Human capital and labour immigration to Europe

Retrospective study of the Blue Card Directive

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Abstract

This research paper focuses on the success of policy outcomes of the Directive, by illustrating the change in the European Union’s (EU) migration statistics after the implementation in 2011. This is done by implementing the concepts of knowledge based economy with the theory of human capital. In the 21st century, the ever growing interconnectedness brings us a competition of the skills and knowledge between countries when it comes to the labour force. The first remarkable EU directive — the Blue Card Directive — to harmonise and attract more highly skilled labour into the EU, and its success are explored through a retrospective policy analysis on the directive and its achievements. This study presents as the results that this directive is not as successful as the decision-makers intended to be due to its lack of effectiveness and the complexity of other overlapping policies within Europe. I argue that the Blue Card Directive failed because of the weak structure of the policy and the low level on interest for it from the EU member states.

Keywords

Labour migration, human capital, labour market, European union, policy analysis
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1.0 Introduction

Even though global migration has remained steady over the past decades, the year 2015 was the highest ever recorded in international migration. According to the global migration trends by International organization for migration (IOM), the large majority of international migrants in the world are labour migrants.¹

In an era of globalisation, not only there has been a development towards more convenient movement of goods and capital, but also international labour migration has been boosted by couple global factors in the recent years.² One of the major developments is the state policies have become more open to the idea towards highly skilled migration in order to attract skilled work force. This has been impacted by the development of the rapid expansion of the knowledge economy which causes the demand for highly skilled professionals and the quest to seek further education abroad.³

The EU and its twenty-eight member states have co-operated over the decades to bring common standards to migration across the EU. Therefore, this thesis studies the highly skilled migration towards the European Union (EU), and the EU’s policies to boost the migration. Thus, the primary focus on this research is the European Union’s Directive from 2009 called the ‘Blue Card directive’, and why this directive did not turn out as a strong policy to harmonise the bureaucracy and to simplify highly skilled migration to the EU as the decision-makers aimed for in the first place.

Firstly, I will provide a more in depth background of the Blue card directive and its structure. Then, the thesis takes to look into the time before and after the implementation of the

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¹ IOM, Global migration trends factsheet, 2015, [https://gmdac.iom.int/global-migration-trends-factsheet](https://gmdac.iom.int/global-migration-trends-factsheet)
³ Kuptsch & Pang, 2006, p.11
directive. To find a relevant data on the effectiveness of the directive, thesis analyses the directive by using retrospective policy study and human capital theory.

The thesis presents the research problem and the main features of the topic, which is followed by the literature review on the previous studies in regard to high skilled labour migration and the policy-making in the EU. Human capital theory, policy analysis and other methods as well as the collected material are then presented and analysed. After the analysis, I will be given the final words to summarise the last thoughts on the subject.

1.1 Aim and Research question

The Commission of the EU has also observed the Blue Card Directive and how it has functioned for almost a decade. There has been a lot of criticism during the discussion of the Directive as well as after its enforcement in 2011. The Commission has stated in their announcements that the outcome of the current Directive has not been the most ideal as they were planned in the first place. Therefore, in 2016, the Commission made a proposal to reform the Directive in order to make it more effective tool for labour related migration with human capital.

Thus, I am interested in studying how effectively nation states and the supranational institution as the EU attract more human capital by the policy-making, and why the first European directive on gathering highly skilled human capital overseas is not as efficient policy as it was intended. Therefore, the research question that I present for this research is;

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4 M. van Riemsdijk, (Re)scaling Governance of Skilled Migration in Europe: Divergence, Harmonisation, and Contestation, Population, space and place, Vol. 18, 2011 p. 354
In what ways is the Blue Card Directive not considered to be effective policy to attract highly skilled migrants based on the human capital theory?

1.2 IMER Relevancy

This topic is IMER relevant since covers international migration and state policies regarding to immigration and its characters. Both of these topics are centre of the field in IMER and highly relevant in the 21st century. By emphasizing the policy structure and what it involves for an immigrant is very closely related to the main field in migration.

2.0 Background

In the recent years, the EU has encountered new challenges regarding to its economy and demography. These challenges include the euro crisis, labour shortages, and aging populations. These issues build mostly pressure not only on each member states social security systems and to member states' sustainable development, but also keeping up with the global competition in economy. One of the key challenges that the EU faces is the decreasing competitiveness in a knowledge-based economy where skills and human capital are highly valued assets to the economy.

In short, Powell and Snellman define knowledge based economy as “production and services based on knowledge-intensive activities that contribute to an accelerated pace of technological and scientific advance as well as equally rapid obsolescence. The key components of a knowledge economy include a greater reliance on intellectual capabilities than on physical inputs or natural resources, combined with efforts to integrate improvements in every stage of the production process.”

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6 L. Cerna, 2014, The EU Blue Card: Preferences, policies, and negotiations between Member States, Migration Studies Vol 2:1, p. 80
7 M. Van Riemdiijk, 2011, p. 345
Several countries, such as the US, Canada and Australia, have established 'highly-skilled immigrant friendly’ policies to attract more valued work force abroad into the country. This is something where the EU and its member states are behind in establishing a coherent programme and policies for highly-skilled immigrants. The issue was already a part of EU’s Lisbon strategy in 2000, and it was stated that the EU aims to be "the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion", by 2010.9

Thus, in this section, I discuss two global trends that have driven the decision-makers to change policies towards more friendly attitudes on highly-skilled migration. They are the demography-related challenges in the receiving countries as well as the economic issues in the sending and receiving countries. The other factor which I present is about the competition of migrants, more specifically high-skilled migrants; “Global war for talent”10. Basically, in order to tackle the challenges in labour shortages and demographic needs, the decision-makers have considered highly skilled migrants as an opportunity to fill the gaps.11

Moreover, the EU has a freedom of movement of people within the union, and intra-migration is encouraged between the member states, however, it still doesn’t give that much of help on the challenges the EU faces since member states share the common issues and challenges. Thus, immigration of third country nationals has been considered more effective solution for the circumstances in the EU.12

