

# RECOGNITION OF QUALIFICATIONS AND COMPETENCES OF MIGRANTS



International Organization for Migration (IOM)

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English language editor: Jessica Barratt

Cover concept and publication layout: Trevo – Martins

Publisher: International Organization for Migration  
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# RECOGNITION OF QUALIFICATIONS AND COMPETENCES OF MIGRANTS

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# ACRONYMS

## General

ALMP	Active Labour Market Policy
APL	Accreditation of Prior Learning
CEDEFOP	The European Centre for Development of Vocational Training
CIS	Commonwealth of Independent States
EC	European Commission
ECLM	Economic Council of the Labour Movement
ECTS	European Credit Transfer and Accumulation System
ECVET	European Credit System for Vocational Education and Training
EEA	European Economic Area
ENIC	European Network of National Information Centres on Academic Recognition and Mobility
EQF	European Qualifications Framework
EU	European Union
ISCED	International Standard Classification of Education
LINET	Independent Network of Labour Migration and Integration Experts
NARIC	National Academic Recognition Information Centres
NCP	National Contact Point
PEO	Public Employment Offices
SME	Small and Medium-Sized Enterprise
TCN	Third-Country National

## Denmark

COA	Central Agency for the Reception of Asylum Seekers
DAUI	Danish Agency for Universities and Internationalisation
IcDW	Information Centre for Credential Evaluation

## Germany

BAMF	Bundesamt für Migration und Flüchtlinge ( <i>Federal Office for Migration and Refugees</i> )
BiBB	Bundesinstitut für Berufsbildung ( <i>Federal Institute for Vocational Education and Training</i> )
BBiG	Berufsbildungsgesetz ( <i>Federal Law on dual system alternance training</i> )
BMAS	Bundesministerium für Arbeit und Soziales ( <i>Federal Ministry of Labour and Social Affairs</i> )
BMBF	Bundesministerium für Bildung und Forschung ( <i>Federal Ministry of Education and Research</i> )
BMI	Bundesministerium des Inneren ( <i>Federal Ministry of the Interior</i> )

BMWi	Bundesministerium für Wirtschaft und Technologie ( <i>Federal Ministry of Economics and Technology</i> )
BVFG	Bundesvertriebenengesetz ( <i>Federal Law on Displaced Ethnic Germans</i> )
BQFG	Berufsqualifikationsfeststellungsgesetz ( <i>Federal Law on Recognition of Foreign Qualifications</i> )
HWK	Handwerkskammer ( <i>Chamber of Handicrafts</i> )
IHK	Industrie- und Handelskammer ( <i>Chamber of Commerce</i> )
IHK-Fosa	Kompetenzzentrum der deutschen Industrie- und Handelskammern für die Prüfung und Anerkennung ausländischer Berufsabschlüsse ( <i>Federal Competence Centre of German Chambers of Commerce for the assessment and recognition of foreign professional qualifications</i> )
KMK	Ständige Konferenz der Kultusminister der Länder in der Bundesrepublik Deutschland ( <i>Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany</i> )
NKS-ECVET	Nationale Koordinierungsstelle ECVET an der Nationalen Agentur Bildung für Europa beim Bundesinstitut für Berufsbildung ( <i>National Coordination Office ECVET at the National Agency Education for Europe at the Federal Institute for Vocational Education and Training</i> )
SGB II	Sozialgesetzbuch Zweites Buch – Grundsicherung für Arbeitssuchende ( <i>Social Security Code, volume II – services of public (general) interest for work-seekers</i> )
ZAB	Zentralstelle für ausländisches Bildungswesen bei der Kultusministerkonferenz ( <i>Centre for foreign education at the Conference of Länder Ministries of Education</i> )
ZAV	Zentrale Auslandsvermittlung der Bundesagentur für Arbeit ( <i>Central Office for foreign employment at the Federal Employment Agency</i> )

## Italy

CBGV	Foreign Healthcare Qualifications Commission
CIMEA	Information Centre on Mobility and Academic Equivalence (IT)
FEPI	European Federation of Nursing Regulators
INPS	National Institute for Social Security (IT)
IPAVSI	Infermieri Professionali Assistenti Sanitari Vigilatrici d'Infanzia
ISFOL	Italian Institute for the Development of Workers' Professional Training
MERIC	Mediterranean Recognition Information Centres
PLW	Project Unit for Learning and Working

