

MIGRATION PROGRAMMES – A NEW WAY TO SOLVE PROBLEMS WITH BRAIN DRAIN FROM POORER COUNTRIES?¹

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Abstract: *The article deals with the issue of migration of high skilled migrants. There are shown two levels of migration in the European Union. The first one is represented by relationship between origin member states of the European Union and new members, second one goes in for the connexion between the European Union (as a whole) and the third countries (non-member states). Migration of the third countries's citizens to Slovak Republic and to the European Union is explored in the article as well. Its integral part is an absence of high skilled migrants. Proposed solution to mentioned topics is, apparently, a cooperation between the European Union member states and underdeveloped countries which is known as „partnership” based on principles of regulation and prevention from „brain drain” and illegal migration. In case of failing to solve issues stated above it could verily bring serious consequences for employment market in the European Union.*

Keywords: *brain drain, legal framework, migration of employees, migration programmes, possible solutions*

1. INTRODUCTION

Although integration to all European structures is very important for Slovak Republic, it still contains some negatives. For example free movement of employees in the Schengen space governed by the art. 45² of the Treaty on the Functioning of the European Union (hereinafter “TFEU”) is on one side the main right of all employees in the European Union (hereinafter “EU”), but on the other side it could lead to massive departure of employees. As the best way for solving this problem, it seems to be cooperation between Slovakia and countries of Eastern Europe. Usefulness of this treatment is obvious for all of them, because it helps to fulfil the gaps on national labour market and it also helps to employees getting new experiences applicable and suitable for their country of origin. However, it is necessary to create a sufficient legal framework for this cooperation that would be effective and advantageous for all parties involved.

Freedom of movement constitutes a fundamental right of workers and their families. It is, however, not an autonomous, but a purposeful right within the framework of the economic objectives of the Union; this right is only conferred for reasons of the performing of an economic activity. It is a contribution to the economic needs of the Member States.³

¹ The arguments expressed in the article are those of the authors and not of their employers.

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² The right to free movement of employees governed by art. 45 which does not adjust the right on free movement of the EU citizens in art. 21 TFEU. Therefore it does not go about the free movement of citizens, but about free movement of persons who are in the legal position of employees and within it goes particularly about prohibition of discrimination of the workers from other Member States, who can work in the Member state under the national law as the domestic employees. BARANCOVÁ, H. et al. *Nadnárodný pohyb zamestnancov a služieb*. Bratislava: Sprint dva, 2011, p. 20.

³ BLANPAIN, R. *Comparative Labour Law and Industrial Relations in Industrialized Market Economies*. Alphen aan den Rijn: Kluwer Law International, 2010, p. 176.

Losses of skilled and semi-skilled blue collar workers can usually be made up relatively cheaply and quickly. A more serious problem for developing countries is the loss of more highly educated professional workers.⁴

Historically, cross-border mobility in the EU was very low for years. Presently, around 5 million European citizens reside in another Member State. Less than 2 percent of the working age population in the EU consists of people from one Member State who are working in another, although there are considerable variations between Member States. Movement of people measured on a yearly basis amounts is only up to 0.2 percent of the population. Nevertheless, significant numbers of people work across national borders. In 1995, around 6 000 00 people in the EU lived in one country and worked in another. Half of these worked in another Member State, the other half in countries outside the EU. The great majority commute on a daily basis. Other employees work in another country for period of time without changing their place of residence. Free movement of workers will become a more important factor during the next 10-20 years than it has been during the last 30 years, both from an individual and from a labour market point of view.⁵ Over the next 25 years, an estimated 3.2 to 4.5 million people, some five percent of the new EU countries move west, which would increase the population of the existing EU countries by barely one to two percent.⁶

The main reasons for this are demographic changes and the changing nature of working life. In the future people with skills and high skills will move more frequently, while unskilled workers will be less in demand.

Resulting from above an utmost problem is the free movement inside the EU when high skilled employees migrate from poorer new EU members to richer.⁷ Most of the Central European migrants migrate to Germany and Austria. Germany is the most attractive European country for all kinds of migrants from various countries. For Central Europeans Germany is a big neighbour of high wages.⁸ This represents notable issue in Slovakia as well. Deficit of high skilled employees and their migration to other states of EU could cause substantial problem for Slovak national economy.