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10 L. Cerna; The EU Blue Card: Preferences, policies, and negotiations between Member States, Migration Studies Vol 2:1, 2014, p. 74
12 L. Cerna, 2013, p. 181
2.1 “The Dual Demographic Challenge for Europe”

The current state of Europe lives through an era which some of the European states already experience. The problems that current trend bring are the issues regarding demography, and the economy that is affected by the structural changes. This is also referred to as dual demographic challenge. These two principal challenges are aging population and population decline, If the pattern of low fertility rate exists as a long-term challenge, it can cause structural obstacles to a whole society. When there are more and more seniors retired, it will become challenging for younger generations to hold the demography and the economy strong. Therefore, the international migration is encouraged to maintain economic growth. Thus, international labour migration and human capital are seen as balancing element for the growing issues in demographic changes, whereas the people with the most human capital are being most desired since the talent of them are more adjustable and valuable than the people with less human capital.

2.2 Talent mismatch and open labour markets

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13 D. Coleman; Population prospects and problems in Europe, Genus, Vol. 61, No. 3/4, 2005, p. 434
14 J. Shoven; Demography and the economy, University of Chicago, 2011, p. 9
16 M. van Riemsdijk , 2011, p. 346
17 N. van Nimwegen & R. van der Erf; 2010, p. 1370
18 N. van Nimwegen & R. van der Erf; 2010, p. 1377
Also, we can argue that there is growing number of the mismatch in skills in the labour market.\textsuperscript{19} Not only in Europe but also in the sending regions such as in Asia, the Middle East, and Africa. In 2013, ILO estimated that approximately 150 million workers are working abroad of their country of birth.\textsuperscript{20} This number includes all types of labour, not only the high-skilled migration. Nevertheless, international labour migration is one of the many forms of migration which takes place in the globalised world, which the EU has tried to attract more since the 1980s by deregulating and liberating the labour markets.\textsuperscript{21}

Human capital plays a role in balancing the talents in the markets which can result to mismatch in the demand and supply of talent. This creates competition between the right human capital and the suitable skills in the labour force creating a possibility for people to seek the perfect match for their human capital abroad.

\textbf{2.2.1 Global impact on the brain drain and the brain gain}

As Iredale explains in her article: “‘Brain drain’ was formerly used to explain the loss of valuable skilled personnel from developing to more developed countries, but the term is now also invoked to describe the loss of skilled human resources from developed countries.”\textsuperscript{22} The balance between brain-drain and brain-gain can be damaging to both sender and receiver country in a long-run, and hence, the current system of supply-demand-driven economy shows its negative sides which can be seen in the demographics of the country and in the development.\textsuperscript{23}

\textsuperscript{20} ILO: ILO global estimates on migrant workers: Results and methodology, 2015, p. 5
\textsuperscript{21} M. van Riemsdijk, 2011, p. 346
\textsuperscript{23} D. Kapur & J. McHale; The Global Migration of Talent: What Does it Mean for Developing Countries; Center for Global Development, 2005, p. 2
3.0 The EU Directives on migration and Lisbon Strategy

In 2000, European Council (EC) published the Community objectives (Lisbon Strategy) for Europe to become the most competitive and dynamic knowledge-based economy in the world. Lisbon strategy set the aims for Europe’s directions for a 10-year period which was then updated and renewed in 2010 as ‘Europe 2020’. The EC set the goal for Europe to be capable of sustainable economic growth which meant greater social cohesion in the societies and more jobs in the European market zone by 2010.

Over the years, the decision-makers in the European Union and the European Commission have made many various decisions and legislation to create a common ground for migration across the EU. These directives concerning different features of immigration, especially the immigration of third-country nationals.

These directives include frames in the fields such as the family reunification (Directive 2003/86/EC), the status of long-term residents (Directive 2003/109/EC), the conditions of admission of students, pupils, unremunerated trainees and volunteers (Directive 2004/114/EC), Specific Procedure for admitting third-country national researchers (Directive 2005/71/EC) and the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (Directive 2009/50/EC). The latter one is also better known as the Blue Card Directive.

3.1 The EU’s response for the competition of talent

The Blue Card Directive is also the directive which has been seen as needed directive in order to attract more and more highly skilled migrants outside the EU. In 2007, the European Commission did mark that the standard rules on labour migration were needed across the

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24 M. Van Riemsdijk, p. 345; José M. Barroso’s (European Commission’s President) speech in 2007
25 A. Wiesbrock; Legal migration to the European Union, Martinus Nijhoff Publishers, Leiden, 2011, p. 303
EU\textsuperscript{26} and thus, in the same year, the Commission set a motion for the directive regarding the conditions for entry and residence of highly skilled TCN-nationals.\textsuperscript{27}

The European Commission found a couple of reasons to validate the importance of the Blue card directive. In the Commission’s point of view, the EU lacked the competitiveness when it comes to attracting highly skilled workers.\textsuperscript{28} Compared to the Green Card system, which is in use in the United States, showed its effectiveness in the field of labour migration and the attractiveness since its implementation.\textsuperscript{29} Therefore, the Commission came to an agreement to introduce the Blue Card system in the EU, as a competing policy for the United States’ Green Card system and the Canadian Point system.\textsuperscript{30}

According to the studies of labour movements formulated by the Commission, the ratio of highly skilled and low skilled migration to the EU, when compared to the US and Canada, was more in favour for these two countries. When it comes to the ratios in migration, migrants seen as low skilled or unskilled tend to settle in the EU with the percentage of 85\% whereas the same number is 5\% in the States.\textsuperscript{31} Also, the US benefits from the highly skilled labour migration with the 55\%, whereas the similar amount for the EU is only 5\%.\textsuperscript{32}

To become more competitive with attracting skilled work force, in the speech given in 2007 at the High-level Conference on legal immigration by Franco Frattini, he states that the