## Netherlands

EVC	Ervaringscertificaat
ROC	Regional Vocational Training Institute

## Sweden

AEI	Adult Education Initiative
HSV	National Agency for Higher Education
VHS	Agency for Higher Education Services
YH	National Agency for Higher Vocational Education

## United Kingdom

APCL	Accreditation of Prior Certificated Learning
APEL	Accreditation of Prior Experiential Learning
AQA	Assessment and Qualifications Agency
AS	Advanced Subsidiary

AVCE	Advanced Vocational Certificate of Education
BTEC	Business & Technology Education Council
CCEA	Council for Curriculum, Examinations and Assessment
CertHE	Comparable to Certificate of Higher Education
CQFW	Credit and Qualifications Framework for Wales
DipHE	Comparable to Diploma of Higher Education
FHEQ	Framework for Higher Education Qualifications
GCSE	General Certificate of Secondary Education
GMC	General Medical Council
HE	Higher Education
HEI	Higher Education Institution
HNC	Higher National Certificate
HND	Higher National Diploma
HR	Human Resources
IiP	Investors in People
IPS	International Passenger Survey
LSC	Learning and Skills Council
LTIM	Long-Term International Migration
MPhil	Master of Philosophy degree
NICATS	Northern Ireland Credit Accumulation and Transfer System
NQF	National Qualifications Framework
N/SVQ	National Vocational Qualifications/ Scottish Vocational Qualifications
OFSTED	Office for Standards in Education, Children's Services and Skills
OCN	Open College Network
OCR	Oxford Cambridge and RSA Examinations
OfQual	Office of the Qualifications and Examinations Regulator
ONS	Office for National Statistics
PBS	Points Based System
PhD	Doctor of Philosophy degree
Q	Quarter
QAA	Quality Assurance Agency for Higher Education
QCA	Qualifications and Curriculum Authority
QCF	Qualifications and Credit Framework
RETAS	Refugee Education and Training Advisory Service
RPL	Recognition of Prior Learning
SoC	Statement of Comparability
SCQF	Scottish Credit and Qualifications Framework
SQA	Scottish Qualifications Authority
SSC	Sectoral Skills Council
SVQ	Scottish Vocational Qualifications
VCE	Victorian Certificate of Education
WBL	Work-Based Learning
YE	Year Ending

## Australia

AHPRA	Australian Health Practitioner Regulation Agency
AMC	Australian Medical Council
AMEP	Adult Migration English Program
AQF	Australian Qualifications Framework
CA	Competent Authority
DIAC	Department of Immigration and Citizenship

TRA Trades Recognition Australia

## Canada

ACAS	Academic Credentials Assessment Service
ACCC	Association of Canadian Community Colleges
ACESC	Alliance of Credential Evaluation Services of Canada
AIT	Agreement on Internal Trade
ARUCC	Association of Registrars of Universities and Colleges of Canada
AUCC	Association of Universities and Colleges Canada
BC	British Columbia
CAETO	Canadian Alliance of Education and Training Organizations
CAPLA	Canadian Association for Prior Learning Assessment
CAUT	Canadian Association of University Teachers
CBIE	Canadian Bureau for International Education
CCU	Canadian Commission for UNESCO
CEIE	Centre for Excellence in Intercultural Education
CES	Comparative Education Service
CFS	Canadian Federation of Students
CGA	Certified General Accountants
CIC	Citizenship and Immigration Canada
CIIP	Canadian Immigrant Integration Program
CNNAR	Canadian Network of National Associations of Regulators
FCR	Foreign Credential Recognition
FCRO	Foreign Credential Referral Office (Canada)
FCRP	Foreign Credential Recognition Program
FQR	Foreign Qualification Recognition
HRSDC	Human Resources and Skills Development Canada
ICES	International Credential Evaluation Service
IEG	International Education Guide
IEHP	Internationally Educated Health Professionals Initiative
IQAS	International Qualifications Assessment Service
IRPA	Immigration and Refugee Protection Act
LASI	Local Agencies Services Immigrants
MRA	Mutual Recognition Agreement
OCRI	Ottawa Centre for Research and Innovation
OSCE	Objective Structured Clinical Examination
PLAR	Prior Learning Assessment and Recognition
SP	Standardized Patient
TRIEC	Toronto Region Immigrant Employment Council
WES	World Education Services