According to estimates of the Slovak Academy of Sciences (“SAS”), taking into account the development of our labour market, if Slovakia wishes to achieve economic perform-

⁴ STALKER, P. *The work of strangers: a survey of international labour migration*. Geneva: International Labour Office, 1994, p. 118.

⁵ NEAL, C. A. *European labour law and social policy: cases and materials*. Hague: Kluwer Law International, 2002, pp. 297–299.

⁶ CASEY, P. J. Open borders: Absurd Chimera or Inevitable Future Policy? *International Migration*. 2010, Vol. 48, No. 5, p. 29.

⁷ For example the United Kingdom opened its labour market to nationals from eight new member states, shows that migrants from central and eastern Europe indeed contribute to the success of the UK economy whilst making very few demands in the UK welfare system or public services. Upon whole there were almost 300 000 applicants to the Worker Registration Scheme between 1 May 2004 and 30 September 2005. Migrant workers from new member states helped to fill the gaps in the UK labour market, particularly in administration, business and management (29%), catering (23%), agriculture (13%), manufacturing (8%), food, fish and meat processing (5%). Over 4000 people registered as bus, lorry and coach drivers and almost 7500 as care workers. There were 700 teachers and researchers. The vast majority of workers are young and single, 82% of workers are aged between 18 and 34. HOFFMAN, J. Working migration from the countries of Eastern and Central Europe: present state and perspectives. In: *Working papers 2006, Ordinary session (second part)*. Strasbourg: Council of Europe Publishing, 2006, p. 127.

⁸ GUILD, E. *The legal framework and social consequences of free movement of persons in the European Union*. Hague: Kluwer Law International, 1999, p. 143.

ance at 75% of the original 15 EU Member States before the accession of new members in 2030 need on 320 000 employees, it is more than estimated state at this time. To achieve 100% efficiency it is necessary to have more than 720 000 employees.

One of the most common question is that whether the free movement of employees coming from new member states may cause social pressure on labour conditions in old member states of the EU. We consider that, unlikely, legal framework of working conditions for citizens of new Member States would be prepared differently. In this case reasoning for social dumping and its connection with readiness of employees from these states to work in the worse working conditions or a lower wage, as adjusted by appropriate legislation, cannot be regarded as tangible. Therefore it can be inferred that social dumping is mainly due to illegal employment. However, some employees in the EU may be affected directly by moving workers from east to west, because these employees are generally cheaper, more flexible and well trained as domestic employees.

This might lead to increased unemployment, but the enlarged EU as a whole would benefit from it. There should be more used the role of social partners, social dialogue and EU directives. Furthermore it can be assumed that the free movement of employees contributes to faster growth in terms of wages and working conditions in the new Member States and their companies, what results in increasing of motivation and productivity and better quality of production.

The impact of immigration inflows could possibly have two different consequences on wages in host countries. It depends on the degree of substitution or complementarity between immigrant and native workers and a number of other factors. The degree of substitution between immigrants and natives is a key determinated the effect of immigration on native wages. Holding capital constant and assuming constant returns to scale production technology, an increase in labour supply due to immigration will lower wages if immigrants and natives are substitutes and labour supply is not perfectly elastic with respect to wages. The magnitude of the negative effect increases with the degree of substitution between immigrants and natives and with the size of the immigrant inflow. If immigrants are a complement for natives in production, in contrast, immigration will boost natives' wages. The degree of substitution between immigrants and natives is likely to vary across skill levels and over time. Substitution is likely to be easier in industries with less skilled workers because employees are more interchangeable and training costs are lower than in industries with skilled workers. In skilled jobs, the need for language proficiency and institutional knowledge may make it difficult for employers to substitute immigrants for native workers. Some skilled professions such as physicians and involving licensing requirements, limiting the substitutability for natives of immigrants educated and trained abroad. Differences in the quality and relevance of education and experience acquired abroad also make skilled immigrants less substitutable for skilled natives.⁹

⁹ ZAVODNY, M. – ORRENIUS, M. P. *Does Immigration Affect Wages? A Look at Occupation-Level Evidence*. [online]. pp.7–8. [2013-03-29]. Available at: <http://ftp.iza.org/dp2481.pdf>.