\textsuperscript{26} A. Wiesbrock, 2011, p.285 \hfill
\textsuperscript{27} A. Wiesbrock, 2011, p.284; European economic and social committee, Opinion on the proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualifies employment, SOC/300, 9 July 2008 \hfill
\textsuperscript{28} A. Wiesbrock, 2011, p.285 \hfill
\textsuperscript{29} D, Dobkin; Behind the Green Card : How Immigration Policy Is Killing the American Dream, 2013, p. 106; R. Florida; The Flight of the Creative Class: The New Global Competititon for Talent, 2005, p. 100 \hfill
\textsuperscript{30} A. Wiesbrock, 2011, p.284; p. 21 \hfill
\textsuperscript{31} A. Wiesbrock, 2011, p.285 \hfill
\textsuperscript{32} A. Wiesbrock, 2011, p.285
Commission wished to change this trend of labour migration\textsuperscript{33} and to increase the competitiveness of the European economy.\textsuperscript{34} European Commission’s president that time, José Manuel Barroso, also stated in the speech the problem of the EU to attract skilled labour:

“At the moment, most highly skilled workers go to Canada, the United States and Australia. Why? Because we have 27 different and conflicting procedures in the EU. If we want to boost growth and jobs we must act – but it will only work if we act together.”\textsuperscript{35}

### 3.2 Blue Card Directive

Blue Card Directive (2009/50/EC) was introduced in the Commission in 2009 and was eventually implemented to national legislation in 2011.\textsuperscript{36} The aim that was set for the directive was to establish “the entry and residence conditions for highly-qualified non-EU nationals wishing to work in a highly-qualified job in an EU country (other than Denmark, Ireland and the United Kingdom), and for their families.”\textsuperscript{37} By implementing the directive, it also created EU Blue Card system to maintain and enforce the purposes of the directive.

#### 3.2.1 The content of the Blue Card system and its requirements

The eligible applicant for an EU Blue Card must meet certain EU-wide requirements in order to apply a Blue Card. Firstly, an applicant must hold either a valid work contract or a job offer that is at least for a year, and that specific occupation should pay a salary that is at least 1.5 times the average gross annual salary in the EU member state concerned. Secondly, an

\textsuperscript{33} A. Wiesbrock, 2011, p.285, Speech at the High-level Conference on Legal Immigration given by Frattini, 2007, See the explanatory memorandum to the Commission proposal.

\textsuperscript{34} A. Wiesbrock p.285

\textsuperscript{35} M. Van Riemsdijk, 2011,., p. 345; J. Barroso at a press conference for the European Blue Card in Strasbourg on 23 October 2007

\textsuperscript{36} A. Wiesbrock, 2011, p. 561; Articles 2, 3 & 5 of Directive 2009/50/EC

\textsuperscript{37} EUR-Lex, EU Blue Card — entry and residence of highly qualified workers \url{https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3A114573}
applicant should hold documentary proof of all the necessary qualifications. Thirdly, an applicant should also have a valid travel document, such as a passport, and a visa if that is required. Also, an applicant must present a proof of health insurance. If these requirements are not fulfilled, the EU member state where the application was made has right to reject the application.

The EU member state has various rights regarding to the Blue Card system. The EU countries can determine how many will be accepted to their country with Blue Card, and this number varies across the EU. For example, Germany admit 700 Blue Card applicants in 2012 whereas Finland only admit two applicants.\(^\text{38}\) The application can be done by the individual or the employer, and the Blue Card is usually valid for one to four years depending on different aspects of the made application such as the duration of the work contract. Furthermore, the national authorities have right to withdraw the Blue Card if the holder does no longer meet the requirements for the Blue Card.\(^\text{39}\)

In terms of working conditions, education, recognition of qualifications, social security and freedom of association, EU Blue Card holders enjoy the same rights as the member state’s nationals. Also, the Blue Card permit includes the family reunification by allowing family members to enter and stay in the EU member state where the Blue card has been issued.\(^\text{40}\)

However, for the first two years, the Blue Card holder must stay in that work that fulfils the criteria for the admission. After two years, the holder can apply to other highly-qualified employment. In addition, after 18 months of legal residency, Blue Card holder has right to obtain a visa to move to another EU country if needed.\(^\text{41}\)

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\(^{38}\) Eurostat


3.3 The aim of the Directive

The Blue Card directive is a directive containing twenty-two articles and mentions regarding to highly-skilled TCN’s immigration. The directive emphasises that the eligible third country nationals for the Blue card permit are applied to third-country nationals who apply to be admitted to the Member State for the purpose of highly qualified employment under the terms of the Directive.

The aim behind the Blue Card directive “is to increase the contribution of legal migration to enhance the competitiveness of the European economy by improving the Union’s attractiveness to highly-skilled third-country nationals.”\(^{42}\) This is done by harmonising the rules and requirements of highly skilled migrants and also by promoting the possible and efficient allocation and reallocation within the EU.\(^{43}\)

3.4 Delimitations of the research

For this paper, I have encountered a couple of obstacles with regards to the collectible data as well as to the specific previous research on the effectiveness of the European Union’s legislation on the issues such as the regulated migration. I acknowledge that the topic itself is narrow and particular, and thus, it can be challenging to find the specific data on the issue.

Especially before the enforcement of the Blue Card directive, the information on the highly skilled labour migration relies on mostly the national statistics of the EU member states, if it exists. The data what I use for the analysis is collected on Eurostat. The data shown on the database is based on the same criteria and definitions, and hence, it is easier to make an analysis of the directive’s effectiveness.

\(^{42}\) A. Wiesbrock, 2011, p.285

\(^{43}\) A. Wiesbrock, 2011, p.285
Also, I need to acknowledge that the changes in policies does not only make an impact on the inflows of immigrants, rather the whole inflows and their impact are all influenced by many different events and phenomena in the world. This factor must be noticed when evaluating the material. This means that other events such as migration crisis in 2015, financial crisis in 2008 and the rise of right-wing populism in Europe have also affected to the data of the Blue card directive.

Moreover, we need to acknowledge that there are several reasons for migration to take place. The factors that influence migration come from both side of nations or individuals, and thus, the decision of migration, and the reasons for migrating can be understood many ways.