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# RECOGNITION OF QUALIFICATIONS AND COMPETENCES OF MIGRANTS

## OVERVIEW OF FINDINGS

Anke Schuster and Maria Vincenza Desiderio<sup>1</sup>

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<sup>1</sup> The overview of findings and policy recommendations which are included in this publication were drafted by Anke Schuster (IOM LINET) and Maria Vincenza Desiderio (IOM LINET). Giuliana Urso (IOM LINET) participated in editing the country case studies. The authors further thank Anna Platonova (IOM) and Katharina Buerkin (IOM LINET) for valuable support.



## INTRODUCTION

Demographic forecasts for the next decades point out trends of shrinking workforce in most EU (and OECD) member states. In the EU, after decades of growth, the decline of the working-age population will start in 2013, according to Eurostat demographic projections (EUROPOP, 2010), which indicate a loss of more than 2.5 million in the working-age population of the EU27 in the decade from 2010 to 2020, and a four-time higher decline in the following decade. This would result in a contraction by 12 per cent of the EU working-age population by 2030. It is anticipated that, as a consequence of those trends, labour and skill shortages will rise in the EU countries over the next decade, challenging economic growth prospects. Against this background, the improvement of the labour market outcomes of immigrants in their EU receiving countries is a central issue to be addressed, in order to ensure that the potential of immigrants' skills for Europe's economic growth is fully tapped. The Europe 2020 strategy has identified the improvement of the labour market outcomes of immigrants as a key step for meeting the target of a 75 per cent employment rate in the EU by 2020.

There is broad evidence of significant underutilization of immigrants' skills across the EU. In many Member States there is a considerable gap between the employment levels of third-country nationals and EU nationals. According to Eurostat (Eurostat, 2011), in 2010, the employment rate of third-country nationals aged 20–64 was ten percentage points lower than that of the total population in the same age group at the EU level. When employed, immigrants – especially third-country nationals – are much more likely to be in occupations whose skills requirements are lower than their educational attainment and/or professional qualifications, compared with their native counterparts. According to the Eurostat pilot study on indicators of integration (2011), in 2009, in the EU member states, the average overqualification rate of non-EU born immigrants in the age group 20–64 stood at 36 per cent, while the corresponding figures for natives and EU born were, respectively, 21 per cent and 28 per cent.

In Canada, data from a longitudinal survey of immigrants carried out between 2001 and 2005, showed that more than half of the immigrants were overqualified for their jobs, based on their levels of education. Generally, women migrants as well as those who have been selected through family or refugee/humanitarian entry categories have, on average, poorer employment outcomes in their destination countries compared with those admitted under labour migration streams.

Underemployment and overqualification might result from several factors. Thus, while in the case of natives they mostly depend on discrepancy between the level of demand and supply of labour in specific sectors/occupations, additional factors might play a role in the case of immigrants, including discrimination, language barriers as well as the difficulties of having their qualifications, earned in origin countries, recognized in their countries of destination. In most EU Member States, foreign qualifications, especially if earned in third countries, are largely discounted in the labour market. The same applies to work experience abroad.

## OBJECTIVES AND METHODOLOGY

From March to June 2012 the Independent Network of Labour Migration and Integration Experts (LINET)<sup>2</sup> run by the International Organization for Migration (IOM) with the support of DG Employment, Social Affairs and Inclusion of the European Commission, carried out a study on *Recognition of Qualifications and Competences of Migrants*. The purpose of this study was to investigate the existing national practices for assessing, validating and recognizing formal, non-formal and informal learning of migrants based on selected experiences within and outside the European Union (EU). National practices were reviewed against the complex requirements of modern labour markets and differing needs of various skill groups of migrants with the aim of exploring the possible policy approaches to counteract brain waste of different groups of migrants resident in the EU Member States.

