰ The digital approach is becoming more and more important in recruiting abroad too. This is true for international career networks such as LinkedIn but also the job portal “Make it in Germany”, supported by the federal government.⁹¹

SMEs are especially dependent on support from Chambers of Industry and Commerce (IHKs), Chambers of Crafts and other institutions for recruitment abroad. This covers tasks both within Germany, such as support with integrating workers into firms or with obtaining recognition for foreign qualifications, and with actual recruitment abroad. Key actors here are DIHK and the Chambers of Commerce Abroad (AHKs) that it coordinates.

The AHKs have structures in many potential recruitment countries that can help find workers for German companies and support potential emigrants when learning German. AHKs can already help with preparing visa procedures under an agreement with the German Federal Foreign Office (AA), although the final verification of documents is still the responsibility of diplomatic missions. The DIHK has pointed out that the AHKs would be able to take over the recognition of non-formal qualifications abroad as soon as a legal basis was created for this.⁹²

Company surveys show a clear preference for recruiting workers from Europe, followed by Asia and the Middle East. There has so far been little interest in recruiting labour from sub-Saharan Africa.⁹³ Employers evidently concentrate on countries which they consider to be geographically (or supposedly culturally) close to Germany or with which they have recruitment networks already.⁹⁴

Non-State Labour Migration Intermediaries (LMI)

International recruitment of workers using non-state intermediaries is on the increase worldwide.⁹⁵ These intermediaries are part of a growing field of migration-related services that is known as “migration industries” or “Labour Migration Intermediaries” (LMI) in research.⁹⁶

Non-state LMI support workers willing to migrate in many ways. These include information on and contact with potential employers as well as help with tackling bureaucratic hurdles before departure. They provide financial services when migrant workers need to take out a loan to finance their journeys. They

⁸⁸ Schultz, *Fachkräftemigrationsmonitor 2022* (see note 36).

⁸⁹ Adhikari et al., *Expanding Legal Migration Pathways Nigeria Europe* (see note 86), 48.

⁹⁰ Kathrin Werner, “Immer mehr ausgeschriebene Stellen”, *Süddeutsche Zeitung* (online), 26 July 2022; Anastasia Hermann et al., *StepStone Mittelstandsreport* (Düsseldorf: StepStone, September 2019).

⁹¹ Stefan Terliesner, “Wie Mittelständler Fachkräfte aus dem Nicht-EU-Ausland gewinnen”, *Handelsblatt* (online), 3 September 2022.

⁹² DIHK, “DIHK-Vorschläge zur Reform des Fachkräfteeinwanderungsgesetzes”, 24 October 2022.

⁹³ Mayer, *Fachkräftengpässe und Zuwanderung aus Unternehmenssicht* (see note 41), 7.

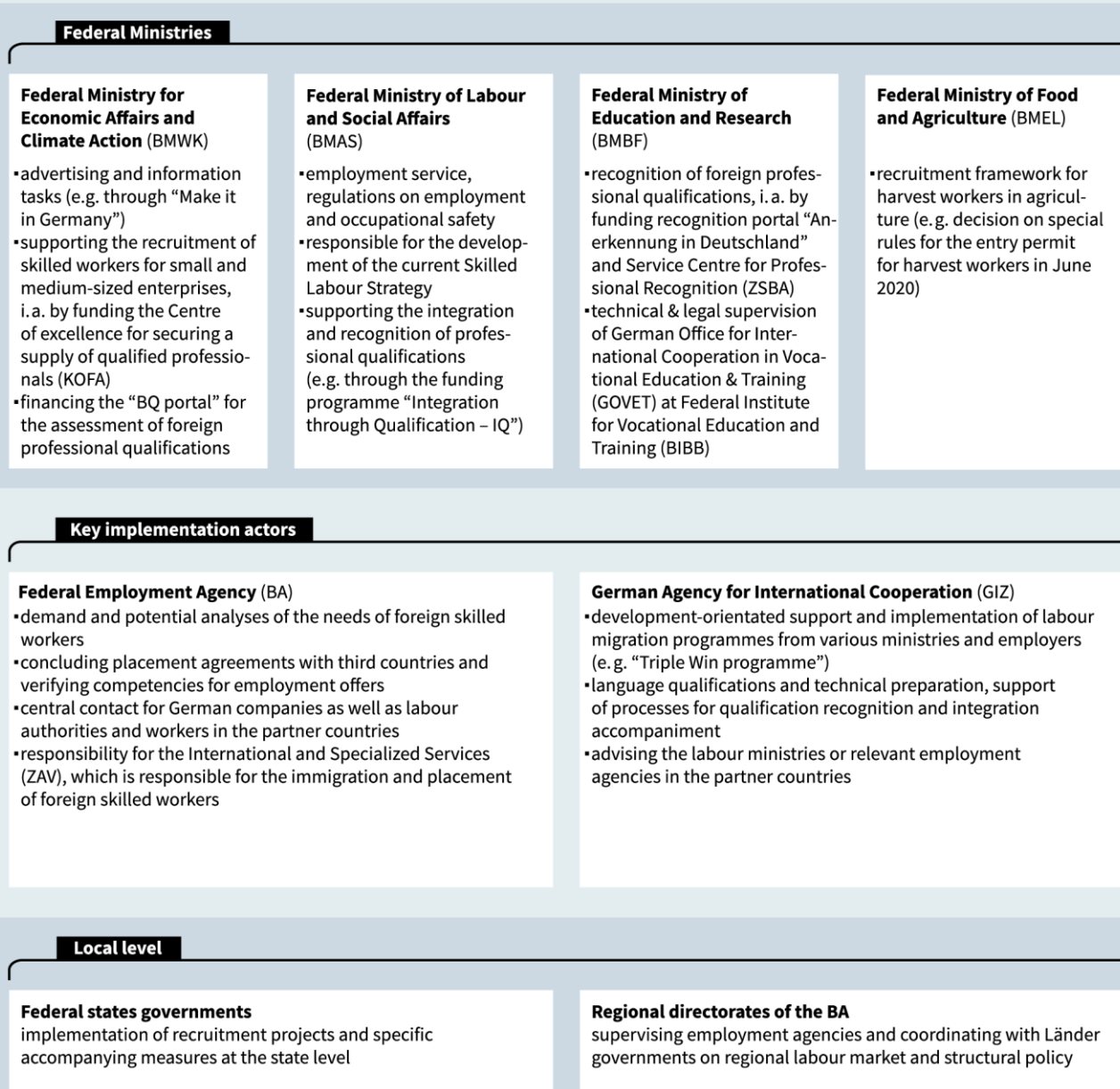
⁹⁴ Mayer and Clemens, *Fachkräftemigrationsmonitor* (see note 31), 13.

⁹⁵ Dimitria Groutsis et al., “Transformations in Network Governance: The Case of Migration Intermediaries”, *Journal of Ethnic and Migration Studies* 41, no. 10 (2015): 1558–76 (1559).

⁹⁶ Sophie Cranston et al., “New Directions in Exploring the Migration Industries: Introduction to Special Issue”, *Journal of Ethnic and Migration Studies* 44, no. 4 (2018): 543–57 (543f.); Beate Andrees, *Regulating the Business of Labour Migration Intermediaries* (Hamburg: Tredition, 2021).

Figure 1

Actors in Government Recruitment Policy in Germany and Their Key Tasks



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Federal Ministries

Federal Ministry of Health (BMG)

- recruitment framework for healthcare and nursing professionals
- promotion of the German Agency for International Healthcare Professionals (DeFa)
- creation of the seal of approval "Fair Recruitment Healthcare Germany" for the private recruitment of healthcare workers from third countries

Federal Ministry of the Interior and Community (BMI)

- residence and integration law legislation
- further development and modernisation of the Immigration and Residency Act

Federal Ministry for Economic Cooperation and Development (BMZ)

- promoting the potential of migration
- strengthening the migration policy capacities of partner countries
- Centres for Migration and Development in partner countries of German development cooperation

Federal Foreign Office (AA)

- information on Germany and issuing of visas by embassies and consulates
- language and school support abroad
- migration partnerships

Special Representative for Migration Partnership Agreements with Third Countries

Key implementation actors

Federal Office for Migration and Refugees (BAMF)

- in addition to asylum, since 2005 competencies for migration and integration (e.g. implementation of language and integration courses for migrant workers)
- contact point for potential migrant workers (e.g. via the hotline "Working and Living in Germany" which is operated jointly with the BA)
- expansion of international networking

Goethe-Institut pre-integration and language courses as well as issuing of language certificates abroad; international cultural exchange

Federal Office of Administration (BVA) support for the German Missions Abroad in the processing of visa applications of all kinds as well as interface in the planned digitalisation of the procedures with the domestic authorities involved

Federal Office for Foreign Affairs (BfAA) support with issuing of visas for foreign skilled workers, esp. as part of the Skilled Immigration Act; support for schools abroad

German Academic Exchange Service (DAAD) language courses and counseling; promotion and recruitment of foreign students and professionals (through scholarships, exchange programmes)

Local level

Central Foreigners Authorities

bundling of competencies and responsibilities for skilled labour immigration (i.a. responsible for the fast-track procedure for skilled workers)

Local Foreigners Authorities

implementation of residence legislation, including the Skilled Immigration Act and the Opportunity Residency Act

Source: Research and presentation SWP 2023

logistically support emigration and transport,⁹⁷ and often remain important interlocutors even after workers have successfully emigrated, for instance regarding integration problems in the host country.⁹⁸ De facto, LMI take on tasks that are traditionally incumbent on the state.⁹⁹ They thus influence not only the information that potential migrant workers receive but also their selection process as well as their living and working conditions in the destination country.¹⁰⁰

The legal framework in both the country of origin and of destination are decisive for the extent of non-governmental recruitment.