4.0 Definitions

I should clarify some key terms which are used throughout the research paper and, thus, they are relevant to acknowledge the definitions of the appropriate terminology. The EU defines following terms regarding the terminology of migration as following;

4.1 Highly qualified migrant:

“A person with qualifications as a manager, executive, professional, technician or similar, who moves within the internal labour markets of transnational corporations and international organisations, or who seeks employment through international labour markets for scarce skills.”

4.2 *Highly qualified employment:*

“The employment of a person who:
in the EU State concerned, is protected as an employee under national employment law and/or
in accordance with national practice, irrespective of the legal relationship, for the purpose of
exercising genuine and effective work for, or under the direction of, someone else, is paid, has
the required adequate and specific competence, as proven by higher professional
qualifications.”\(^{45}\)

4.3 *Labour migrant:*

“Migration mainly for economic reasons or in order to seek material improvements.”\(^{46}\)

5.0 Method

The method to study the highly skilled migration and the directive is the policy analysis as the
topic of the research is the failure of the policy. In order to study the Blue Card directive
helping to attract effectively human capital to work in the EU, the content of the policy needs
to be analysed. Policy analysis is a method to analyse different policies, and it is mostly
considered to be a multidisciplinary since the analysis can involve multiple different aspects
depending on the relevance to various fields.\(^{47}\)

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The policy analysis is widely used by the scholars in the social sciences, and it is considered to be a descriptive analysis by its way to function by making and justifying claims about the causes and consequences of the policies. However, it is also considered in some cases to be normative and analysis can be focus on the policy-making, the content of the policy or the enforcement of the policy and the outcomes what the policy creates.\textsuperscript{48}

For the research of the Blue Card directive, I focus on the policy analysis which studies the outcome of the directive and why the Blue Card Directive has not in fact increased the acceptance rates of highly skilled immigrants in the EU after all.

In policy analysis, there are two types of policy studies; prospective and retrospective study.\textsuperscript{49} Prospective policy study focuses on the processes and transformation of information before the policy is taken into action. Then, retrospective policy study focuses on the production and the processes after the policies have been implemented.\textsuperscript{50}

Basically, a retrospective policy study is a research method that is used when the outcome of an event is already known, whereas in prospective policy study the possible outcome has been designed by the researchers.

Thus, I find that the most suitable way to do the research is through the retrospective policy analysis since the field I study is mostly part of the observing and the explaining the effects of the outcome what the Blue Card system has effected on the attractiveness of the labour migration flows.

\textsuperscript{48} W. Dunn, 2008, p.3
\textsuperscript{49} W. Dunn, 2008, p.10
\textsuperscript{50} W. Dunn, 2008, p.11
5.1 Monitoring Policy analysis

“Monitoring is the policy-analytic procedure used to produce information about the causes and consequences of policies”. To monitor the policy analysis is a primary source of knowledge about the effectiveness of policy implementation since it helps to describe the connection between the policy and its outcome. Therefore, when studying the policy outcomes, it is rather important to focus on the known outcomes and goals of the policy and to measure whether the policy has reached its main purpose when the policy was first introduced.

By monitoring a certain policy (the Blue Card directive), we are able to pinpoint the advantages and the disadvantages of the policy in order to make it even more efficient in the future. Basically, this way we learn from the previous versions or types of some policies. There are several different methods to do monitoring policy analysis and each of the methods are used to different types of frameworks. For the purpose of the thesis, I apply the explanation and the auditing since then I am able to produce information that is useful in explaining the changes in the EU.

5.1.1 Social systems accounting approach

In addition, there are four approaches for monitoring the policies and their outcomes. For the thesis, I apply an approach which is called ‘Social systems accounting’ since it is the most relevant for the framework of the research I study.

Social systems accounting is “an approach and set of methods that permit analysts to monitor changes in objective and subjective social conditions over time”. This feature sets a framework for the approach for monitoring the policy change and outcomes.

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51 W. Dunn, 2008, p.273
52 W. Dunn, 2008, p.273-274
53 W. Dunn, 2008, p.274-275
54 W. Dunn, 2008, p.282
The major analytic element for this approach are social indicators which emphasise changes in external and internal contexts over time for various segments of a population. In the research, these changes basically are the shift in global trends, the EU’s aging population, labour shortages and the global competition for talent. Social indicators are both subjective and objective since they facilitate to monitor both kinds of conditions.

5.2 Sources and material

For monitoring policies, it is essential that the required information is relevant, reliable and valid such as from federal, state or local governments, private research institutes or universities. Hence, the material I use for the research is based on secondary sources that have been available for a public usage. One of the techniques for monitoring the policy outcomes is tabular displays.

By using secondary sources which I solely use existing data for the analysis, there is more emphasis on objectivity in comparison to interviews and observation. There are useful tools for monitoring the outcomes, and they are used to summarise the key data of one or many variables. To build a perspective on the research and to understand the outcome of the research, I chose the data and the material which present the work-related migration movement to Europe as a TCN-national.

For the analysis, it is essential to go through various statistics and data on migrant movements, and then to narrow the statistics down for few key statistics. Thus, we can notice

55 W. Dunn, 2008, p.284
56 W. Dunn, 2008, p.275
57 May, 2001, p. 61
59 W. Dunn, 2008, p.305
the possible trends and exceptions in the trend of patterns over time. For the research on the third country national labour migration to European countries and for the effectiveness of policy-change for a better and harmonised policies in the EU, I have chosen statistics from Eurostat database. The primary focus of the research and the analysis relies on the statistics of third-country nationals and their migration to European countries.

To be more specific, for the study, I choose statistics on the highly skilled labour migrants and their inflow to the EU member states. To compare the data and the success of the Blue Card Directive (2009/50/EC), I have chosen to look into detail the period before and after the implementation of the Directive as a part of the social systems accounting framework. The Blue Card directive was implemented in 2011, and the earliest data on its records start from 2012, and the latest data can be found from the year 2016.