The study addressed three main research questions:

- How are qualifications and competences recognized and formal, non-formal and informal learning of third-country nationals assessed in the country?<sup>3</sup>
- What are the latest developments – if any – regarding measures for skills assessment procedures, set-up of bilateral or multilateral recognition frameworks, introduction of pre-migration measures or others?
- To what extent do these practices meet the needs of the (changing) labour market and of various types of migrants?

In order to investigate these issues, IOM LINET conducted eight country case studies intended to capture the various strategies and lessons learnt in Australia, Canada, Denmark, Germany, Italy, Netherlands, Sweden, and the United Kingdom. In addition, the authors carried out a desk review of other available data and studies for the Executive Summary. This publication compiles the Executive Summary (Overview of Findings) and the country case studies. It also includes additional

<sup>2</sup> LINET was created by the International Organization for Migration (IOM) in 2009 to provide DG for Employment, Social Affairs and Inclusion of the European Commission with expert analysis and advice on economic migration and labour market integration of migrants. The network unites experts from 27 Member States of the European Union, Croatia, Norway and Turkey. Further information on LINET and its studies is available at <http://labourmigration.eu>.

<sup>3</sup> This refers to formal learning in a third country only, but includes non-formal and informal learning which took place in both third countries and on EU territory.

input from the LINET international conference held in Brussels, Belgium on 19 June 2012, during which the preliminary findings of the study were presented and discussed among an audience of experts and stakeholders from a broad range of disciplines.

## DEFINITIONS AND CONCEPTUAL ISSUES REGARDING RECOGNITION OF FOREIGN QUALIFICATIONS AND COMPETENCES

Pathways for assessing, validating and recognizing formal qualifications acquired abroad exist in most EU and settlement countries. In addition, in the context of the new ‘lifelong learning’ approach to education and skills, the issue of the accreditation of non-formal and informal learning has received growing attention in recent years, and procedures for the accreditation of prior learning (APL) have been implemented in several EU Member States.

Definitions adopted for the purpose of this study follow the 2008 CEDEFOP Terminology of European education and training policy. According to those definitions:

- the term **qualification** covers different aspects: (a) formal qualification: the formal outcome (certificate, diploma or title) of an assessment and validation process which is obtained when a competent body determines that an individual has achieved learning outcomes to given standards and/or possesses the necessary competences to do a job in a specific area of work. A qualification confers official recognition of the value of learning outcomes in the labour market and in education and training. A qualification can be a legal entitlement to practice a trade (OECD); (b) job requirements: the knowledge, aptitudes and skills required to perform the specific tasks attached to a particular work position;
- the term **competence** refers to the ability to apply learning outcomes adequately in a defined context (education, work, personal or professional development). Competence is not limited to cognitive elements (involving the use of theory, concepts or tacit knowledge); it also encompasses functional aspects (involving technical skills) as well as interpersonal attributes (for example social or organizational skills) and ethical values;
- **Formal learning** is defined as learning that occurs in an organized and structured environment (such as in an education or training institution or on the job) and is explicitly designated as learning (in terms of objectives, time or resources). Formal learning is intentional from the learner’s point of view. It typically leads to validation and certification;

- **Informal learning** is the learning resulting from daily activities related to work, family or leisure. It is not organized or structured in terms of objectives, time or learning support. Informal learning is in most cases unintentional from the learner's perspective;
- **Non-formal learning** is intended as learning which is embedded in planned activities not explicitly designated as learning (in terms of learning objectives, learning time or learning support). Non-formal learning is intentional from the learner's point of view.

While a number of multilateral frameworks for the recognition of qualifications have been implemented in recent years, recognition systems continue to differ largely from one country to another due to variations in the following areas:

- **Definition of regulated and non-regulated professions, and type of recognition procedures applying in each case**

In most countries, there are professions which require authorization from competent authorities in order to be practiced – these are defined as regulated professions. The definition of what constitutes regulated and non-regulated professions differ. Binding recognition procedures generally apply to regulated professions. With respect to non-regulated professions, the recognition of qualifications is not a general requirement. There is a plethora of methods that have been developed for both regulated and non-regulated professions. Systems include regulation by national and/or provincial professional bodies (as in Australia and Canada), employer-based recognition processes (as in Sweden), coordination by one public authority in charge of regulated professions (as in Denmark and the United Kingdom) or automatic recognition (which is based on the European Qualifications Framework/Professional Qualifications Directive and apply to EU nationals, but in most cases not to third-country nationals<sup>4</sup>). Further stakeholders are universities and colleges, credential assessment organizations and provincial, federal and municipal governments.