There are no reliable data on the extent of non-state recruitment. However, the legal framework is clearly decisive for LMI. The more open and liberal the legislation of the countries of origin and destination, the better their activities can flourish. There are national differences also in legal arrangements to protect against exploitative and abusive recruitment practices. While important countries of origin for migrant labour such as the Philippines, Bangladesh and Mexico have had such laws for some time, many target countries in the Middle East, Western Europe and North America have only caught up recently in response to abusive recruitment practices and people trafficking.¹⁰¹

In the German-speaking world, the role of LMI has been little researched so far. Only recruitment agencies for care workers (primarily from Eastern Europe) have attracted much attention. LMI can be divided into formal and informal actors, which in turn pur-

sue either commercial or non-commercial interests (see Figure 2).¹⁰²

Formal LMI

Formal actors include a broad range of recruitment agencies and consultancies, law firms, temping agencies and human-resources multinationals such as Randstad, Adecco or Manpower. According to the international umbrella organisation for recruitment agencies, the World Employment Confederation, in 2020 the global turnover of private recruitment actors stood at US\$465 billion. 190,000 private agencies with 3.7 million employees supported the recruitment of a total of 58m workers, 783,000 in Germany alone. Without the Covid pandemic, these estimates would probably be even higher.¹⁰³

In Germany formal LMI have to follow a number of legal guidelines. Thus, recruiting for health and care jobs from 47 poorer nations is prohibited by the Ordinance on the Employment of Foreigners (§ 38) for private recruitment and remains the exclusive right of the BA.¹⁰⁴ Many LMI operating in Germany have specialised in shortage occupations such as care and IT. There is a marked tendency to professionalisation among private LMI, which increasingly advertise the fact that they have been certified.

There are further formal LMI, including educational institutions, which not only provide services in language acquisition or technical or vocational training but also directly support companies in recruiting international workers. An example is Berlitz, a company that provides language teaching as well as support for recruiting labour abroad for Germany, for instance by organising selection interviews in countries of origin. Non-governmental organisations (NGOs) and trade unions can also increasingly be considered formal LMI – even if it does not correspond to their self-image – since they pursue (non-commercial) interests concerning migrant workers' rights. However, they have so far rarely been included in recruitment processes even though they would constitute

⁹⁷ Andrees, *Regulating the Business of Labour Migration Intermediaries* (see note 96), 82f.

⁹⁸ Groutsis et al., "Transformations in Network Governance: The Case of Migration Intermediaries" (see note 95).

⁹⁹ Huey S. Chau and Karin Schwiter, "Who Shapes Migration in Open Labour Markets? Analysing Migration Infrastructures and Brokers of Circularly Migrating Home Care Workers in Switzerland", *Mobilities* (2021): 1 – 15 (11f.).

¹⁰⁰ Samuel Bazzi et al., *Information, Intermediaries, and International Migration*, IZA Discussion Paper Series 14945 (Bonn: Institute of Labour Economics [IZA], December 2021); Di van den Broek et al., "Commercial Migration Intermediaries and the Segmentation of Skilled Migrant Employment", *Work, Employment and Society* 30, no. 3 (2016): 523 – 34.

¹⁰¹ Andrees, *Regulating the Business of Labour Migration Intermediaries* (see note 96), 85, 247.

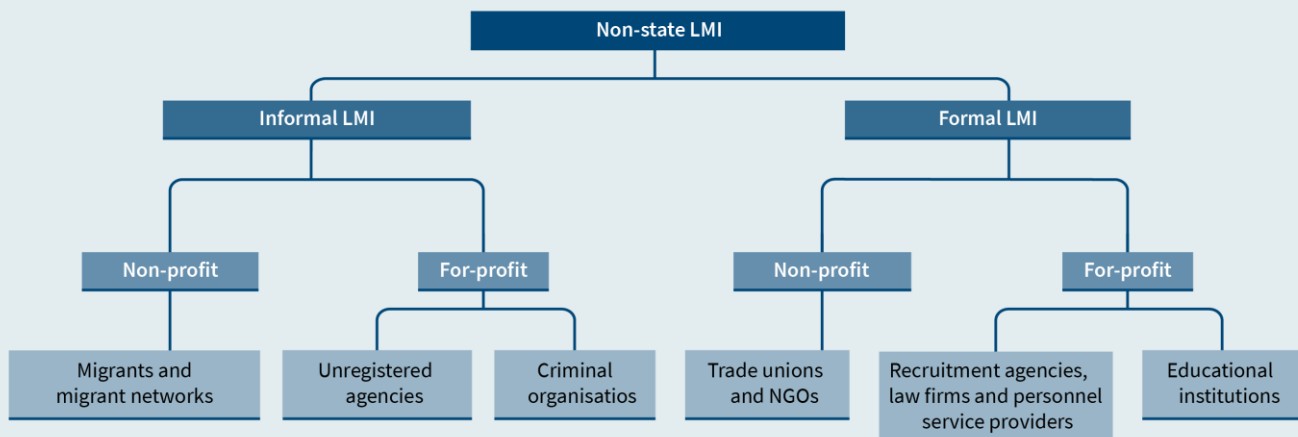
¹⁰² Ibid., 52ff.

¹⁰³ World Employment Confederation, *Economic Report 2022* (28 February 2022).

¹⁰⁴ Chamber of Commerce and Industry (IHK) Cologne, "Private Arbeitsvermittlung. Merkblatt", 15 September 2022.

Figure 2

Typology of Non-State Labour Migration Intermediaries (LMI) in Germany



Translation and adaptation: 2023 Stiftung Wissenschaft und Politik (SWP)

Source: Beate Andrees, *Regulating the Business of Labour Migration Intermediaries* (Hamburg: Tredition, 2021).

efficient protection against exploitative or abusive recruitment practices.¹⁰⁵

Informal LMI

The number of informal LMI in international recruitment is likely to be a multiple of the number of formal actors. They are often subcontractors used, for instance, to recruit workers from rural parts of a country of origin. Thus, unregistered LMI are often at the very start of the recruitment process, by putting workers willing to migrate in contact with official agencies. This activity requires no particular qualification but does not usually bring in much money for the subcontractors either.¹⁰⁶

The informal actors also include the migrant workers themselves. In collaboration with other LMI, they are often important for recruiting and integrating further workers owing to their personal networks in the countries of origin and their local and linguistic knowledge.¹⁰⁷ Researchers consider migrant net-

works to be important. These networks are often informal but in Germany there are also 15,000 registered diaspora organisations.¹⁰⁸ They are structured into local, regional and increasingly transregional umbrella organisations.

The level of institutionalisation and financing of these networks varies greatly. They occur as volunteer associations or in the shape of professionalised organisations with fulltime staff. Their activities focus on supporting workers arriving in Germany. However, so far only about five per cent of diaspora organisations in Germany are active as LMI, according to a survey by the Expert Council on Integration and Migration (SVR).¹⁰⁹

Informal LMI broadly defined also include criminal organisations which recruit migrants abroad for exploitation and which profit from the transport and brokerage in the destination country. National legislation and international conventions have focused particularly on fighting human trafficking for sex but

¹⁰⁵ Andrees, *Regulating the Business of Labour Migration Intermediaries* (see note 96), 234.

¹⁰⁶ Ibid., 82, 88; van den Broek et al., "Commercial Migration Intermediaries and the Segmentation of Skilled Migrant Employment" (see note 100).

¹⁰⁷ William S. Harvey et al., "Intermediaries and Destination Reputations: Explaining Flows of Skilled Migration", *Journal of Ethnic and Migration Studies* 44, no. 4 (2018): 644–62; Tim Elrick and Emilia Lewandowska, "Matching and Making Labour Demand and Supply: Agents in Polish Migrant Net-

works of Domestic Elderly Care in Germany and Italy", *Journal of Ethnic and Migration Studies* 34, no. 5 (2008): 717–34.

¹⁰⁸ German Federal Government Commissioner for Migration, Refugees and Integration, "Engagement und Teilhabeförderung in allen Bereichen" (2022).

¹⁰⁹ SVR, *Vielfältig engagiert – breit vernetzt – partiell eingebunden? Migrantenorganisationen als gestaltende Kraft in der Gesellschaft* (Berlin, 2020).

have more recently also addressed forms of forced labour and the systematic exploitation of workers.¹¹⁰

Programmes and Pilot Projects in Recruitment

Many pilot projects and programmes to promote migration of workers and trainees have been implemented in Germany over the past decade. According to a current survey by the European Migration Network (EMN), Germany is the EU member with the most initiatives in this area.¹¹¹ Three types of recruitment projects can broadly be distinguished, especially in the partner countries for German international development, each of which combines recruitment, vocational training and further training in a specific way:

Type 1: projects to promote the mobility of skilled labour

Type 2: training partnerships in a dual system and,

Type 3: global skills partnerships with an element of vocational training and further training in the country of origin.¹¹²

Type 1 projects recruit qualified skilled workers from abroad so that, once in Germany, they can complete additional training or obtain a qualification that allows their vocational skills to be fully recognised. *Type 2* partnerships aim to recruit young people to complete (dual) vocational training in Germany; and *Type 3* provides investment in the training capacities and infrastructure in countries of origin so as to improve the level of qualifications there, not just for potential migrant labour but also for workers who want to remain in their country (see Info box 5, page 31).

Not all projects can be presented here or assigned to the tripartite order. However, it must be noted that

recruitment projects have become differentiated and more developed. Instead of recruiting skilled workers abroad (*Type 1*), projects in a growing number of sectors and partner countries increasingly concentrate on full vocational training in Germany (*Type 2*). They also increasingly pursue development concepts to do justice to the development “triple win” approach: for the country of origin (by relieving the labour market, remittances, relieving the social security system, strengthening the vocational training system), the host country (by meeting the demand for labour) and the migrants themselves (through access to higher incomes or experience of working internationally). Simultaneously, there are practical obvious difficulties in orientating *Type 3* projects towards development in their design and realisation.

State-led recruitment projects

The traditional approach to recruitment, including in development partner countries, is *Type 1*. In Germany the most prominent example is the Triple Win programme, under which the German agency for international cooperation (GIZ) with the help of the BA's International and Specialised Services (ZAV) has since 2013 been recruiting skilled care workers for German clinics, retirement homes and outpatient care services. These workers are from Bosnia and Herzegovina, the Philippines and Tunisia, whose qualifications are in principle eligible for recognition in Germany. They are prepared linguistically and interculturally in their home countries and benefit from an accelerated recognition procedure in Germany and usually also receive additional training. While the recruitment agreement with Serbia was cancelled in late 2020 at Serbia's request because the government did not want any further outflow of nursing staff, the BA has only recently concluded new recruitment agreements with Indonesia, India (only with the state of Kerala) and Jordan. Since 2013 a total of 4,900 skilled carers have been recruited, of which over 3,500 have already taken up work in Germany. The programme is to be extended to professions in the hotel and restaurant industry. As a rare exception, Triple Win was originally financed by the state (the Federal Ministry for Economic Affairs and Energy – BMWi) and has since 2018 been financed privately by German care-sector companies.¹¹³

110 Andrees, *Regulating the Business of Labour Migration Intermediaries* (see note 96), 233.

111 European Migration Network (EMN), *Skills Mobility Partnerships: Exploring Innovative Approaches to Labour Migration*, Joint-EMN-OECD-Inform (Brussels, March 2022), 6.