Therefore, I look into detail this five-year period after and before the implementation. So said, the chosen period to look into before the enforcement is also a five-year period from 2007 to 2011. Thus, to use equal periods of time, it is more convenient to follow possible changes in trends of skilled labour migration, and it is also easier to receive a valid data for the comparison, as well as it is more suitable for the approach of the framework to monitor the outcomes of the policy.

In the database, the statistics and data are gathered in cooperation of national statistic centres of the member states as well as with the official statistic centre of the EU. The database itself is extensive and reliable, and on Eurostat, it is easy to find the statistic on the recent data on migration, work-related migration and highly-skilled migration based on the Blue Card directive.

In this study, I use statistics by Eurostat on first permits by remunerated activities reasons in subcategories: highly skilled workers, researchers, the Blue Card permits and other remunerated activities from the period between 2008 and 2016.

When it comes to analysing the data that other parties have collected and built, it is crucial to understand the backgrounds for that specific data. In other words, it is essential to
acknowledge that for each database, different factors are built on particular definitions on the mind to have a validate data.

6.0 Theoretical Framework

6.1 Previous Research

The EU Blue Card: Preferences, policies, and negotiations between Member States by Cerna tells that since different national high-skilled immigration policies have been transferred to EU level, they have created variations in Member States’ positions on the Blue Card in a two-level game. She argues that the Blue Card system as it is more like an advertising tool than an efficient policy, and that the reason why the directive has not worked is due to the lack of interest to implement by the member states.

Cerna focuses on the Blue Card system as an empirical case study to illustrate how much national preferences do play a strong role in the policies. Cerna’s article on the Blue Card was published in 2014, just few years after its implementation, it still gives a solid understanding about the policy- and the decision-making around the directive.

Especially, Cerna pinpoints in her article a global competition as “global war of talent”, which tells that there is only a certain amount of skilled professionals available in the labour market who are willing to move for better work, salary and the environment. As a competitor for the other skilled migration programmes such as the Green Card system in the United States, and the point system in Canada and Australia, the Commission made this motion on the similar programme for across the Europe.

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60 L. Cerna, 2014, p. 73
61 L. Cerna 2014, p.73
62 L. Cerna, 2014, p. 74
63 L. Cerna, 2014, p.74
In order to grow and expand the economies and markets, there is a need for more skilled and professional labour. Not only in Europe but also in other developed and booming economies, there is a need for professional people to work, which creates a sort of competition for skilled labour.\textsuperscript{64} In some cases, the discussion in the field of highly skilled migration has focused on the governmental policies on labour migration.

Since the need of skilled migration is important for the economies, the national governments have established their programmes and schemes for the highly skilled migrants in several countries. The countries are then competing for skilled professionals with other programmes and schemes established by other countries.

(Re)scaling Governance of Skilled Migration in Europe: Divergence, Harmonisation, and Contestation, Population, space and place by Van Riemsdijk studies the power-balance in the decision-making especially in the case of highly skilled migration. She argues that the result of her study indicate that the scale of the nation state remains powerful in the admission of TCN workers and that institutions at higher geographical scales do not necessarily dominate lower scales.\textsuperscript{65}

She measures the level of power of influence in the decision-making between the EU member states and the EU as supranational institution. Her findings also are in line with Cerna showing that the overlapping and intertwining scales of decision-making power hamper efforts to create a common European skilled migration policy.\textsuperscript{66}

The study shows that the Blue Card directive and the effectiveness of the EU discuss a lot on the issue where the EU should be more effective while implementing new legislation across the EU.\textsuperscript{67} The Blue Card directive is not one of kind in this aspect since it is also criticised for being made too general and not changing enough the policies in Europe.

\textsuperscript{64} L. Cerna, 2014, p.74
\textsuperscript{65} M. Van Riemsdijk, 2011, p. 344
\textsuperscript{66} M. Van Riemsdijk, 2011, p. 344
\textsuperscript{67} M. Van Riemsdijk, 2011, p. 345
"EU Blue Card Scheme: The Right Step in the Right Direction?" by Gümüş presents and analyses the newly adopted Blue Card Directive and what kind of a process it is to implement it in the EU before 2011. The article was published in 2010, just a year after the directive was introduced in the Commission.

Gümüş focuses on the critics and the responses the Directive received. Also, Gümüş analyses if this type of format is the right direction further.68 Basically what Gümüş emphasises is the article is the power balance between the member states whether the directive is beneficial for the EU or not.

Couple of member states stated that the directive itself will not bring any added value to the economy and labour shortages, rather more like an extra burden on top of national migration schemes.69 In addition, Gümüş points out what kind of challenges the directive create in the less developed world with the brain drain into the EU due to this directive.70

"The Migration of Professionals: Theories and Typologies" by Iredale explains the development of highly skilled migration over the decades. Iredale emphasises how highly skilled migration has become one of the global migration trends nowadays and how one’s skills and experience are recognised internationally.71

Iredale studies the topic with case studies of four professions to illustrate that professional talent is no longer defined only by national institutions alone. Iredale focuses on the effects of globalisation and the development of transnationally recognised professions.72 Thus, Iredale categorises highly skilled migration into five different subcategories based on the reasons for migrating, hence, providing a solid mechanism to analyse the trends in skilled migration.73

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68 Y. Gümüş, 2010, p. 435
69 Y. Gümüş, 2010, p. 443
70 Y. Gümüş, 2010, p. 436
71 R. Iredale, 2001, p. 7
72 R. Iredale, 2001, p. 7
73 R. Iredale, 2001, p. 16
Iredale poses a question whether states should continue to be concerned about self-sufficiency in national professional labour markets in an increasingly globalized environment.\textsuperscript{74} Basically, according to the findings, the states have started to focus on skilled migration, especially the temporary skilled migration in order to cut labour shortages.\textsuperscript{75} By removing barriers and facilitating the skilled migration, a person with skills is highly mobile and easy adjustable to a new work environment.