- **Methods for assessment and recognition of formal learning**

Different methods apply across countries. Some approaches are based on the length of education/training (quantitative), and others on content (qualitative). Concerning the latter, learning outcomes are playing an increasingly important role in the development of national and overarching qualifications frameworks. Where learning outcomes are taken into account for the evaluation of a foreign qualification, the recognition procedure may focus more on results reached and competences obtained, rather than only on input criteria such as the programme workload and content. However, documentation on the qualification does not always contain clear listings of learning outcomes and recognition bodies may

<sup>4</sup> Some third-country nationals may benefit from equal treatment with regard to the recognition of diplomas, certificates and other professional qualifications provided they are family members of Union citizens, long-term residence holders, refugees, blue card holders or scientific researchers.



have to deduce the output of a qualification from contextual information such as its place in the national education system or qualifications framework.

In the United Kingdom, the recognition system attempts to be more inclusive of a wider range of achievements through a blurred distinction between formal, informal and non-formal learning. The current focus on credit accumulation and transfer allows individuals to accumulate or transfer credit toward or between qualifications – no matter what the approach to learning has been to receive this credit. As such, achievement of learning outcomes is more important than the matter of learning recognition.

The recent Federal Law on Recognition adopted in Germany provides for supplementary measures in the recognition of non-regulated qualifications to consider operational experience obtained outside of Germany. In the case of rejection of the recognition of the foreign qualification, the law demands a positive explanatory statement to the decision which details existing qualifications, skills and operation experiences, thus supporting the consideration of qualifications on the labour market even if formal *de jure* recognition could not be granted.

- **Partial recognition of formal learning and bridging courses**

When full recognition is not granted, forms for alternative, partial or conditional recognition may apply. Alternative recognition can include bridging courses offered by the competent authority to make up for differences with the required qualification. Australia, in particular, has been a world leader in the development of field-specific bridging programmes designed to assist migrant workers to receive full recognition and employment. This is a good practice which is also worth examining by the EU Member States. While partial recognition would grant the applicant the possibility to enrol in specific programmes in order to earn missing credits, conditional recognition may allow the applicant to commence the desired activity on the condition that certain goals are successfully met during a specific time period. Canada follows the practice of workplace assessments, where applicants are given the opportunity to demonstrate their skills and knowledge in a ‘real environment’ during internships or mentorships.

- **Development of practices for the recognition of informal and non-formal learning**

The recognition of learning that is either related to daily life activities such as work, family or leisure and of learning that has not been provided by an education or training institution is of particular significance for migrants. In many cases, it is via methods such as biographical interviews that the personal strengths and potentials of migrants can be identified. This is particularly important where possibilities to prove formal qualifications acquired abroad do not exist, or where major discrepancies occur between formal learning in countries of origin and destination. The benefits of validation are closely

connected to the individual – a fact recognized by several initiatives. The Swedish ‘Adult Education Initiative’ (Kunskapslyftet) that took place in the period 1997–2002, recognized that validation needs to enable a ‘formalization of subjective evaluation of competence’ taking into account qualifications requirements and personal skills. In the context of the economic crisis, the Dutch government introduced several measures to facilitate labour mobility by stimulating (re)training programmes and recognition of prior learning and experience. Employees without a relevant education/diploma who lost their jobs are encouraged to enter an accreditation of prior learning programme in which they can receive recognition and formal credit (EVC – Ervaringscertificaat).