2. ESTIMATED NEEDS, DEFICIT OF THE STAFF (ROUNDED)¹⁰ AND LEGAL FRAMEWORK

EU-15 level of performance achieved in Slovakia in 2030	The required number of employees in thousands	Deficit of employees in thousands
75	2400–2450	320–420
80	2500–2600	450–550
90	2550–2650	500–600
100	2650–2800	580–720

On the other hand, it is necessary to answer the question in which extent is Slovakia attractive for foreign investment when wage demands will be closer to its western neighbours?

How to solve this problem when we do not have recently enough skilled-employees? We cannot close the agreement with other members which limits the numbers of employees who migrate to these states. So the only way of solution is to prepare effective system of obtaining the employees of other states especially from our eastern neighbors.

The legal framework for migration policy of foreigners has not only formed by Slovakia national legislation¹¹, but also primary and secondary EU law. The most important acts are Act No. 5/2004 Coll. on Employment Services which allows for the employment of foreign persons provided that they have granted a residence permit and work permit. Work permits are issued by the competent Labour Office for a definite period of time, but no longer than two years. Request for work permits can be submitted repeatedly. The Act No. 48/2002 Coll. on the Residence of Foreigners and on Amendment and Supplementation of Certain Acts. This Act distinguishes two categories of foreigners, to which different legal regimes apply: citizens of Member States of the EU and other foreigners. Refugees are subject to the same regime as other foreigners.¹²

Customs controls, asylum and immigration are governed by art. 77-79 TFEU.

The secondary law consists¹³ of **Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service.**

¹⁰ Estimated by either Cobb-Douglas production function. Values that define the intervals of needs and feelings of workers, wage shares are given quotas of value added were considered at 50%, respectively. 60%. When estimating the deficit of workers is taken into account yet the expected growth in the number of workers by 2010 (from the initial state of 2177- in thousands in 2007, according to the European System of Integrated Economic Accounts (ESA95), followed by stagnation in the number of long-term decline workforce (about 120-thousands in 2030). The deficit reflects the difference between the estimated need and resources for non-implementation of any arrangements to increase the labour supply.

Source: Dlhodobá viziya rozvoja slovenskej spoločnosti. [online]. 2008, p. 90. [2013-03-25]. Available at: http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?sessionId=DCC7EAA0AE1BF26FB943E6B3C655245C?entryTitle=01_Satisfying%20LABOUR%20DEMAND%20through%20migration.

¹¹ See mainly: § 20 and fol. of Act No. 48/2002 Coll. on the Residence of Foreigners, §21-24 of Act No. 5/2004 Coll. on Employment Services, §2 and fol. of Act No. 82/2005 Coll. on illegal work and illegal employment.

¹² BARANCOVÁ, H. – OLŠOVSKÁ, A. *Slovak Labour Law*. Plzeň: Aleš Čeněk, 2009, pp.18–20.

¹³ Framework of secondary law completes Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.; Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.

Directive presents one of the ways how to cooperate with the third countries by providing education opportunity to students of these countries. This is also the main objective of the namely to determine the conditions of admission of third-country nationals for the purposes of study, pupil exchange, unremunerated training or voluntary service. The rationale behind the adoption of the Directive was, according to its preamble, to “promote Europe as a whole as a world centre of excellence for studies and vocational training”¹⁴ by promoting the mobility of the thirdcountry nationals to the EU for the purpose of studies. Its overall objective is to support social, cultural and economic relationships between the EU and third countries, foster the transfer of skills and know-how and promote competitiveness while, at the same time, provide for safeguards ensuring fair treatment of these groups of third-country nationals.¹⁵

Allowing third-country nationals to acquire skills and knowledge through a period of training in Europe encourages “brain circulation” and supports cooperation with third countries, which benefits both the sending and the receiving countries. Globalization calls for enhanced relationships between EU enterprises and foreign markets, while movements of trainees foster the development of human capital, result in mutual enrichment for the migrants, their country of origin and the host country and an improved mutual familiarity between cultures. However, in absence of a clear legal framework, there is also a risk of exploitation to which trainees are particularly exposed, with the subsequent risk of unfair competition.¹⁶

Notwithstanding of the above intention, it is also pointed out that the potential of Directive 2004/114/EC is not fully exploited when considering its partly poor implementation into the Member States national legislation.¹⁷

Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, which should be transposed by Slovak Republic by 19 June 2011.

This Directive is intended to contribute towards achieving the objectives of creating good governance of legal immigration, fully respecting national competences to assist Member States to meet existing and future workforce needs.