112 Michael Sauer and Jurica Volarević, *Transnationale Qualifizierungs- und Mobilitätspartnerschaften (tQMP). Kontext – Konzeption – Praxis* (Gütersloh: Bertelsmann Foundation, 2020), 8–18; Najim Azahaf, *Wie transnationale Ausbildungspartnerschaften in Deutschland vorangebracht werden können* (Berlin: Bertelsmann Foundation, 2020), 2–5; Michael Clemens et al., *Maximizing the Shared Benefits of Legal Migration Pathways: Lessons from Germany's Skills Partnerships*, CGD Policy Paper 150 (Washington, D.C.: CGD, July 2019), 5–13.

113 German Bundestag, *Antwort der Bundesregierung auf die Kleine Anfrage der Fraktion Die Linke. Grenzüberschreitende Ab-*

Info box 4

New tools for recruiting health and care workers

German Agency for International Healthcare Professionals (DeFa)

The mission of the “Recruitment Agency for Skilled Health and Care Workers” (DeFa), re-founded in 2019 and funded by the BMG, is to support hospitals, care institutions and recruitment agencies to recruit foreign care workers. It offers an administrative service for support with entry, vocational recognition and applications for work and residence permits. By October 2022 DeFa had accompanied 1,350 applications.^a

Quality Seal “Fair Recruitment Healthcare Germany”

The German Centre for International Professionals in Health and Health Care (DKF) is funded by the BMG and supported by the German Foundation for the Care of Older People (KDA) to accompany and promote the development of contents and structures for recruiting, recognising and integrating foreign care workers. This includes the BMG’s state seal of quality, “Fair Recruitment Healthcare Germany” whose catalogue of requirements has been designed and is continuously adapted by the DKF, including its quality and verification provisions.

a Ministry for Work, Social Affairs, Women and Health, “Neue Instrumente für die Personalgewinnung im Ausland vorgestellt”, *Medieninfo*, 6 October 2022.

b DKF/KDA, “Gütesiegel: Faire Anwerbung Pflege Deutschland”.

c “Gütesiegel für Pflegekräfte-Anwerbung. Verfahren soll Vertrauen bei ausländischen Interessenten fördern“, in: *MiGAZIN* (online), 8 February 2022.

The catalogue of requirements is intended as an orientation aid for businesses and private agencies for recruiting skilled workers abroad.^b Skilled health workers are currently being recruited primarily in Bosnia and Herzegovina, the Philippines, Tunisia, Mexico, Brazil, El Salvador and Vietnam.^c

While the Confederation of German Employers’ Associations (BDA) warned of the “bureaucratisation” of the certification process in June 2021, recruitment agencies have shown great interest in the seal of quality. Fifty-two have already received the seal, and many others are currently in the process of being certified.^d

BMG programme “Fair Recruitment Healthcare Germany”

The BMG programme “Fair Recruitment Healthcare Germany” is also considered an important impetus towards adhering to high standards; it offers subsidies towards recruitment costs of up to €6,000 per hired care worker as well as an accelerated skilled labour recruitment procedure with DeFa support. To participate, recruitment actors must have applied for the seal of quality.^e

d KDA, “Die ersten Gütesiegel ‘Faire Anwerbung Pflege Deutschland’ wurden verliehen”, *press information*, 2 February 2022.

e BMG, “Faire Anwerbung Pflege Deutschland”, Projektträger Jülich, 2021.

Since early 2022, the ZAV has also been following the example of the “triple win” concept to recruit care workers from Mexico and Brazil, whom it selects together with German clinics and care institutions. However, to date a recruitment agreement only exists with Mexico. Under the programme, costs incurred are paid by employers, who also have to provide adequate housing and support with professional and social integration.¹¹⁴ Efforts to recruit workers for the health and care sectors have developed particularly rapidly over the past decade, driven by a series of new

initiatives by the Federal Ministry of Health (BMG) (see Info box 4).

There are also projects to recruit skilled workers and trainees for other sectors experiencing shortages, such as IT, construction and the hotel and restaurant industry. Pilot projects are being realised jointly by the IHK, Chambers of Crafts, AHKs and professional associations. The BMWK, for example, funds the pilot project “Hand in Hand for International Talents”, which is being implemented by the DIHK and BA in close collaboration with the AHKs. The project primarily supports small and medium enterprises in recruiting skilled labour from Brazil, India and Vietnam with a vocational qualification as construction and electronics technicians, in IT, or in the hotel and restaurant sector. Here, the IHK and BA are primarily responsible for attracting companies in Germany to the project and for supporting the integration of skilled workers. However, the AHKs are in charge of recruiting appropriate skilled workers abroad. With the ZAV, the

werbung von Pflegekräften, Drucksache 20/2237 (8 June 2022), 4; German Agency for International Cooperation (GIZ), “Nachhaltig ausgerichtete Gewinnung von Pflegekräften (Triple Win). Projektseite” (2022).

114 BA, *Pflegekräfte für Deutschland. Ein Programm zur Rekrutierung und Qualifizierung von Pflegekräften aus Lateinamerika* (January 2022).

AHKs also support project participants with learning the German language and with the visa procedure.¹¹⁵

The BMWK leads a pilot project for small and medium-sized skilled crafts companies called “Handwerk bietet Zukunft (HabiZu)”, in cooperation with the German Confederation of Skilled Crafts (ZDH), the company sequa gGmbH and the ZAV. It aims to recruit 120 skilled craftsmen and women in electronics, metal construction and plant mechanics from Bosnia and Herzegovina for employment in Germany. Here too skilled workers are chosen by the BA in close cooperation with professional associations and Chambers of Crafts, not by employers.¹¹⁶ Certain federal states are also responding to labour shortages and developing their own pilot projects. In collaboration with the West German Chamber of Crafts and BA, the federal state of North Rhine-Westphalia is recruiting skilled workers from Jordan and Egypt for companies in the electronics and IT sectors, helping them to gain German-language qualifications and accompanying them towards vocational recognition.¹¹⁷

Pilot projects in labour migration (*Type 2*) have been gaining in importance. The BMWi has been garnering experience in this area since 2012 with projects to recruit trainees from Vietnam for geriatric and health care.¹¹⁸ Since 2019 the ZAV has led the training project APAL (“Vocational Training Partnership with Latin America”) with El Salvador and since 2021 with Mexico. Here too people are recruited as trainees for the health sector, in cooperation with the Goethe Institute and PASCH schools¹¹⁹ in Mexico. The

project is being implemented in close coordination with the AA.¹²⁰

There are also newer projects, such as the “THAMM” project overseen by the GIZ since 2019, which combined *Type 1* and *Type 2*. To date, THAMM has recruited 278 people for employers in the hotel and restaurant sector, the commercial-technical industry and electronics, sanitation, heating and plumbing, including 234 trainees and 44 skilled workers (as of October 2022). The project, which was commissioned by the BMZ and is co-financed by the EU, aims to establish cooperation with national employment agencies in Egypt, Morocco and Tunisia.¹²¹

Long-term projects can open up migration corridors for private recruiters.

Experience demonstrates that long-term projects such as THAMM only recruit low numbers in the first few years. However, they can open up migration corridors for private recruiters, as shown by the model projects funded by the then-BMWi for recruiting trainees from Vietnam for geriatric and healthcare.¹²² They led to two follow-up projects by private recruiters: one by Vivantes, which extended recruitment for geriatric care to Mexico, Turkey, Brazil, the Philippines and Kosovo, and the GIZ project “Triple Win Nurses – Recruiting Trainees from Viet Nam”, through which the GIZ together with the ZAV and the Vietnamese labour ministry recruited care trainees for Germany on behalf of hospitals and care homes.¹²³

Among the newest approaches are *Type 3* projects inspired by the concept of “Global Skill Partnerships” (GSP), which aim to be highly beneficial for countries of origin and the migrants themselves (see Info box 5). The “Global Skill Partnerships” project has been implemented since 2021 on behalf of the BMG and the Bertelsmann Foundation to prepare care workers from Mexico and the Philippines linguistically and vocationally for the German labour market. To this

115 “Pilotprojekt ‘Hand in Hand for International Talents’ bringt Unternehmen und Fachkräfte zusammen”, *make-it-in-germany* (online), 10 December 2020.

116 BA, “Hürden überwinden, passende Fachkräfte gewinnen – Handwerk bietet Zukunft (HabiZu)”; German Confederation of Skilled Crafts (ZDH), *ZDH-Fachkräfteprojekt mit Bosnien-Herzegowina* (March 2020).

117 West German Chamber of Skilled Crafts, “Fachkräfte für NRW: Pilotprojekt Elektronikerinnen und Elektroniker aus Jordanien und Ägypten” (2022).

118 BMWi, *Modellprojekt Krankenpflege Vietnam (2016–2019). Gewinnung von jungen Menschen aus Vietnam für die Ausbildung zur Krankenpflege in Deutschland. Handlungsempfehlungen für Einrichtungen*; Verena Peters et al., *Handlungsempfehlungen für die Fachkräftegewinnung in der Altenpflege. Auszug aus der Studie “Begleitung des Pilotprojekts Fachkräftegewinnung für die Pflegewirtschaft”* (Berlin: Federal Ministry for Economic Affairs and Energy [BMWi], May 2016).

119 Initiative “Schulen: Partner der Zukunft” (PASCH), “Über die PASCH-Initiative” (2022).

120 BA, “Ausbildungspartnerschaften mit Lateinamerika” (2022).

121 GIZ, “Towards a Holistic Approach to Labour Migration Governance and Labour Mobility in North Africa (THAMM)” (August 2022).