- **Involvement of employers in the recognition process**

In some cases employers are involved in the design of assessment methods, or assessment itself. In the Dutch case, some industrial branches, trade unions and the organizations of employers have bundled their efforts and started the Training and Development Funds (O&O fondsen), to support educational initiatives for employees. These funds are also used for the evaluation of personal competences of employees. Social partners, sector organizations and regional vocational training institutes (ROC’s) are involved in setting up these procedures. Employer involvement ensures that assessment procedures are tailored to real needs, but examples in the EU context are scarce.

**Within a single country, different methods may apply** for the validation and the recognition of, respectively, academic education, vocational education and work experience and different recognition paths may apply according to the country in which the migrant earned qualifications.

Many countries are maintaining **multilateral and bilateral agreements for recognition** (for example, among the EU Member States with regards to professional qualifications, or among the signatory countries of the Lisbon Convention, dealing with academic qualifications and so forth). Frameworks can be region-specific, such as for automatic recognition (EU/EEA) or even closer cooperation in the Common Nordic Labour Market (Finland, Iceland, Norway, Sweden, Denmark) and under the Trans-Tasman Mutual Recognition Arrangement (between Australia and New Zealand). They can also apply to specific sectors, as in the example of the Engineering Card. Bilateral agreements are prominent among the countries studied, such as one between Germany and Austria on vocational education. Joint agreed systems, such as the bilateral agreement on reciprocal recognition between Canada and Australia, have a clear value in enhancing skilled mobility and can provide good practice examples for the European context. Under this agreement, Canadian registered doctors get immediate supervised work in Australia prior to obtaining full registration and without having to pass examinations. Australian trained doctors (including Canadian medical students qualifying in Australia) have to pass an exam to access the medical profession in Canada, but their pass rate stands at 99 per cent.

The question which arises in the context of bilateral agreements is how efficient these agreements are in their functioning, and whether their proliferation constitutes an obstacle to or rather complements wider multilateral frameworks. One critical issue related to the proliferation of bilateral and multilateral recognition agreements is that, if on the one hand they simplify the recognition procedure for specific groups of nationals or professionals, on the other the multitude of special regimes for selected categories may aggravate the complexity of the national systems for recognition and the lack of transparency.

# VALIDATING AND RECOGNIZING FOREIGN QUALIFICATIONS AND COMPETENCES: CHALLENGES AND GOOD PRACTICES

## 1. Reducing the complexity of the process

A fragmentation of the responsibility for assessing and recognizing qualifications and competences is observed, to a higher or lesser extent, in most EU and settlement countries. This is sometimes related to the administrative structure of the state itself. Thus, typically, in federal states as well as in other decentralized systems, the authority for recognition is shared between the federal/central government and the member states/regions or is entirely devolved to the latter, resulting in a multiplicity of different systems across a single country. This is notably the case in **Australia**, where the competent authority for the assessment of foreign qualifications varies according to the particular state or territory in which the immigrant is seeking employment and in **Canada**, where 13 provincial/territorial jurisdictions and 55 government departments/ministries as well as five provincially mandated assessment agencies participate in the credentials assessment, together with various non-governmental stakeholders, including not less than 400 regulatory bodies, two private assessment agencies, and over 270 post-secondary institutions.

In **Germany**, the education system is in the Länder domain, and the recognition of foreign school and academic qualifications as well as study credits and degrees is implemented by the Center for foreign education at the Conference of Länder Ministries of Education. However, a relevant sector of the education system, primarily related to dual system vocational training and professional education, is regulated by the Federal Law on dual system alternance training. Thus, some professions and/or trainings are subject to national law, while others are regulated by Länder legislation. As a result, the applicable law and procedures for recognition may differ within the same profession. For example, with respect to the medical profession, the approbation of general practitioners is subject to national law, but the approbation of medical specialists is regulated at the Länder level and implemented by local medical associations. Similarly, in **Belgium** the authority of recognition of foreign academic qualifications is shared between the communities, meaning that different systems apply, respectively, whether one

seeks recognition in the Flemish, French or German community. Even in some centralized states, however, several ministries might be in charge of the recognition process.