It is intended to contribute to achieving these goals and addressing labour shortages by fostering the admission and mobility — for the purposes of highly qualified employment — of third-country nationals for stays of more than three months, in order to make the Community more attractive to such workers from around the world and sustain its competitiveness and economic growth.

¹⁴ Recital 6 of preamble of Directive 2004/114/EC.

¹⁵ See Proposal COM(2013) 151 final, 2013/0081 (COD). Available at: http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/immigration/study-or-training/docs/students_and_researchers_proposal_com_2013_151_en.pdf.

¹⁶ See Proposal COM(2013) 151 final, 2013/0081 (COD). Available at: http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/immigration/study-or-training/docs/students_and_researchers_proposal_com_2013_151_en.pdf.

¹⁷ EISELE, K. *The External Dimension of the EU's Migration Policy: Different Legal Positions of Third-Country Nationals in the EU: A Comparative Perspective*. Leiden: BRILL, 2014, p. 88.

To reach these goals, it is necessary to facilitate the admission of highly qualified workers and their families by establishing a fast-track admission procedure and by granting them equal social and economic rights as nationals of the host Member State in a number of areas. It is also necessary to take into account the priorities, labour market needs and reception capacities of the Member States.¹⁸ This Directive should be without prejudice to the competence of the Member States to maintain or to introduce new national residence permits for any purpose of employment. In art. 2 it defines the term „Blue card“ as the authorisation bearing the term ‘EU Blue Card’ which entitling its holder to reside and work in the territory of a Member State.¹⁹

The Blue Card has two sides, however, and has already provoked controversial political discussions in the short period since its proposal in October 2007. On the one side, the skilled labour attracted to the EU will certainly boost European competitiveness and economic growth. This is clearly expressed by the President of European Commission *José Manuel Barroso*: “*Skilled labour migration into Europe boosts our competitiveness and therefore our economic growth. It also helps tackle demographic problems resulting from our ageing population. This is particularly the case for highly skilled labour. With today’s proposal for an EU Blue Card we send a clear signal: highly skilled migrants are welcome in the EU!*” The other side of the Blue Card is that it might harm the less developed sending countries (hereinafter “LDC”), as it will increase the brain drain from developing countries and make it even more difficult for LDC to improve their innovative capital which, according to recent growth theory findings, is one of the key drivers of the long-term economic growth. Although, these and other potential impacts for the sending country competitiveness and economic growth is a largely neglected issue in the EU receiving countries.²⁰

Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, which shall Member States bring into force by 20 July 2011.

A key pull factor for illegal immigration into the EU is the possibility of obtaining work in the EU without the required legal status. Action against illegal immigration and illegal stay should therefore include measures to counter that pull factor. The centrepiece of such measures should be a general prohibition on the employment of third-country nationals who do not have the right to be resident in the EU, accompanied by sanctions against employers who infringe that prohibition.²¹

¹⁸ BLANPAIN, R. *European labour law*. Alphen aan den Rijn: Kluwer Law International, 2010, pp. 355–356.

¹⁹ European Blue Card holders shall benefit from the same treatment as the citizens of the Member State in which the card has been issued with regard to: work conditions, wages and dismissals; freedom of association; education, vocational training and recognition of achieved qualifications, etc.; free circulation throughout the territory of the concerned Member State, within the limits provided for by the national law. DI PASCALE, A., NASCIMBENE B. EU Orientations. In: VINCENZO, C. (ed.). *The Fifteenth Italian Report on Migrations 2009*. Monza: Polimetrica, 2009, pp.78–79.

²⁰ See: CIAIAN, P., KANCS, A. *Blue Cards, Blue Prospects?* [online]. pp. 3–4. [2013-02-25]. Available at: <http://www2.lse.ac.uk/geographyAndEnvironment/research/Researchpapers/127%20Kancs%20%20Ciaian%202007%20Blue%20Cards,%20Blue%20Prospects.pdf>.

²¹ BLANPAIN, R. *European labour law*. Alphen aan den Rijn: Kluwer Law International, 2010, p. 360.