122 Peters et al., *Handlungsempfehlungen für die Fachkräftegewinnung in der Altenpflege* (see note 118); BMWi, *Modellprojekt Krankenpflege Vietnam (2016–2019)* (see note 118).

123 GIZ, *Projekt Triple Win – Gewinnung von Auszubildenden aus Vietnam* (Bonn, 2019).

Info box 5

Global Skills Partnerships

One of the most ambitious *Type 3* approaches is the concept of Global Skill Partnerships (GSP), which was developed by Michael Clemens from the Centre for Global Development (CGD) in Washington, D.C. The concept is based on a bilateral agreement that lays down the fundamental framework and the costs to be shared between the country of origin and destination: the focus is on skills development abroad for competences that are needed in both the origin and destination countries. This requires dual-track training in the country of origin: some of the trainees will decide after qualifying to emigrate to the destination country ("away track"), others will remain in the country of origin ("home track"). Destination-country investments in the training infrastructure of the country of origin create qualification programmes for occupations in which both countries need workers. A uniform training and vocational curriculum ensures that

qualifications will be recognised in both partner countries. The away track also comprises additional courses designed for the destination country, e.g. language and integration preparation.^a

The Clemens model was also integrated into the Global Compact for Safe, Orderly and Regular Migration (GCM). Thus, GSPs among others are meant to contribute to reaching Objective 18, "Invest in skills development and facilitate mutual recognition of skills, qualifications and competences".^b

While larger and pure GSPs do not yet exist, they are being tested in smaller form.^c Belgium and Morocco have started the pilot project PALIM ("Pilot Project Addressing Labour shortages through Innovative labour migration Models") for training skilled ICT workers in Morocco, a large part of whom will be recruited for the Moroccan labour market, while a small proportion will be supported to migrate to Belgium.^d

a Michael Clemens, "Global Skill Partnerships: A proposal for technical training in a mobile world", *IZA Journal of Labor Policy* 4, no. 2 (2015): 1–18.

b United Nations, *Global Compact for Safe, Orderly and Regular Migration*, A/CONF.231/3 (Marrakech, 11o and 11 December 2018), 24f.

c Najim Azahaf, *Wie transnationale Ausbildungspartnerschaften in Deutschland vorangebracht werden können* (Gütersloh: Bertelsmann Foundation, 2020), 5.

d Enabel, "Pilot Project Addressing Labour shortages through Innovative labour migration Models".

end, existing training courses in these countries are being developed with the participation of University Hospital Bonn to meet the requirements of German care qualifications. The courses will be open not only to students who intend to go to Germany after qualifying but all students in situ ("home track").¹²⁴ Just how high the standards of these projects are was shown by the GIZ project funded by the BMZ, "Creating employment perspectives for youth in Kosovo"¹²⁵, which was also intended to open up job opportunities in construction in Kosovo and Germany. The project's GSP-like component was not implemented because the gap in quality standards was ultimately too wide to be bridged during the timespan. However, during the project a replicable model was developed for skills development and for the recognition of Kosovar and German professions with a shortage of skilled work-

ers; a pilot project was also designed that could be implemented in future in the construction sector.¹²⁶

Since 2019 there has also been the GIZ programme PAM, financed by the BMZ, which builds on the lessons learned from the Kosovo project and other GIZ measures. PAM together with actors from the public and private sectors and civil society develops and tests mobility models between Germany and partner countries Ecuador (trainees for industrial mechanics and electronics for industrial engineering), Nigeria (trainees for the construction sector), Kosovo (construction trainees and skilled workers in early education) and Vietnam (skilled workers in machining mechanics).¹²⁷

To promote the development potential of the EU Talent Partnerships stipulated in the EU asylum and migration pact, the BMZ and the International Centre for Migration Policy Development (ICMPD) have started the two-year pilot initiative "INSPIRE". The project will create country-specific multi-stakeholder plat-

124 Federal City Bonn, "Global Skills Partnerships: Akademischer Austausch startet am UKB", *press release*, 8 July 2021; Bertelsmann Foundation, "Establishing transnational skills partnerships".

125 GIZ, "Creating Employment Perspectives for Youth in Kosovo" (March 2021), <https://www.giz.de/en/worldwide/66634.html> (accessed 12 January 2023).

126 CGD, "Youth, Employment and Skills in Kosovo (YES)" (2021), <https://gsp.cgdev.org/2021/07/07/youth-employment-and-skills-in-kosovo-yes/#role-of-the-center-for-global-development-cgd> (accessed 12 January 2023).

127 GIZ, "Fachkräfte qualifizieren und Arbeitsmobilität fördern" (September 2021); GIZ, "Neue Praxiswege der Fachkräftegewinnung mit PAM gehen", GIZ-Powerpoint (8 December 2021).

forms for dialogue on GSPs to bring together public and private actors from Europe and partner countries. The project is being implemented in the Eastern Partnership region, the Western Balkans and Africa.¹²⁸

Non-state recruitment projects

In addition to state-funded projects, there are many projects organised by non-state actors: internal company programmes and projects initiated by educational establishments, church charities, non-profits or foundations which are partly financed by the state and implemented in close cooperation with the BA and GIZ.

Many training initiatives by German employers already exist in the private sector, especially by globally active companies, which tend to train workers for their own needs and up to German vocational standards on a production site abroad. For instance, Porsche has established its own training centres for mechatronics technicians in South Africa and the Philippines, whose graduates can be employed worldwide in Porsche subsidiaries (elements of *Type 3*).¹²⁹

Since SMEs often depend on support from chambers and professional bodies for recruitment, the District Skilled Crafts Association Fleischer-Innung in Lörrach and the Chamber of Crafts Freiburg have set up the pilot project “Von Indien nach Südbaden – Azubis für das Handwerk” (From India to southern Baden – Trainees for Skilled Crafts). As part of this project, workers are recruited in India to be trained as butcher's shop assistants or butchers for butcher's shops in the Lörrach district (*Type 2*). An Indian recruitment agency recruits young people in situ and prepares them for training in Germany through intensive language courses. Participants have to bear the costs for the German course and supervision by the Indian recruitment agency; German businesses pay travel costs and provide accommodation.¹³⁰

128 ICPMPD, *Incubating Skills Partnerships Beneficial to Migrants, Countries of Origin and Destination*. INSPIRE Project Flyer (Vienna, February 2022).

129 Azahaf, *Wie transnationale Ausbildungspartnerschaften in Deutschland vorangebracht werden können* (see note 112), 5f.; Clemens et al., *Maximizing the Shared Benefits of Legal Migration Pathways* (see note 112), 4.

130 Paula Zeiler, “Erste Metzger-Azubis aus Indien sind da – Pilotprojekt im Kreis Lörrach”, *SWR Aktuell* (online), 21 September 2022; Freiburg Chamber of Skilled Crafts, “AINS-AH – Aus Indien nach Südbaden – Auszubildende fürs Handwerk” (2022).

Welfare organisations also implement projects. They mostly focus on finding young people abroad for vocational training in Germany in health and geriatric care. For example, as part of a training programme by Württemberg Social Work and Welfare, since 2014 over 18 welfare and charitable organisations from the Land Baden-Württemberg have been recruiting young people from Kosovo, Bosnia and Herzegovina, Albania, Serbia, Ukraine and Armenia for a three-year training programme in Germany (*Type 2*). The project costs are largely paid by the future employers.¹³¹

Since 2014, the Bertelsmann Foundation has been intensively working on transnational skills and mobility partnerships (of *Type 3*) as part of the project “Making Fair Migration A Reality”. For instance, it initiated, along with the GIZ, the BMG project “Global Skill Partnerships”, mentioned above, with Mexico and the Philippines. It is also currently building a platform for German actors from politics, the economy and civil society to exchange their knowledge and experience to jointly identify obstacles to the implementation and expansion of such projects in areas with severe skilled-worker shortages and to develop solutions.¹³²

State and non-state actors do not yet cooperate sufficiently at crucial interfaces.

In sum, the state and non-state actors responsible for recruiting workers from third countries for Germany are not yet sufficiently working together at several important interfaces. Good progress has been made on an ad-hoc basis in the federal government's migration policy coordination; however, there lacks a whole-of-government approach that also considers development and foreign-policy aspects of attracting labour migrants to Germany. This lack of coherence is also clear in the many, somewhat parallel pilot projects for in training and labour migration to Germany that are being carried out by various ministries with partner countries. In turn, the expertise on suc-

131 Social Welfare Service of the Protestant Churches in Württemberg, “Internationales Ausbildungsprojekt zur Gewinnung von Pflegefachfrauen und Pflegefachmänner durch eine 3-jährige Ausbildung von jungen Menschen aus Drittstaaten” (Stuttgart).

132 Bertelsmann Foundation, “Transnationale Ausbildungspartnerschaften etablieren” (see note 124).

Successful approaches to recruiting skilled workers and trainees from third countries is often held by the GIZ, which participates in almost all state recruitment programmes. This experience should be used more extensively to develop and expand programmes. It is also important to strengthen the BA's capacities to approve employment and to negotiate bilateral recruitment agreements. A coherent recruitment strategy must also pay more attention to the perspective of non-state recruiters, especially employers and trade unions as well as the diaspora and NGOs, in order to be successful.

Problem Areas and Recommended Actions

Recognising Foreign Vocational Experience

The recognition of qualifications and migrants' language skills continue to be deterrents to recruitment. Recognition procedures frequently take too long and lead to many third-country nationals being excluded from the German labour market.

The German labour-market and vocational system is highly formalised. The recruitment and approval of third-country nationals is usually only possible if foreign qualifications are recognised as being equivalent to German standards. Moreover, the recognition procedure is time-consuming and cost-intensive.¹³³ Increasingly, actors from the economy, politics and academia are calling for a more flexible approach to the criterion of vocational equivalence (or even its abolition).¹³⁴

New approaches are being explored. Thus the Federal Institute for Vocational Education and Training (BIBB) and the Bertelsmann Foundation have long been working on instruments for registering potential and skills, and propose new procedures for recognising skills gained informally.¹³⁵ The federal government announced in its white paper that it intended to simplify the recognition procedures for foreign educa-

tional and vocational qualifications in coordination with the Länder and chambers, inter alia by extending the range of support and qualifications.