Iredale also emphasises that the “migration selection policies now need to be seen in a much wider context than in the past when most professional labour markets were national. This will require a substantial shift in policy thinking which many governments will have to face as they join in the “war” over skills.”\textsuperscript{76}

### 6.2 Theory implemented

#### 6.2.1 Human Capital theory

Human capital theory was first presented by Gary Becker during the Cold War. Human capital theory focuses on individual decision-making and highlights the influence of human capital characteristics in the migration process.\textsuperscript{77} According to Becker, Human capital theory takes into account the knowledge and skills what an individual obtains and wish to improve.\textsuperscript{78}

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\textsuperscript{74} R. Iredale, 2001, p. 7  
\textsuperscript{75} R. Iredale, 2001, p. 20  
\textsuperscript{76} R. Iredale, 2001, p. 21  
\textsuperscript{77} G. Becker; A Theoretical and Empirical Analysis, with Special Reference to Education, 2nd edition, Columbia University Press, London, 1975  
By scaling and evaluating the level of knowledge and skills, human capital theory counts these non-concrete factors as human capital. These factors are relevant for the individuals as well as for the society. Individuals can obtain more human capital by studying and gathering experiences on various tasks.\textsuperscript{79} The idea of Human capital is seen as an important, especially when analysing the importance of education.

By using the theory, one can take into account the necessary talents what is preferred or desired by the society or corporation. “According to human capital theory, people move to find employment and remuneration more appropriate to their formal education and training.”\textsuperscript{80} By evaluating all the factors what shape one’s human capital, one can rank the individual’s human capital and how desired the skills and knowledge one has.

Human capital theory can be used to evaluate people into high-, semi- and low-skilled in general, but especially in the field of migration, however this is dependent on the recognition of the skills: “Skilled workers can trade their skills globally as long as their skillsets are recognised in countries of destination.”\textsuperscript{81} The discourse around the human capital shares the scholars when discussing the positive and negative effects on human capital as between human capital theorists.

Danzer and Dietz state in their article that, in case of highly skilled individuals, it is expected to be an essential determinant of migration to hold human capital (education, experience, language proficiency) and the transferability of them.\textsuperscript{82} The more one has transferable human capital, the greater is the access to move abroad.

\textsuperscript{79} G. Becker, 1962, p. 9-10

\textsuperscript{80} R. Iredale, 2001, p. 8

\textsuperscript{81} M. van Riemsdijk, 2011, p.345

\textsuperscript{82} Danzer & Dietz, Economic Migration, Networks and Human Capital Transferability from the New European Borderlands. A Comparison of Five Eastern European Countries, 2008, p. 5
Therefore, an individual with a lot of “human capital may face better employment opportunities abroad and generally tend to have lower migration costs due to more effective and efficient search strategies for transportation, housing and foreign employment.”

6.2.2 Human Capital factors in policy-making and the immigrant preference

Human capital theory is used to scale skills and talent amongst individuals. In the policy making the human capital plays a role as an important factor when creating new policies. “The acquisition of human capital remains one of the chief functions of immigration law, and possession of it is generally the measure by which future legal immigrants are selected and evaluated.”

Also, the human capital theory is widely taken into account in the sociology and other disciplines such as in the political science and the economics, and the theory is thought to be an important factor in the research nowadays. “Sociological theory has moved from postulating a single outcome (classic assimilation) to manifold outcomes that depend on such factors as human capital, social capital, labour markets, and a range of institutional structures.

FitzGerald outlines the major alternatives—segmented assimilation, transnationalism, and dissimilation. Assessment of these outcomes is often linked to an understanding of the political factors that undergird them, thereby bridging to questions that are of great interest to political scientists.

6.3 The concept of ’Knowledge Economy’

I like to elaborate more on the concept of knowledge economy and why it is relevant for gaining human capital. Knowledge economy is a concept presented by Powell and Snellman.

83 Danzer & Dietz, 2008, p. 5
To define the term, knowledge economy explains the shift in the developed economies, where the main focus in the economics does no longer rely on the natural or physical sources, rather in knowledge based technology and innovation.\textsuperscript{86} This shift into more knowledge demanding sources requires more highly skilled and highly educated labour force. Thus, it creates a platform where countries start to compete on skilled labour to fill the labour shortages.

Highly skilled migrants are valued in the society since they “can make positive contributions to the labour market and the economy when they are employed in shortage occupations”.\textsuperscript{87} Also in comparison to low-skilled migrants, highly “skilled migrants generally have favourable labour market outcomes since they contribute to net fiscal gain, and they usually integrate better into host societies”\.\textsuperscript{88}

This change in the structure of economics has also be seen in the EU. According to the Commission, EU enterprises have growing problems in filling present job vacancies, particularly for highly skilled workers.\textsuperscript{89} Basically, this is caused by the technological innovations and developments in the work markets, where low-cost and manual work is transferred to cheaper countries and the work is automatized and even more knowledge demanding than before. Since the change is rather rapid and the population in the EU is aging, there are labour shortages especially in the high skilled work force.

In addition, the competition to obtain the skilled labour is tough. ‘Internationalisation of professions’, as Iredale calls it, has opened new opportunities in the global work market has also created a set of highly skilled labour markets, such as IT, that is more fluid and relatively free of national controls. Hence, it creates not only worldwide job opportunities but also an intense competition for skilled workers in developed countries.\textsuperscript{90}

\textsuperscript{86} Powell & Snellman, The Knowledge economy, Annu. Rev. Sociol. 2004, p. 199
\textsuperscript{89} Y. Gümüş, 2010, p. 438
\textsuperscript{90} R. Iredale, 2011, p. 16
In 2007, European Commission President Manuel Barroso claimed that European economies depended on a skilled and mobile labour force and needed ‘a European approach to legal immigration if we want to be serious in becoming the most competitive, knowledge-based society in the world’.  

6.4 The contribution

The research topic is quite studied in overall. The topics related to the themes like human capital, labour markets and migrant selection processes are all quite discussed in the academic world, mostly focusing on one case study or a different country or region.