This Directive appears to overcome one of the main problems that have hindered the enforcement of employer's sanctions in the past, notably the check by the employer of the identity documents of the employee. Employer's sanctions should be effective in combating irregular employment but should not transfer police tasks to the employer, making him responsible for detecting forged documents. Thus, this directive provides that employers must be shown a valid residence permit by their immigrant workers. Employers are not expected to detect a forged permit, but they are expected to check if the document presented manifestly corresponds to the worker in question.²²

With the cited adjustment further relates EU Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (so called "Returns Directive"), which has established a set of rules applicable to all third-country nationals, who do not or no longer fulfill the conditions for enter or stay in a Member State.²³

Insufficient numbers of high-qualified employees felt also the other Member States²⁴, for example the Austrian government is currently working on the development of an immigration model, which is capable of attracting highly skilled third country economic migrants. Austria hopes to close the gap in skilled labour demand by facilitating access of third country graduates from Austrian universities to the labour market, a common practice in traditional immigration countries. In principle, it has been possible since 2003, but access to public sector employment, where many university graduates tend to find a job, tend not to be open to third country citizens, e.g. in the case of medical doctors. Private industries on the other hand do often not pay the entry wages required for a third country citizen to get a settlement permit.

Austria sees the need for more immigration from the year 2020 onwards, when the baby boom generation will reach retirement age. Until then Austria does not expect any labour scarcities. Austria sees the major challenge in raising the actual retirement age of currently 59 to the legal age of 65. Again it is the workers' representatives who argue that employers will only be enticed to prolong employment of mature workers and to invest in education and training in case of labour scarcities. Employers on the other hand argue that scarcities of skilled labour will lead to reallocation of production to neighbouring countries and/or investment in labour saving production technology.²⁵ Austria has also many low- and semi- skilled immigrants what does not lead to solve this problem.

²² TRIANDAFYLIDOU, A. *Irregular migration in Europe: myths and realities*. Farnham: Ashgate Publishing Limited, 2010, p. 36.

²³ ŠTEFKO, M. Výkon závislé práce nelegálními migranty a s tím spojené právní důsledky. *Časopis pro právní vědu a praxi*. 2010, č. 2, pp. 123–130.

²⁴ The number of researchers which the Community will need by 2010 to meet the target set by the Barcelona European Council in March 2002 of 3 % of GDP invested in research is estimated at 700 000. This target is to be met through a series of interlocking measures, such as making scientific careers more attractive to young people, promoting women's involvement in scientific research, extending the opportunities for training and mobility in research, improving career prospects for researchers in the Community and opening up the Community to third-country nationals who might be admitted for the purposes of research. In: Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.

See on: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:289:0015:01:SK:HTML>.

²⁵ BIFFL, G. *Satisfying labour demand through migration in Austria*. [online]. [2013-02-20]. Available at: http://emn.intrasoft.intl.com/Downloads/prepareShowFiles.do?sessionId=DCC7EAA0AE1BF26FB943E6B3C655245C?entryTitle=01_Satisfying%20LABOUR%20DEMAND%20through%20migration.

There are several possible solutions to the current situation in Slovakia. One of those, which applied for example in Austria, is to enable graduate students from third countries who graduated from Slovak universities free access to the domestic labour market. This model may not be effective in Slovakia, where universities are not among the leaders in Europe, but the solution may be attractive, in particular technical fields through state grants or other benefits for applicants from third countries. Alternatively, to allow foreign students graduated from Slovakia and to facilitate obtaining a residence permit and searching for job by Labour Offices Social Affairs, Work and Family.

Slovakia is mostly visited by high- and semi- skilled foreigners, but their numbers are still inadequate, and if we are not able to educate own workforce, we must ourselves be more effective in attracting skilled migrants, particularly from third countries. Another problem arises in the need for skilled foreigners particular in sectors where gaps in the labour market are visible. Slovakia should not rely upon to the possibility that foreigners can freely choose it. Therefore, we consider the most effective recommendation to establish specific officers who will do a targeted recruitment, whose lack of labour market perceives as acute. The establishment of such officials should also have another meaning, especially in the form of obtaining fresh graduates from universities in third countries, at least for a transitional period.

Same starting point is the granting of work permits for a period longer than two years, in order to obtain or maintain a strategic investor. Although adverse reactions in Slovakia may occur particularly with respect to the high unemployment but this argument can not succeed, because the competent authorities in the rules *de lege lata* occupy vacancies by strangers, after taking into account the labour market situation.