Some problems in recognising foreign qualifications result from a lack of prequalification and pre-integration support. These deficits are not new either: improvements to (digital) information opportunities for future labour migrants have been discussed for many years. The information currently on offer – for instance via the Internet portal “Make it in Germany”¹³⁶ – is clearly insufficient and too strongly geared towards skilled workers to attract larger numbers of workers that might migrate to Germany. It is problematic that there is no central Internet portal for workers of all qualification levels and for those interested in training.

Chambers and associations are also responsible for recognising qualifications. Under the Professional Qualifications Assessment Act (BQFG), chambers are the appropriate authority for verifying equivalence for (semi) skilled jobs in the dual system (unregulated occupations) as well as for the occupations they have been assigned: the regional Chambers of Crafts are responsible for skilled crafts, while the central IHK Foreign Skills Approval (IHK FOSA) is responsible for the more than 250 IHK-regulated training occupations.¹³⁷ However, the chambers and associations could become more active and support the employment services by supplying well-conceived assessments of practical experience and professional skills. It should be pointed out that training systems in other countries are not necessarily worse, but often simply different. Often German employment services have insufficient knowledge of them. A further prob-

¹³³ In individual cases, the costs of recognition procedures can reach €600 or more. Furthermore, there are often expenses for translation, certification or proof of qualification, see BIBB, “Financial support”.

¹³⁴ SVR, *Steuern, was zu steuern ist: Was können Einwanderungs- und Integrationsgesetze leisten? Jahresgutachten 2018* (Berlin, 2018); Peter Steinmüller, “Expertenrat fordert leichteren Zuzug ausländischer Fachkräfte”, *VDI Nachrichten* (online), 2 March 2022.

¹³⁵ Stefanie Velten and Gunwald Herdin, *Anerkennung informellen und non-formalen Lernens in Deutschland* (Bonn: BIBB, April 2016); Bertelsmann Foundation, *Über Teilqualifikationen erfolgreich in den Beruf. Einstieg in den Job, Schritt für Schritt zum Abschluss* (Gütesloh, 2020).

¹³⁶ German Federal Government, “We made it! 10 Jahre ‘Make it in Germany’”, <https://www.make-it-in-germany.com/de/> (accessed 3 January 2023).

¹³⁷ BMBF, *Erläuterungen zum Anerkennungsgesetz des Bundes* (Berlin, March 2012), 25.

lem is that existing job offers have so far not been considered sufficient proof of the required qualifications.

Recommendation 1

The recognition of vocational qualifications is a fundamental obstacle to labour recruitment. The federal government should be pragmatic when designing the legal requirements for recognising foreign qualifications, and — as announced in its white paper on skilled labour immigration in November 2022 — should facilitate and accelerate recognition procedures. The two-year deadline for the recognition of qualifications should be extended, and the recognition procedures in the federal states should also be standardised. The planned “opportunity card” and associated points system should be elaborated and applied in such a way that vocational experience can serve as a labour-market test and replace individual proof of qualifications and verification.

Language Skills

As a rule, potential labour migrants have to prove that they possess adequate language skills. This is often a barrier to migration. Yet according to the first results of an OECD online survey of almost 30,000 international skilled workers, the latter are very willing (3 out of 5 participants) to learn German beforehand. More participants would be willing if the range of courses was improved, the cost of courses was lowered or more courses were offered.¹³⁸

The federal government also considers language training before entry to be an important element of pre-integration that is supposed to prepare migrants in general for life in Germany. As part of revising the National Action Plan for Integration (NAP-I),¹³⁹ the federal government’s commissioner for migration, refugees and integration carried out a poll at federal and state level as well as among civil society about the pre-integration support on offer. Results indicate that while there are many language courses, including for skilled workers and migrant trainees from third countries, these are mostly limited to only cer-

tain countries of origin and cover neither wide geographical areas nor the demand. Moreover, there is a large number and wide spectrum of actors. According to the poll, what is required is better networking between actors, trying out new approaches to pre-integration and an expansion of model projects to additional target groups and countries and regions of origin.¹⁴⁰

The NAP-I points out how important it is to better coordinate language courses in countries of origin with those offered in Germany, advance the training and recruitment of German-language teachers abroad, support the Support Initiative for German Schools Abroad and Partner Schools (BIDS) to prepare migrants for studying at university in Germany, and strengthen German as a foreign language in the state school systems of countries of origin. As a matter of principle, language acquisition in the country of origin should be expanded. Within the German government, the AA is responsible for this. According to NAP-I, closer cooperation would be necessary between the Federal Office for Migration and Refugees (BAMF), the Goethe Institute, the German Academic Exchange Service (DAAD) and the Educational Exchange Service (PAD).

The key actor in language acquisition abroad is — and will continue to be for the foreseeable future — the Goethe Institute, which has moreover been involved in providing qualifications and advice for spouses and skilled workers from other EU member states and third countries. The Institute is present in all relevant target regions for skilled labour initiatives and offers, together with public and private partners,¹⁴¹ language and intercultural qualifications. Because of its many sites in Germany and abroad, the Goethe Institute is an actor which can accompany workers throughout the whole migration and integration process, from qualifying in the country of origin to further training in Germany.

However, the institute has neither sufficient money nor sufficient staff, despite an AA funding increase of €15.1 million (to €239 m), agreed in 2023.¹⁴² There is also room for improvement in linking digital and

¹³⁸ OECD, *Your Way to Germany. Ergebnisse einer Onlinebefragung unter Fachkräften im Ausland* (Paris, December 2022).

¹³⁹ German Federal Government, “Nationaler Aktionsplan Integration. Das tun wir für Ihre Chance” (Berlin: Presse- und Informationsamt der Bundesregierung, 2022).

¹⁴⁰ German Federal Government Commissioner for Migration, Refugees and Integration, *Deutschland kann Integration: Potenziale fördern, Integration fördern, Zusammenhalt stärken. 12. Bericht der Beauftragten der Bundesregierung für Migration, Flüchtlinge und Integration* (Berlin, December 2019).

¹⁴¹ Including the GIZ and the care, economic, employers’ and clinics’ associations, the ZAV and the IHKs.

¹⁴² Goethe Institute, “15,1 Millionen Euro mehr für das Goethe-Institut”, 15 November 2022.

analogue courses and coordinating programmes taught abroad with those taught in Germany. Moreover, language courses are often only available at the Goethe Institute itself and there are too few in general; there is insufficient cooperation with local language course providers.

The goals of language acquisition are also inadequately defined. To increase recruitment, workers should be supported in acquiring German skills to level A2 of the Common European Framework of Reference for Languages (CEFR)¹⁴³ even before they migrate. This will require pre-vocational language courses in sufficient numbers, of appropriate length, at reasonable cost and with easy accessibility. Strengthening language teaching must also include training the required additional teachers, making more extensive use of digital teaching methods and ensuring that venues for face-to-face teaching, which is frequently still indispensable in the country of origin, are large enough.

Recommendation 2

German language skills are crucial for the integration of migrant workers in Germany. This is true for highly skilled and skilled as well as less skilled workers. Language skills are a prerequisite for success in many professions and also influence the contribution that migrants can make to developing their home countries via remittances or knowledge transfer. This is why language teaching to migrant workers both before and after migration should be massively extended, including for specialist or job-specific language skills. To this end, financial and staff capacities and opportunities for digital teaching (especially by the Goethe Institutes) should be greatly expanded. Private providers of language courses should also be used more extensively.

Visa Policy

Most third-country nationals need a visa to enter Germany. To obtain one, they usually need to provide proof of a firm job offer or a place on a training or degree course. The issuing of visas is often lengthy, with substantial waiting-times. Nevertheless, there are significant variations by site, due to the inadequate staffing levels of many embassies and con-

sulates.¹⁴⁴ The federal government itself has accepted that, to increase staff numbers in visa processing for skilled workers, it will need to recruit and train more visa decision-makers, enlarge existing sites and provide more resources for employing local workers; it has announced that it is trying to address all three shortages.¹⁴⁵ External providers, which are allowed to take on certain visa-processing services under Art 43 of the EU Visa Code, are increasingly important.¹⁴⁶ According to the AA, they already accept over 85 per cent of applications for short-term Schengen visas, but only 34 per cent of long-term national visas. The latter could be expanded and thus relieve the embassies and consulates.

The German Foreign Office oversees visa issuing with support from the Federal Office of Administration (BVA) and Federal Agency for Foreign Affairs (BfAA). The BVA checks all visa applications, is the communications and services interface between German missions abroad and a multitude of German authorities and is supposed to coordinate the digitalisation of applications. The BfAA is responsible for processing visa applications for skilled workers under the FEG. The new federal agency should contribute to easing the burden of visa sections abroad. It remains to be seen whether this new administrative structure contributes to accelerating visa procedures for skilled workers and their family members — also because recruiting the agency's staff is a challenge.

Researchers and NGOs often criticise consulates for having a negative attitude to migration, being restrictive in their issuing of visas¹⁴⁷ and having a “defensive mentality”.¹⁴⁸ This reproach is relevant for recruitment because many countries of origin (such as Turkey) nowadays make their cooperation in controlling

¹⁴⁴ “Arbeitsmarktzugang auf dem Prüfstand. Wie das Einwanderungsgesetz für Fachkräfte verbessert werden muss”, *Deutschlandfunk* (online), 13 December 2021.

¹⁴⁵ German Bundestag, *Antwort der Bundesregierung auf die Kleine Anfrage der CDU/CSU. Belastungen des deutschen Arbeitsmarkts durch den Fachkräftemangel*, Drucksache 20/3189 (26 August 2022), 42.

¹⁴⁶ “Europäisches Parlament and Europäischer Rat: Verordnung (EG) Nr. 810/2009 über einen Visakodex der Gemeinschaft”, *Amtsblatt der Europäischen Union* L 243/1 (15 September 2009), 19f.

¹⁴⁷ DGB Bildungswerk Bund, “DGB Bildungswerk: Erfolgreiche Bildungsarbeit mit Standpunkt”.

¹⁴⁸ “‘Abwehrmentalität’. Experten fordern grundlegendes Umdenken bei Arbeitskräfteeinwanderung”, *MiGAZIN* (online), 21 July 2022.