What makes my research valid and relevant as an academic work is its relation between the statistics and policies regarding to a small portion of people in the field of migration, in this case the skilled professionals and their migration to Europe. I cannot deny that this piece of research is the one of its kind of the Blue Card directive or the mismatch of labour markets, but this research offers on overview to the issues regarding to human capital and labour markets.

The study what I do for this research is not going to focus on the process of making the directive itself nor focusing on deeply to the content of the Directive. The research is going to focus on the outcome of the effective whether the directive has been that successful that it can be a competitive compared to other programmes in other countries.

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91 L. Cerna, 2014, p. 80
7.0 Analysis

I will illustrate the number of Blue card permits compared to the overall number of highly skilled permits admit by presenting data before and after the implementation of the Blue card directive. The tables on the statistics are shown above in the material section.

In addition, I will analyse the content of the directive and why it is a failed policy to attract skilled work force. Basically, I argue that the directive is not an effective policy since the weak policy-making and the low-interest from the member states before the implementation played significant role in the outcome.

*In what ways is the Blue Card Directive not considered to be effective policy to attract highly skilled migrants based on the human capital theory?*

7.1 The effects in the statistics

The Blue card directive is said to be a failure mostly due to the lack of ambitious to implement by the member states. In this section, I illustrate first by numbers how low the outcome is after the directive was implemented. I argue that due to the outcome of the policy, presented by the statistics, we are able to agree on how ineffective the policy turn out to be.

One feature of social systems accounting approach is goal-focused observation of the data. Basically, a goal-focused observation sets the focus on the goal which is linked closely to the presented research question. The goal-focus of the research is, thus, the change in the outcomes after the implementation of the Blue card directive. Also, the goal-focused

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92 L. Cerna, 2014, p. 85
93 W. Dunn, 2008, p.281
observation is closely related to another feature of the approach, which is change-oriented observation.\textsuperscript{94}

Firstly, the key in policy analysis to monitor the outcomes is through tables that present different variables over the period of time, including the variables as the member states and the number of accepted highly skilled immigrants.\textsuperscript{95} I have gathered three different tabular statistics (See appendix) to illustrate in numbers and to explain why Blue card directive have not functioned as intended.

Secondly, the table one below presents the number of migrants who received their first permit by remunerated reasons to the European Union between the years 2008 and 2016. These remunerated reasons that are displayed to the statistics includes the permits for highly skilled workers, researchers and the Blue Card permits.

The statistics are collected to the table from Eurostat by combining these three sub-categories into one data. Thus, the numbers in the table present the total number of first permits for third country nationals for the activities which are concerned to be highly skilled activities.

The table separates every member state; however, the data of all the sub-groups were not available in the case of every member state. The statistics of sub-groups of highly skilled migrants and the researchers are collected from the member states and, hence, the definition or requirement for being a highly skilled or researcher can vary based on the national legislation in every member states.

The observed years from 2011 to 2016 are coloured with the grey background to emphasise the years that include the data of Blue Card permits since in 2011 the directive was enforced in the twenty-seven European member states. Therefore, I find it convenient to see the difference before and after the implementation of the directive. The numbers in the table present the total number of persons in all ages and both genders. Also, the table includes the all the permits regardless of their duration (less than 12 months and over 12 months).

\textsuperscript{94} W. Dunn, 2008, p.281
\textsuperscript{95} W. Dunn, 2008, p. 284
Table two presents more specifically the first permits by remunerated activities reasons in the case of Blue Card permits. The table is also collected from the data found on Eurostat, and these numbers are included in the total numbers first permits in years from 2011 to 2016 shown in Table one.

Table three above presents the number of first permits by other remunerated activities, which includes semi- and low-skilled work. On the left, there are all the EU member states listed, and on above the period is presented in years. The period of observation for this Table is also between 2008 and 2016. To understand the overall trend what takes place in the European Union, the data on the total number of permits for the EU shows that during the period of observation, the amount of granted first permits decreased approximately by 50.4 percent (686,942 to 340,654). As we can see this current trend on permits of other remunerated activities does not follow the same pattern based on Table one on the first permits for high skilled migrant. As said earlier, the trend of the permits for high skilled migrants increased by 160 percent during the same time of observation in the EU.

Based on the retrospective policy analysis, the amount of granted first permits have steadily risen over the observed period, especially in overall statistics. If we look the year 2008 as a starting year for comparison, the total number of first permits for these particular reasons have risen approximately by 197 percent in years between 2008 and the latest year, 2016. On table one, the total number in European Union was 28,371 permits while in 2016 the same amount was 55,870 a year. Between the years 2008 and 2009, the change in the number of first permits rose drastically from 28,371 to 45,230. Thus, the first permits for high skilled migration increased approximately by 160 percent.

However, the aim for the directive set by the EU was to increase highly skilled migrants residing in the EU since labour shortages will peak by 2050 when 25 million Europeans are expected to retire from work and one-third of the population will be over sixty-five years of age, based on EU’s estimations.96

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96 L. Cerna, 2014, p. 80
Nevertheless, the increase in highly skilled migrations in the statistics will not be enough in order to cover up the ever growing labour shortages in more changing knowledge based economy. In addition, the Commission seeks to increase the competitiveness of the EU’s economy through the contribution of legal immigrants but it has been difficult to attract high-skilled immigrants. In 2007, the EU, with 1.7 per cent third-country high-skilled workers of the total of the employed population, is behind countries such as Australia (9.9 per cent), Canada (7.3 per cent), the USA (3.2 per cent), and Switzerland (5.3 per cent).

Based on these factors that have pushed the EU to create a common policy to compete against other economies as well as against the internal challenges that future brings, the results by far have not been enough at all. This failure in the effectiveness can also be seen in the statistics above.

### 7.2 The weak policy process

There are couple of factors that resulted to the weak policy-making in the Blue card directive. Firstly, one of the key factors is the diversity within the EU member states, and how open policies they hold towards migration. Cerna pinpoints this finding in her article as well saying that the tensions at the member state level result to diverse policies, thus, creating less unified and clear outlines for the directive as seen in the Blue card.