Effective step allowed by Art. 77 para. 2 point. g) TFEU consists of partnerships and co-operation with third countries for the purpose of managing inflows of people applying for asylum or subsidiary or temporary protection. The most important is the model adopted by the European Commission (“Commission”) called “Mobile Partnership”, which is based on cooperation between the Commission, interested EU Member States and third countries. At present, mobile partnerships with Moldova are closed, Cape Verde (May 2008) and Georgia (November 2009).²⁶

The Mobility Partnerships also continue in the trend with linked migration policy at the EU level to other policy areas. There are two main reasons for these linkages: first, the Commission has recognised that there is a need to offer third countries an incentive to cooperate with the EU on illegal migration; second, broader political considerations (unrelated to migration) are being brought into migration policy. This is clear in terms of the partner countries selected for Mobility Partnerships and Member States’ motivations for joining the agreements. The conclusion will argue that this has implications for the future of the instrument. The Mobility Partnerships are best understood as a framework for projects being undertaken. The partnerships are signed as political declarations and are im-

²⁶ Advantage of such partnerships is for the Slovak Republic doubtful, as for example in 2009 in our work seven citizens from Moldova (the total number employed at that period was 43), 3 out of Georgia but two of them were unskilled workers (the total number of employed was a given period 15). Data were provided directly from the Labour, Social Affairs and Family (hereinafter, COLSAF).

plemented through the proposed projects (attached to the declarations as an annex). Projects can be proposed by EU Member States, the Commission, or the partner country concerned. The Mobility Partnership with Moldova proposed 64 projects, that with Cape Verde 31 and that with Georgia 17 (though the list is updated as new projects are proposed).²⁷

For example, the mobility partnership with Moldova will seek to assist the Moldovan authorities in encouraging the return and facilitating the reintegration of highly skilled Moldovan migrants abroad.²⁸

Partnerships with third countries should simplify and improve their access to EU citizens. On the other hand, a partnership committed third countries to cooperate with the EU to manage migration flows, including the fight against illegal immigration, targeted information campaigns to discourage illegal immigration and strengthening border controls and the fight against counterfeiting of documents. The EU allows nationals of the countries greater opportunities for mobility within the EU, with due regard for the competence of Member States.

However, we believe that it is more effective to Slovakia to conclude partnerships of bilateral agreements with neighboring non-member countries. In these cases an appropriate terminology might be “Co-development Partnership”.

Council of Europe defines the phrase, “Co-development” (as for a partnership of France and Mali), as connecting people through the Agency for Migration, the government and other public bodies and private entities in a joint project to help develop the countries of origin of migrants. Development efforts are the most effective way to reshape immigration to a new form of cooperation between richer and poorer countries.

Co-development policy has emerged as a theme that includes involving migrants as active actors in development, through strengthening co-operation between countries of origin and destination. Co-development is based on the migrant’s ability to move around and control both developments in the country of origin and opportunities for Access to resources in the host country. The Council of Europe has listed ways in which countries of origin can benefit from co-development, including better Access to visas, better use of remittances and economic investments and more returns to the country of origin. Meanwhile, the destination country can have labour market, demographic and other benefits from co-development projects. Concrete co-development measures can range from helping businesses through to training and to outright financial aid. However, the co-development concept and practice need to be further elaborated, as do the presumptions on which it operates. Important challenges include development of models for shared governance of bilateral and potentially multilateral schemes and projects, how to ensure reasonable and cost-effective processes and how to evaluate and revise accordingly. This is especially important given the widespread experience of development and foreign aid projects that have proven inefficient or ineffective.²⁹

²⁷ RESLOW, N. *The new politics of EU migration policy: analysing the decision-making process of the Mobility Partnerships*. [online]. [2013-02-18]. Available at: <http://www.fdcw.unimaas.nl/staff/files/users/334/Paper%20Natasja%20Reslow.pdf>.

²⁸ TARANT, P. et al. *Economic migration, social cohesion and development: towards an integrated approach*. Strasbourg: Council of Europe, 2009, p. 78.

²⁹ TARANT, P. et al. *Economic migration, social cohesion and development: towards an integrated approach*. Strasbourg: Council of Europe, 2009, pp. 78–79.

Destination countries have responsibility, as well as economic necessity, to recruit highly skilled migrants in its entirety. Another approach is only wasting the expertise of these individuals and investment in education and earnings potential for the country of origin.

Slovakia has not concluded such an agreement (for example) with Ukraine. Slovakia has about 10-times fewer inhabitants, so fill the gaps in the labour market would not be an obstacle. On the other hand, the employees gain experience, which could then evaluate their country of origin. Or would such an outflow of workers from Ukraine could be solved by financial or technological compensation.