¹⁴³ Common European Framework of Reference for Languages (CEFR), “Aufgaben des GER”.

migration dependent on their demands for simplified international mobility being met — for instance through free visas or a generalised visa waiver for their citizens. Turkey has been pushing for visa-free travel with the EU for a long time.

In fact, according to the European Commission, in 2021 EU member state embassies and consulates received 2.9 m applications for Schengen visas, of which 2.4 m were granted. In the same period, around 350,000 applications for Schengen visas were made in German representations, of which 288,000 were granted. In both cases, the rejection rate was about 17 per cent.¹⁴⁹ However, these figures present an incomplete picture since they only take into account processed visa applications. The number of interrupted visa applications or applications that were not even begun because they were thought hopeless is far higher. Neither appear in the statistics.¹⁵⁰

Recommendation 3

The issuing of visas is a bottleneck for recruitment. In its white paper, the federal government declared that it would further accelerate and digitalise the visa process. The federal government should implement this as a priority and ensure that embassies, consulates and the BFAA are sufficiently equipped for it. In general, the AHKs are key interlocutors abroad for the German economy and a brokerage forum for potential employees and employers. They should be involved even more closely in recruitment.

The federal government has announced that it will build on the framework cooperation agreement between the AA and DIHK by identifying additional sites where AHKs can provide advice to applicants before the visa procedure and support them in preparing their applications. It also said that it might assume a greater role as an intermediary between potential workers and employers and in advising German companies. Moreover, the processing time for

visa applications is to be reduced to three months, among other things by hiring additional staff.¹⁵¹

Administrative Infrastructure in Germany

The government should push ahead with digitalising the issuing of visas; however, this is insufficient by itself since it presupposes digitalising its cooperation with Foreigners' Offices. The latter often still use analogue working methods. There are also frequent complaints about the sluggishness of administrative structures and inadequate staffing. Foreigners' Offices are crucial here since they are responsible for enforcing residency legislation. Their tasks include deciding on residence and permanent residence permits; they are also involved in the issuing of visas and related other duties. However, even during business-as-usual Foreigners' Offices are already underequipped for their mission. This has only worsened with forced displacement from Ukraine and the implementation of the Skilled Immigration Act and the Residence Act. In an SWR poll of August 2022, 94 per cent of agency heads surveyed stated that their staffing situation was strained, that they had too few applicants, rooms and posts, and that employees were underpaid. As a consequence, they said, decisions took longer and longer. It currently takes Foreigners' Offices three to twelve months to process applications.¹⁵²

The FEG stipulates the establishment of Central Foreigners' Offices in the Länder (§ 71 Residence Act). However, to date only nine have put this into practice. In addition, there are around 540 local Foreigners' Offices, which necessitates time-consuming coordination between them and with other authorities and can even lead to multiple assessments with different results.¹⁵³ The ZAV will also require more staff if future recruitment is not to be exclusively in the hands of private agencies. Information channels typically favoured by those interested in immigration, such as social media, should also be used more.

149 German Foreign Office (AA), "Statistik zu erteilten Visa", 19 April 2022.

150 Steffen Angenendt and Karl Steinacker, *The Future of Global Mobility. Why We Need a Debate about Multilateral and Digital Solutions to Prevent the Global South from Being Excluded from International Travel*, SWP Comment 13/2022 (Berlin: Stiftung Wissenschaft und Politik, February 2022).

151 German Federal Government, *Eckpunkte zur Fachkräfteeinwanderung aus Drittstaaten* (see note 62), 19ff.

152 "SWR-Umfrage: Ausländerbehörden beklagen Überlastung", *tagesschau.de* (online), 25 August 2022.

153 "Beschleunigtes Fachkräfteverfahren. Ansprechpartner in den Bundesländern", *make-it-in-germany.com* (online portal), 25 August 2022.

Recommendation 4

Adequate administrative infrastructure for the effective recruitment of workers from third countries requires a system change. Foreigners' Offices should be transformed into offices for immigration equipped with the necessary capacities: primarily through the establishment of Central Immigration Authorities in all federal states, a revision and streamlining of the tasks to be completed by the Immigration Authorities and employment agencies prior to the issuance of visas, and the establishment of clearing offices for disputed decisions. To support the digitization and acceleration of application procedures, consideration should be given to how the further development of the AZR into a digital platform that can be accessed by all authorities involved in the visa process can be designed to comply with data protection requirements. State advisory and information services abroad should also be bundled.

Recommendation 5

The federal government should establish a regular exchange between the ministries involved in recruitment and in migration policy (AA, BMAS, BMZ, BMI, BMWK, BMBF), including the new special representative for migration partnership agreements. This could be in the shape of a task force with clear competences and regular reports to the government cabinet and Bundestag. The whole-of-government approach should be complemented by a whole-of-society approach involving civil society (including the diaspora), the private sector, and regional and local actors. A regular exchange of practices should also be organised between individual state-led recruitment projects as well as initiatives to promote the internationalisation of dual-track vocational training (e.g. GOVET).

Whole-of-Government Approach

Recruitment is an overarching political task requiring, among other things, orderly teamwork between the relevant ministries. Despite recent reforms, Germany's migration policy is still a long way from this ideal. Coordination is currently primarily event-driven, for instance by the steering meeting of the secretaries of state to elaborate the white paper for skilled labour immigration from third countries.

The most important condition for an efficient recruitment policy is continuous cooperation between departments. The relevant departments must come to an agreement on the government's objectives for migration and refugee policy as part of a whole-of-government approach. This includes the "special representative of the German federal government for migration partnerships with third countries"¹⁵⁴ nominated by the coalition government in February 2023.¹⁵⁵

The whole-of-government approach should be complemented by a whole-of-society approach by regularly involving civil society (including the diaspora), the private sector, and regional and local actors.

Development impacts of recruitment

As in most other industrial countries, migration policy has in Germany over time been strongly influenced by interior and security policy; it has looked primarily inwards, often at reducing irregular immigration and improving and accelerating the integration of immigrants. By comparison, labour-market, foreign-policy and development aspects were secondary.

The current federal government wants to change this. In their coalition agreement of November 2021, the ruling parties already agreed on a "new beginning" in migration and integration policy that would do justice "to a modern immigration country".¹⁵⁶ The future policy aims at implementing practicable partnership agreements with important countries of origin and will, as additionally stated in the white paper, avoid "poaching" workers from development partner countries in a way that inhibits development.¹⁵⁷

A promising new approach here are the current plans of the BMZ for so-called "migration and development centres". These will in part build on experience with existing "advice centres for jobs, migration and re-integration", which were established by the BMZ under the previous government as part of the Perspektive Heimat ("Returning to New Opportuni-

¹⁵⁴ German Federal Government, *Fachkräftestrategie der Bundesregierung* (see note 61), 36.

¹⁵⁵ Steffen Angenendt, *Warum Deutschland einen Sonderbevollmächtigten für Migration braucht*, SWP Kurz gesagt (Berlin: Stiftung Wissenschaft und Politik, 4 May 2022).

¹⁵⁶ SPD/Bündnis 90/Die Grünen/FDP, *Mehr Fortschritt wagen* (see note 11).

¹⁵⁷ German Federal Government, *Eckpunkte zur Fachkräfteinwanderung aus Drittstaaten* (see note 62), 10.

ties”) programme.¹⁵⁸ However, the new centres will be fundamentally re-aligned so as to synchronise with the administrative structures of the partnership countries, for instance their ministries of work or migration, and enable later adoption by those structures. They should also integrate the private sector and NGOs; allow other donor countries to participate financially; work with organisations that are active in situ in language teaching and vocational qualifications; and support women in particular.

Recommendation 6

The BMZ has the important task in labour recruitment of contributing a development perspective to Germany’s recruitment policy. The BMZ should systematically use its experience in cooperating with the partner countries and making sure that development goals are really taken into account. The new “centres for migration and development” should be equipped organisationally and financially and supported politically in such a way that they can provide practical support for a whole-of-government approach to recruitment. This applies above all to the inclusion of the GIZ and BA. With a view to the feminist foreign and development policy announced by the AA and BMZ, the advice and information offered should also target groups that are particularly marginalised in the migration process, such as women and children, as well as minorities, such as LGBTQ+ and people with disabilities.

The centres are confronted with many expectations. They are to advise those wanting to migrate and work legally in Germany or other countries as well as returnees requiring help with re-integration in their country of origin. They are also to find suitable language and orientation courses for migrants who already have a job contract or work visa, and vocational and qualification programmes for people interested in migrating. Furthermore, the centres are to support job creation in the partner country, help returnees set up a business where applicable and offer psychological and social support to vulnerable groups. Finally, they are to strengthen the partner

¹⁵⁸ There are currently return and re-integration advice offices in 12 development partner countries: Albania, Kosovo, Serbia, Morocco, Tunisia, Egypt, Senegal, the Gambia, Ghana, Nigeria, Pakistan and Iraq. The centres are planned in up to ten partner countries; a list of proposals is being drawn up as part of the GIZ appraisal mission.

country’s administrative capacities, for instance the employment agencies responsible. In general, the partner country is also meant to benefit from this support at the local and civil-society level.

Future debate on this approach will need to clarify above all the extent to which these centres are also meant to take on recruitment tasks without contradicting the development mandate of the BMZ. It will also need to be decided which NGOs, diaspora organisations, companies and other actors the centres should cooperate with. These issues will be decisive in making the new approach a real alternative to current offices focusing on return policy.

Selecting partner countries and recruitment agreements

Selecting partner countries is a key — and therefore controversial — aspect of labour-migration policy. Thus the BA has provided support by establishing a demand analysis for recruitment abroad and a potential analysis to identify suitable partner countries. The process has so far found 12 “high-potential partner countries”.¹⁵⁹ The BA expects that the practical experience made with new recruitment projects will create new insights for shaping recruitment agreements and other forms of bilateral cooperation in recruitment.¹⁶⁰

Such potential analyses can be politically tricky and can potentially cause bilateral tensions. The BA’s analyses are therefore only used for the government’s internal planning. According to the BMAS, they are a good basis for approaching specific countries and

¹⁵⁹ The BA’s potential analysis assesses potential partner countries in terms of their labour-market situation, willingness to cooperate and occupation-specific potentials. It also considers the migration potential for employment-related migration (unemployment level and demographic development) and “affinity with Germany” (e.g. those learning German or already living in Germany). On this basis, the following countries have so far been selected: Egypt, Brazil, Bosnia and Herzegovina, Egypt, India, Indonesia, Jordan, Colombia, Morocco, Mexico, the Philippines, Tunisia and Vietnam; see Federal Employment Agency (BA), *2021 Geschäftsbericht der Bundesagentur für Arbeit* (Nuremberg, April 2022).