The tensions regarding the policy-making in the EU level is related to great heterogeneity among EU member states. This heterogeneity affects to the policy-making that even though there is a will to find policy solutions for similar challenges that the EU member states faces, such as the aging population and labour shortages, the decision-makers are only cautiously...
willing to regulate policies at the EU level. Especially with the migration, since immigration policies are politically constructed.

Secondly, on top of the tensions when it comes to the policy making at the EU level, there is also low interest for a common EU-wide policy on migration, since several member states have implemented national migration schemes, especially for the highly skilled labour migration, such as the UK’s scheme to fill labour shortages in the medical sector in the 1990s by importing doctors and nurses abroad.

In addition, there is a resistance from the member states towards more unified and integrated European union. In the recent decades, the European Commission has introduced policies to centralise the legislative power to Brussels, and thus, diminishing the authority and national decision-making power in the member states. Therefore, the member states have been slow in the process to regulate policies at the EU level, also by affecting to the Blue card directive and its enforcement. For example, in the statistics presented above, the data of the United Kingdom, Denmark, and Ireland are unavailable due to the decision not to implement the Blue Card directive to their national legislation. Also, in some countries, the number of granted Blue card permits stand in zero due to the lack of data or since there were no issued blue card permits given in that year.

We can, therefore, argue that since the weak policy making process and the tensions to create a new kind of common EU policy for highly skilled migration have resulted a badly constructed and vague policy that it cannot be effective enough. So said, the idea for the directive was to have a common harmonising policy that would attract highly skilled migrants as its convenience and low level of needed bureaucracy. As this policy’s aim serve as “lubricators” to speed up the highly skilled migrants’ immigration to tackle the EU’s shortages and challenges.

101 L. Cerna, 2013, p. 183
102 L. Cerna, 2013, p. 183
103 Y. Gümüs, 2010, p. 439
104 M. Van Riemsdijk, 2011, p. 346
105 R. Iredale, 2001, p.12
7.3 Analysing the failure of the outcome

When the Blue Card directive was fully implemented in 2011, the attraction cannot yet be seen in the first year of implementation. In Table one, there is no clear distinction in numbers between 2010 and 2011. In fact, the overall amount of first permits decreased by around 5 percent in the EU. However, after the enforcement of the directive, the overall rate of the high skilled permits steadily increased, especially in the years 2013 and 2014, compared to the first year of implementation.

Overall, based on the table one and table two, we can argue that the share of Blue Card permits out of the total number of immigrants granted a permit through high skilled programmes is little, however, after few years the percentage of blue card permits kept a steady proportion of total amount of permits.

Nevertheless, the overall inflows of high skilled migration float from year to year with a slight increase in the amount in a long-run, I can argue that the primary aim of the directive has not been succeeded. Based on the data which is presented in the Table one and two, the harmonisation of the Directive has not been as it thought to be. Only a small proportion have received a permit through a Blue Card directive.

Even though Blue Card gives a migrant possibilities EU-wide, yet, the national programmes of high skilled migration seem to hold their interest amongst Third country nationals. This can be because whether an applicant applies for the permit through Blue Card system or a national programme, the final decision is still made at the national governmental departments.106

8.0 Conclusion

106 L. Cerna, 2013, p. 186
The research, I conduct, relates to the topic of highly skilled labour migration and human capital theory. The primary focus of the study is to monitor the possible effects in the outcomes after the Blue Card directive was implemented in the European Union in 2011, and why the policy has not considered after all to be an effective policy to harmonise the EUs policy on the human capital as well as to attract more skills all over the EU.

Previous studies on some of the scholars review the current state of the blue card directive more as “the lowest common nominator” for the European Union by giving little requirements for member states to change if they have already established some policies on skilled migration of their own. Therefore, one of the main issues in Blue Card directive is the fact that the blue card system exists alongside with the national programmes on skilled people making it less efficient to function and at the same time less attractive than it is wanted to be.

In addition, as the other scholars agree on the fact that the progress of making the directive was already weak due to the tensions on national preferences and EU-integration, the directive was not prepared well. The requirements in the directive was left rather vague and the decision of admitting the Blue card permits was given to the authorities of each member states. Since the research question expects that the Blue card directive is not effective for reasons, the goal-focused and change-oriented observation focus on the same type of positioning of the policy analysis.

After looking at the tables based on the policy analysis and human capital theory, we can observe that the increase in highly skilled immigration acceptance rates is not solely due to the implementation of the blue card directive. Other factors play also a role in the immigration to the EU, such as the globalisation that facilitates the movements across the globe by bringing people closer together through transportation and technology.

Also, the common affect by the global economical development, the European economic depression and the currently slowly booming economy has created incentives to emigrate and

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107 L. Cerna, 2014, p. 76
immigrate to more knowledge based economies where the income can be greater than in the country of origin for the same profession.

In addition, the competition of human capital between the booming economies and the rise of the anti-immigration parties in the governments may have reduced the increase of global immigration in general also including the immigrants with strong educational background and human capital.

I use the policy analysis and the social systems accounting as an approach to monitor the policy outcomes. To explain the findings on in what ways the Blue card directive has not affected to high-skilled migration flows, there is a couple of points I can emphasise. As shown in the analysis section, the total amount of highly skilled migrants’ permits has indeed increased steadily over the eight-year period. Based on the tables and the articles from other scholars, the implementation of the Blue Card directive has not affected remarkably to the inflows.

As acknowledged, the “global war of talent” exists since the countries seek more human capital. However, the effort to harmonise the standards and to attract more skilled migration to the EU has not been strong enough, even though, it has affected positively, mainly, to some member states.

As the research shows, the directive is not effective since the goal in attracting more human capital and skilled labour by harmonising the EU-governance made only a little change. Hence, there is a need to acknowledge that the blue card system cannot be considered as an effective policy in the EU-level.
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## 10.0 Appendix

### Table 1.

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Table 3. First permits by remunerated activities reasons: Other remunerated activities. 2008-2016.
Source: Eurostat