European Council has adopted this new multiannual programme to be known as the Stockholm Programme³⁰, for the period 2010–2014 and defines strategic guidelines for legislative and operational planning within the area of freedom, security and justice in accordance with art. 68 TFEU. The European Council confirms in it, that properly managed migration can bring benefits to all interested parties. The European Council is well aware of the fact that in the context of major demographic challenges, the Union will face in future in terms of increased demand for labour in the long run will make an important contribution to the economic development of the Union flexible migration policy. The European Council considers that it must take into account long-term consequences of migration, such as labour markets and social situation of migrants, and that key aspects in terms of fundamental values of the Union remains the link between migration and integration. Moreover, the European Council recalls that one of the key policy objectives of the Union continues to create a Common European Asylum System (CEAS) to 2012.

On the June 17, the European Council also adopted “Europe 2020”, the new EU economic strategy for the 21st century. It is beyond doubt that Union law make an important contribution to the implementation of the Europe 2020 strategy, in particular by proposing new legislation that strengthens the single market. Yet, the freemovement of non-EU citizens has so far been neglected as a potentially powerful source of economic growth in the European Union.³¹

By strengthening integration within EU, particularly by creating the internal market, it is also strengthened the freedom of free movement between Member States. Most foreigners from non-member countries profit from its realizing because they can maximize their skills and find adequate employer in the whole EU. The benefits from intensive migration are mutual. Although it is not realistic to expect that massive migration will protect social systems of the host states before the consequences of the aging domestic population, it is proving positive economic contribution to the economic of the host state. Working foreigners from non-member countries pay of their employment taxes and contributions to social insurance and all are also paying indirect taxes from their arrival to the host state. From them paying insurance and some times also taxes are covered benefits, services, or other services provided by the social security of the host country. Financial participation of foreigners from non-member countries on social system of the host state is

³⁰ Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF>

³¹ WIESBROCK, A. Free Movement of Third-Country Nationals in the European Union: The Illusion of Inclusion. *European Law Review*. 2010, Vol. 35, No. 4, p. 455.

particularly welcome today, with regard to the unhappy situation in public finances in virtually all Member States.³²

3. FAILURE TO ADDRESS THE PROBLEM OF LACK OF EMPLOYEES IN THE FUTURE MAY HAVE THE SAME IMPACT AS IN THE DEVELOPING COUNTRIES.

Richer countries “cherry pick” the best and brightest from poorer countries through their immigrant selection programmes and then effectively try to hold them captive with continuous residence conditions that make it difficult for immigrants to return home for anything but short-term stays.³³

In developed countries such as New Zealand, the UK, USA, Australia, and Canada, 23–34% of physicians are foreign-trained. The situation that results in developing countries is dire. For instance, over 60% of doctors trained in Ghana in the 1980 emigrated overseas. In 2002 in Ghana 47% of doctors posts were unfilled and 57% of registered nursing positions were unfilled. Whereas there are 188 physicians per 100 000 population in the USA, there are only 1 or 2 per 100 000 in large parts of Africa. The brain drain does not cause the whole of the inequality in health workers, but it significantly contributes to it.³⁴

Also great problems with migration have the most developed state of Africa South Africa. In South Africa, as many as 500 000 skilled workers are missing. Schools and universities do not provide enough skilled people and many educated people left South Africa when apartheid came to an end. Despite an estimated unemployment rate of 40 per cent, there are not enough qualified people to fill the vacancies in high-tech industries, engineering, finance and medicine. The brain drain is seriously undermining the country's efforts to rise above 3 per cent economic growth. An estimated 39 000 South Africans left the country in 1999 to join the 1,6 million already living abroad. About 70 per cent of skilled South Africans consider emigrating. According to an analysis of the Financial Times the brain drain costs South Africa USD 250 million a year.³⁵

In a positive or rather over-optimistic scenario, twenty years may be sufficient to increase the number of professionals through the South African training institutions so that the pull factor will be weakened. This may however be an over-optimistic assumption, and anyhow it does not deal with the crucial factor, that of low real wages and weak professional environment in many of the neighbouring countries.³⁶

In developing countries there is a dual pressure both from poor working conditions and lack of opportunities in low-income countries and on the other side the opportunity to

³² ŠTEFKO, M. Některé z překážek a nebezpečí volného pohybu cizinců z nečlenských států EU z hlediska nároků získaných ze systémů sociálního pojištění. In: Koldinská, K., Štefko, M. (eds.). *Sociální reformy ve střední Evropě cesta k novému modelu sociálního státu?* Praha: Auditorium, 2011, p. 137–156.