¹⁶⁰ Ibid., 83: recruitment agreements exist with India and Indonesia (care workers), Mexico (care workers, cooks), Colombia (electronic professions; gardeners) and Moldova (seasonal farm workers), as well as framework cooperation agreements on extending cooperation on employment-related migration with Jordan and Mexico.

making them well-conceived cooperation proposals. The ministry has also repeatedly pointed out that potential analyses do not exclude other third countries from migration cooperation, if they fulfil the legal basis for labour immigration. Development circles primarily criticise the potential analyses carried out to date for inadequately involving actors and perspectives from foreign and development policy.

The selection of partner countries also raises fundamental questions: by definition, bilateral partnerships require country-specific approaches. However, the legal basis of Germany's labour-migration policy is universal in nature and focused on meritocratic selection; in other words, migration opportunities are primarily dependent on the qualifications, not the provenance, of individual applicants. This has been changed to some degree by the Western Balkans Regulation, but if more country particularism were to arise, this could generate tensions with the legal foundations of German migration policy.¹⁶¹

Another problem of the current selection of partner countries is that it does not respond to criticism, for instance from trade unions and NGOs, or the positions of the potential partner countries. However, factoring these positions in would help the federal government to develop principles for a well accepted recruitment policy.

In the past, there were also often objections to recruiting in African countries, with reference to the particular consequences of recruiting skilled health workers from already weak health systems and to violations of the ILO principles as formulated, for example, in the "Fair Recruitment Initiative".¹⁶² However, such objections tended to be formulated less vehemently against recruitment from Asian countries, often based on claims that countries such as the Philippines (already an export hub for care workers), Indonesia (the BA's first recruitment agreement under the FEG) and India (recruitment agreement in December 2021 with the state-run partner agency Norka Roots for Kerala state) possessed not only surplus workers but also suitable administrative structures to ensure cooperation. Similar arguments come from recruiters who point out that large companies which actively recruit workers from third countries prefer Asian states – including for practical reasons, since they often already have subsidiaries there who can

provide support in recruitment. Recruiters also indicate that companies are markedly less interested in the African continent, recruiting to any significant extent only in South Africa, Nigeria and North African countries, such as Egypt.

All relevant interest groups – employer confederations, research institutes and training centres in situ, IHKs and AHKs, certifying bodies and embassies – should be taken into account. This is a key to fairer migration. The "Joint Monitoring Committee" for implementing the GIZ "Triple Win" project should serve as a model here – it involves the trade unions, ZAV, GIZ and relevant ministries of the partner regions.

The different interests and conflicting objectives of labour-market policy and development cooperation are evident when it comes to recruitment agreements. BMAS employees point out that recruitment arrangements between the BA and the labour ministries and employment agencies in partner countries should be flanked by development policy. However, it is unclear how this can be realised, given that the BA is not a development organisation. It requires the support of the BMZ, which is by default not primarily focused on domestic policy goals but the development perspectives for partner countries. Some commentators say that the BMZ's existing country knowledge should be used when developing recruitment agreements in order to ensure mutual benefit in designing partnerships. In general, they believe, development aspects are not sufficiently integrated into Germany's recruitment policy.

Recommendation 7

When selecting partner countries, the federal government should pay closer attention to criteria from development policy and migration-related foreign policy and also consider countries that have so far not been the focus of international recruitment, such as many African nations. As a matter of principle, recruitment arrangements should lead to long-term and comprehensive migration partnerships, which could imply a quota for workers without set qualification requirements. For the future designing of migration partnerships, better use should be made of the expertise in the BMZ and GIZ.

Taking African countries into consideration for new recruitment agreements would offer Germany the opportunity of further extending its pioneering role in partnership and development approaches to labour

¹⁶¹ Conversation with Jan Schneider, SVR.

¹⁶² International Labour Organization (ILO), "Fair Recruitment Initiative" (Geneva, 2022).

migration, and rallying support for such an approach at EU level as well.¹⁶³ These aspects should be considered when designing the planned centres for migration and development.

Transitioning from Pilot Projects to Long-term Recruitment Measures

It is almost impossible to assess the economic or labour market implications of Germany's pilot projects due to the low case numbers. There are certainly promising practices stemming from pilot projects but most of them do not lead to larger programmes. One exception is the GIZ "Triple Win" programme, which has existed since 2013. Most others never went beyond pilot-project status.¹⁶⁴ One reason is that they tend to be demanding, expensive and difficult to implement, especially in the initial phase. Nevertheless, projects exist that would be suitable for scaling-up, such as the PAM and THAMM projects described above.

One reason for problems in scaling is that there is not yet a sustained financing mechanism for fair recruitment programmes. In particular, it is not clear how projects like transnational skill and mobility partnerships could be funded by the private sector. While it is both necessary and logical to draw on resources from development cooperation for the start-up financing of pilot projects, in the long term (co-)financing using public funds cannot be justified – after all, recruitment is not only about securing the nation's labour volume as a foundation of economic competitiveness but also about the commercial interests of businesses.¹⁶⁵ Ultimately, conflicting objectives between labour-market policy and development cooperation become evident here too – as does the fact that pilot projects can help to establish positive standards for recruitment from third countries.

A way out of these conflicting objectives could be the early involvement of employers in state-run projects, for instance through private public partner-

ships. Another financing possibility is for the private sector to fund fair recruitment actors. The "Labor Migration Partnerships", an initiative founded by several businesses, proposes three models for this: (1) philanthropic institutions provide pre-financing at affordable interest rates to recruitment actors who meet certain quality standards. (2) Larger employers offer recruitment actors affordable pre-financing for fair recruitment of the workers that they need. (3) Investors fund recruitment actors who are already involved in fair recruitment, allowing them to intensify and scale their recruitment efforts.¹⁶⁶

Recommendation 8

Much experience has already been gained from pilot projects in fair recruitment. Given the growing demand for labour, this should be promptly used for larger recruitment projects for skilled labour. The scaling of existing projects, which was also recommended by the government's white paper on skilled labour immigration, should be a priority. This will require evaluating relevant programmes and projects as well as analysing the effects on the economy, labour-market legislation and development policy of the countries of origin and examining the experiences of the migrants themselves. The possibility of scaling, especially of the GIZ projects PAM and THAMM, should be investigated. Fundamentally financing should be provided above all for long-term transnational partnerships. Employers should also be integrated early into mixed funding initiatives (e.g. public private partnerships).

Measures against Unfair Recruitment Practices

Recruitment by non-state actors can pose particular challenges to labour migrants and the influence of development actors on them is so far limited. There is also a knowledge gap: research (at least in Germany) has so far primarily concentrated on state actors and given less attention to the role of non-state actors. Nevertheless a number of insights can be derived from the informal conversations carried out for this paper on the relationship between state and private-sector recruitment to Germany and about possible measures against unfair practices:

¹⁶³ Azahaf, *Wie transnationale Ausbildungspartnerschaften in Deutschland vorangebracht werden können* (see note 112), 8.

¹⁶⁴ Sauer and Volarević, *Transnationale Qualifizierungs- und Mobilitätspartnerschaften (tQMP). Kontext – Konzeption – Praxis* (see note 112), 9.

¹⁶⁵ Helen Dempster et al., *Financing Legal Labor Migration Pathways. From Pilot to Scale*, Policy Paper 261/2022 (Washington, D.C.: CGD, June 2022).

¹⁶⁶ Labor Mobility Partnerships (LaMP), "We Need Better Solutions to the Capital Constraints Faced by Responsible Recruitment Agencies", 6 April 2022.

- Research shows that in Germany it is hard for SMEs because they do not possess the international networks, staff infrastructure or knowledge of third countries in order to actively recruit potential workers abroad.¹⁶⁷
- Recruitment via state structures is often expensive because certain standards have to be adhered to, e.g. avoiding recruitment fees to be borne by labour migrants.¹⁶⁸ In this context, it often seems more convenient for employers to hire private recruitment actors, since they then do not have to follow the principles of fair recruitment (such as “the employer pays”).
- Trade unions have argued (for example with reference to German recruitment of careworkers from the Philippines) that greater numbers of skilled workers could have been hired if there had been no parallel private-sector recruitment, who are often more agile. The Philippines, they claim, did not provide the agreed contingent of care workers, whereas the number of non-state-recruited workers rose. According to this perspective, state recruitment should be the rule and cooperation with private recruitment agencies the exception – and only if they have obtained an official quality seal for adhering to the principles of fair recruitment.¹⁶⁹
- This claim is based on reports that workers recruited by non-state actors tend more often to be exploited. They point to the large grey market in the outpatient care sector, which is extremely hard to oversee or regulate compared to hospitals and retirement or care homes. Working conditions, they say, are sometimes miserable, pay is often bad and the care workers are unprotected against their em-

ployers’ abuses and whims. Research shows that many care workers from internal EU migration are very dependent on their employers, that recruitment fees are often unconscionably high and that care workers have to accept high repayment obligations – e.g. in the event of failed exams. Overall, it seems, low-qualified workers are hardest hit by exploitation.¹⁷⁰

Research shows that there are different promising models in reducing exploitative recruitment practices that combine regulation through state measures, market incentives and the participation of trade unions and civil society.¹⁷¹ In this way, companies can also be strongly incentivised to become involved in better and more gender-equal working conditions. This process could be facilitated by additional targeted measures to support female workers in the labour market and immigration, including through help with family and job compatibility (e.g. child care) and language and further training.

Recommendation 9

In non-state recruitment especially, workers are more at risk of being recruited under exploitative conditions. The federal government must continue to act against this and support the development of national quality seal for fair recruitment as well as involve companies, unions and civil society more closely in developing state recruitment programmes.