³³ CASEY, P. J. Open borders: Absurd Chimera or Inevitable Future Policy? *International Migration*. 2010, Vol. 48, No. 5, p. 34.

³⁴ BENATAR, S. – BROCK, G. *Global Health and Global Health Ethics*. Cambridge: Cambridge University Press, 2011, p. 99.

³⁵ HARASTY, C. – SCHMIDT, D. *Global employment trends*. Geneva: International Labour Office, 2003, p. 79.

³⁶ ODÉN, B. Southern African futures: critical factors for regional development in Southern Africa. Uppsala: Nordiska Afrikainstitutet, 1996, p. 21.

get much better scores elsewhere. The “pull” attracting health workers to OECD countries is also not just diffuse economic demand. Targeted recruiting by developed countries is so intensive that it has stripped whole nursing classes away from some universities in the South. In 2000, labour Government in the UK set a target of adding 20 000 by 2004. It achieved the goal by 2002. The UK absorbed 13000 foreign nurses and 4000 doctors in 2002 alone. Recruitment from EU countries was flat (many of these countries also face shortages in the face of aging populations), but immigration from developing countries continued, despite an effort to frame a policy of ethical recruitment.³⁷

4. CONCLUSION

The EU is facing important structural challenges of both demographic and economic nature. The working age population has practically stopped growing and over the next couple of years it will start shrinking. For both economic and demographic reasons the observed patterns of employment growth with emphasis on skilled labour will persist during the decade ahead. The EU is also facing a situation of ‘innovation emergency’. Europe is spending 0.8% of GDP less than the US and 1.5% less than Japan every year on Research & Development (R&D). Thousands of the best researchers and innovators have moved to countries where conditions are more favorable. Although the EU market is the largest in the world, it remains fragmented and not enough innovation-friendly. The Europe 2020 Strategy and its Innovation Union flagship initiative set the goal of increased investment in research and innovation, requiring an estimated extra one million more research jobs in Europe. Immigration from outside the EU is one source of highly skilled people, and third-country national students and researchers in particular are groups which are increasingly sought after and which the EU needs to actively attract. Third-country national students and researchers can contribute to a pool of well-qualified potential workers and human capital that the EU needs to cope with the challenges.³⁸

An acute shortage of qualified workers has already been palpable in Slovakia. Relying on the attractiveness of our country or to claim that the transit country will become target country is inadequate. As the population of the EU ages, it is likely that more advanced and richer countries will take much aggressive foreign recruitment policy, which cannot be competed by Slovakia any way.

The EU Global Approach to Migration and Mobility sets the overarching framework of the EU’s external migration policy. It defines how the EU organises its dialogue and cooperation with non-EU countries in the area of migration and mobility. Particularly relevant in this context are the Mobility Partnerships, which offer a tailor-made bilateral frameworks for cooperation between the EU and selected non-EU countries (notably in the

³⁷ BENATAR, S. – BROCK, G. *Global Health and Global Health Ethics*. Cambridge: Cambridge university press, 2011, p. 99; See also: GOKBAYRAK, S. Skilled Labour Migration and Positive Externality: The Case of Turkish Engineers Working Abroad. *International Migration*. 2012, Vol. 50, No. S1, pp. 132–150. Available at: <http://onlinelibrary.wiley.com/doi/10.1111/imig.2012.50.issue-s1/issuetoc>

³⁸ See Proposal COM(2013) 151 final, 2013/0081 (COD). Available at: http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/immigration/study-or-training/docs/students_and_researchers_proposal_com_2013_151_en.pdf.

EU neighbourhood), potentially also containing measures and programmes for promoting the mobility.

Therefore it is necessary to take decisive action, bilateral/international contract, or any other proposed steps to ensure coverage, “gaps” in the labour market. Scenarios from developing countries may seem for us as excessive, however, it is indispensably to note that the migration of skilled employees from Slovakia within the European space can not regulate the adoption of such bilateral agreements on quota systems in any way, what results into necessity of creating migration policy adjustment in Slovakia.