International Standards for Fair Recruitment

There have long been debates in the forums of global migration policy processes – such as the Global Forum for Migration and Development – about fair recruitment. These always call for improving international cooperation to prevent migrant workers from being burdened with recruitment fees, which can lead to long-term debt and problematic relationships of dependence.¹⁷² The UN’s 2018 Global Com-

167 Hanne Beirens et al., *Legale Wege nach Europa. Arbeits- und Ausbildungsmöglichkeiten für Personen ohne Schutzperspektive*, Studie des SVR-Forschungsbereichs 2019-2 (Berlin: SVR, Oktober 2019), 53; ICMPD, *Labour Mobility Scheme Guide. Key Steps to Consider When Setting Up Mobility Schemes* (Brussels, 2021), 18.

168 Thus the IOM’s IRIS initiative stipulates principles that make the recruitment process more expensive: 1) awareness raising and capacity building, 2) migrant worker voice and empowerment, 3) the regulation of international recruitment, 4) voluntary certification of private recruitment agencies, and 5) stakeholder partnership and dialogue; see IOM, “IRIS Ethical Recruitment” (2022).

169 The BMAS-supported advice network “Fair mobility” of the German Trade Union Confederation for Workers from Central and Eastern Europe also advocates this, see German Trade Union Confederation, “Faire Mobilität”.

170 Olaya Argüeso and Frederik Richter, “Ein ausbeuterisches Geschäft: Wie dubiose Vermittler ausländische Pflegekräfte zur Ware machen”, *Correctiv* (online), 25 November 2020.

171 Andrees, *Regulating the Business of Labour Migration Intermediaries* (see note 96), 237ff.

172 Steffen Angenendt and Anne Koch, *Global Migration Governance and Mixed Flows. Implications for Development-centred*

pact for Migration addresses this issue as Objective 6 under the heading, “facilitate fair and ethical recruitment and safeguard conditions that ensure decent work”.¹⁷³

The first steps towards voluntary codes of conduct in fair recruitment stem from the Global Forum on Migration and Development (GFMD). The UN High Level Dialogue on development and migration agreed in 2013 to develop global standards for recruitment practices for migrant workers, which has led to different – and partly competing – initiatives by the ILO and IOM.¹⁷⁴ In 2014 the ILO started an initiative on fair recruitment (ILO-FAIR) and in 2016, in negotiation with governments, unions and employers, it developed the (non-binding) “General Principles and Operational Guidelines for Fair Recruitment”. In turn, in 2014 the IOM along with the International Organisation of Employers (IOE) devised principles of ethical recruitment and founded the International Recruitment Integrity System (IRIS). This is a set of standards for private recruitment actors, for which certification has been available since 2018. In 2020, as part of the first ever international conference on this topic, the IOM also developed its own guidelines for fair recruitment, the so-called Montreal Recommendations, which aim to improve oversight on the private recruitment industry.¹⁷⁵

Other regulatory instruments are also important for cooperation on recruitment, such as the code of conduct of the World Health Organisation (WHO) on the recruitment of international skilled health workers.¹⁷⁶ It calls on member states to provide support for building the appropriate framework conditions for development, for access to qualification measures and

for the transfer of knowledge and technology regarding the migration of skilled health workers.¹⁷⁷

Recommendation 10

In Germany, debate over reforms usually leaves out the necessity of international cooperation for fair recruitment and the regulation of abusive and unfair recruitment practices. It is the more important, therefore, to strengthen this aspect in the transition from pilot projects to long-term recruitment measures. The federal government should use its experience with the Quality Seal “Fair Recruitment Healthcare Germany”, which is based on IRIS standards, to further promote and implement Objective 6 of the Global Compact for Migration. It should also integrate into relevant forums and processes the challenge of “global care chains” in care-worker migration as a key project for the years ahead.

Policies, SWP Research Paper 8/2017 (Berlin: Stiftung Wissenschaft und Politik, June 2017), 11.

173 United Nations, *Global Compact for Safe, Orderly and Regular Migration*, A/CONF.231/3 (Marrakech, 10 and 11 December 2018), 12f.

174 Nicola Piper and Laura Foley, “Global Partnerships in Governing Labour Migration: The Uneasy Relationship between the ILO and IOM in the Promotion of Decent Work for Migrants”, *Global Public Policy and Governance* 1 (2021): 56 – 278.

175 IOM, *The Montreal Recommendations on Recruitment: A Road Map towards Better Regulation* (Geneva, 2020).

176 Steffen Angenendt et al., *The WHO Global Code of Practice – A Useful Guide for Recruiting Health Care Professionals?* SWP Comment 22/2014 (Berlin: Stiftung Wissenschaft und Politik, May 2014).

177 World Health Organisation (WHO), *The WHO Global Code of Practice on the International Recruitment of Health Personnel*, WHA63. 16 (Geneva, May 2010).

Abbreviations

AA	Auswärtiges Amt (Federal Foreign Office)	DKF	Deutsches Kompetenzzentrum für internationale Fachkräfte in den Gesundheits- und Pflegeberufen (German Centre for International Professionals in Health and Health Care)
AfD	Alternative für Deutschland	EMN	European Migration Network
AHK	Auslandshandelskammer (Chamber of Commerce Abroad)	EU	European Union
APAL	Ausbildungspartnerschaften mit Lateinamerika (Vocational Training Partnerships with Latin America)	FDP	Free Democratic Party (Germany)
AZR	Ausländerzentralregister (Central Register of Foreigners)	FEG	Skilled Immigration Act
BA	Bundesagentur für Arbeit (Federal Employment Agency)	FES	Friedrich Ebert Foundation
BAMF	Bundesamt für Migration und Flüchtlinge (Federal Office for Migration and Refugees)	GCM	Global Compact for Safe, Orderly and Regular Migration
BDA	Bundesvereinigung der Deutschen Arbeitgeberverbände (Confederation of German Employer's Associations)	GFMD	Global Forum on Migration and Development
BfAA	Bundesamt für Auswärtige Angelegenheiten (Federal Agency for Foreign Affairs)	GIZ	Gesellschaft für Internationale Zusammenarbeit (German Agency for International Cooperation)
BIBB	Bundesinstitut für Berufsbildung (Federal Institute for Vocational Education and Training)	GMF	German Marshall Fund of the United States
BIDS	Betreuungsinitiative Deutsche Auslands- und Partnerschulen (Support Initiative for German Schools Abroad and Partner Schools) (BIDS),	GSP	Global Skill Partnerships
BMAS	Bundesministerium für Arbeit und Soziales (Federal Ministry for Labour and Social Affairs)	HabiZu	Handwerk bietet Zukunft (Skilled crafts have a future)
BMBF	Bundesministerium für Bildung und Forschung (Federal Ministry of Education and Research)	IAB	Institut für Arbeitsmarkt- und Berufsforschung (Institute for Employment Research)
BMEL	Bundesministerium für Ernährung und Landwirtschaft (Federal Ministry of Food and Agriculture)	ICMPD	International Centre for Migration Policy Development
BMG	Bundesministerium für Gesundheit (Federal Ministry of Health)	ICT	Information and Communications Technologies
BMI	Bundesministerium des Innern und für Heimat (Federal Ministry of the Interior and Community)	IHK	Industrie- und Handelskammer (Chamber of Industry and Commerce)
BMWi	Bundesministerium für Wirtschaft und Energie (Federal Ministry for Economic Affairs and Energy)	IHK FOSA	IHK Foreign Skills Approval
BMWK	Bundesministerium für Wirtschaft und Klimaschutz (Federal Ministry for Economic Affairs and Climate Action)	ILO	International Labour Organisation
BMZ	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (Federal Ministry for Economic Cooperation and Development)	IMIS	Institute for Migration Research and Inter-cultural Studies
BQFG	Berufsqualifikationsfeststellungsgesetz (Professional Qualifications Assessment Act)	INSPIRE	Incubating Skills Partnerships beneficial to Migrants, Countries of Origin and Destination
BVA	Bundesverwaltungsamt (Federal Office of Administration)	IOE	International Organisation of Employers
CEFR	Common European Framework of Reference for Languages	IOM	International Organisation for Migration
CGD	Center for Global Development	IRIS	International Recruitment Integrity System
DAAD	Deutscher Akademische Austauschdienst (German Academic Exchange Service)	IT	Information Technology
DeFa	Deutsche Fachkräfteagentur für Gesundheits- und Pflegeberufe (German Agency for International Healthcare Professionals)	IW	Institut der deutschen Wirtschaft Köln (German Economic Institute Cologne)
DIHK	Deutsche Industrie- und Handelskammer (Association of German Chambers of Commerce and Industry)	KDA	Kuratorium Deutsche Altershilfe (German Foundation for the Care of Older People)
		KOFA	Kompetenzzentrum Fachkräftesicherung (Centre of excellence for securing a supply of qualified professionals)
		LaMP	Labor Mobility Partnerships
		LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex, Queers (and more)
		LMI	Labour Migration Intermediaries
		NAP-I	Nationaler Aktionsplan Integration (National Action Plan for Integration)
		NGO	Non-governmental organisation
		OECD	Organisation for Economic Co-operation and Development
		OFII	Office Français de l'Immigration et de l'Intégration (French Office for Immigration and Integration)
		PAD	Pädagogischer Auslandsdienst (Educational Exchange Service)
		PALIM	Pilot Project Addressing Labour Shortages through Innovative Labour Migration Models

PAM	Partnerschaftliche Ansätze für entwicklungsorientierte Ausbildungs- und Arbeitsmigration (Partnership Approaches to Development-orientated Training and Labour Migration)
PASCH	Schulen: Partner der Zukunft (Schools: partners of the future)
SME	Small and medium-sized enterprises
STEM	Science, technology, engineering and mathematics
SVR	Sachverständigenrat für Integration und Migration (Expert Council on Integration and Migration)
SWR	Südwestrundfunk (regional public broadcasting corporation for southwestern Germany)
THAMM	Towards a Holistic Approach to Labour Migration Governance and Labour Mobility in North Africa
tQMP	Transnational Qualification and Mobility Partnerships
UKB	Universitätsklinikum Bonn (University Hospital Bonn)
WHO	World Health Organisation
WISO	Wirtschafts- und Sozialpolitik (Economic and social policy)
ZAV	Zentrale Auslands- und Fachvermittlung (International and Specialised Services)
ZDH	Zentralverband des Deutschen Handwerks (German Confederation of Skilled Crafts)