More generally, the existence of multiple paths for recognition, according to the type of degree and the purpose of recognition may lead to a higher or lesser measure of fragmentation, as discussed above. In some countries the variation of foreign credential recognition practices according to the field is particularly noticeable. In **Austria**, for example, the recognition procedure for academic qualifications may result either in a so-called ‘nostrification’, providing an Austrian academic title but often requiring revision of certain parts of the curriculum in an Austrian university or in an ‘evaluation’, which places the foreign degree in the context of the Austrian education system without further requirements, while in the case of vocational qualifications the procedure results in an ‘equivalence’. The Ministry of Economy, Family and Youth assesses the equivalence of vocational qualifications, while nostrification of academic diplomas is carried out by universities, following common standards set by the Ministry of Science and Research. The Ministry for Education, Arts and Culture is in charge of assessing school-leaving diplomas, while the Ministry of Health is responsible for the recognition of qualifications in certain health-care professions. In addition, simplified, fast-track procedures for recognition apply for qualifications from those countries with which Austria maintains bilateral agreements in this field (including Yugoslav successor states and Germany). Comparable procedures according to the type of qualification are found also in the **United States**.

The fragmentation of the system for the recognition of qualifications and competences generally translates into a high degree of complexity of the recognition process, which might discourage the immigrants from seeking to have their qualifications assessed in their receiving countries. According to a recent OECD study based on data from the Austrian Microcensus, despite evidence of significant improvement of labour market outcomes conveyed by the recognition procedure in **Austria**, only 30 per cent of immigrants who completed at least post-secondary education abroad stated in 2008 that they had applied for the recognition of their qualifications. Out of these, the vast majority eventually obtained recognition, with less than 10 per cent of the requests being rejected.

Similar results were found by a LINET study on the **Czech Republic** (Schroth, 2010), which provided evidence of a large share of skilled migrants who didn’t even consider getting their qualifications recognized in the country. In 2007, those discouraged by the difficulties of the recognition process constituted 40 per cent of all third-country nationals with a work permit, while only 31 per cent of them had obtained recognition of their foreign qualifications.

The degree of complexity of a recognition system which is inherent to the decentralized administrative structure of the state itself can hardly be reduced. At the same time, it would also not be possible nor suitable to establish a single recognition path applying to all types of credentials and competences. Nevertheless, in many cases,

the coordination among the different authorities dealing with recognition could be improved, while efforts for the harmonization, to the greatest extent possible, of the various recognition procedures, should be promoted to make the system of recognition more transparent and simple to access. Good practices with this respect are found in some Nordic countries, and namely in Denmark, as well as in the Netherlands.

In **Denmark**, a single agency, the DAUI (Danish Agency for University and Internationalization) is responsible for the assessment of foreign nationals' credentials for both the purposes of insertion in the Danish labour market and for continued education and training in Denmark. Different procedures apply according to the purpose. Assessments for general employment purposes may be advisory or binding. Advisory assessments are delivered at the demand of any person with foreign qualifications. The certifications of such assessments may be used both by the job-seeker and the potential employer to evaluate if the individual's qualifications match the requirements for a particular position. The DAUI's assessments are binding for access to unemployment subsidies, decisions on final pay grade in public sector employment, and public authorities' decisions on employment. In addition, the DAUI also coordinates applications for regulated professions, whilst the decision on the permission to practice the profession (authorization) is the responsibility of the competent public authority in the specific field. As for the recognition of foreign qualifications for the purpose of continued education and training, the individual educational institution takes the decision on admission of applicants with foreign qualifications based on DAUI's assessment, which is required by law. In the case of credit transfers, the DAUI's assessment serves only as a guide. For competences assessment for the purpose of further education, the DAUI works in cooperation with the national Knowledge Centre for Validation of Prior Learning. Finally, the DAUI manages the system for pre-entry assessment of qualifications for job-seeking and student visas.

The **Netherlands** provide an example of coordination among different authorities dealing with recognition of formal qualifications. Two national centres of expertise for international credential evaluation exist in the country, Nuffic and SBB, dealing respectively with academic and secondary vocational education. These two centres work together. The Information Centre of Expertise for International Credential Evaluation (IcDW) acts as a central desk where all applications for credential evaluation can be submitted. Nuffic also acts as the National Contact Point for Professional Recognition, running a website which provides information on regulated professions and contact details of the competent authorities. As far as accreditation of prior learning is concerned, the Dutch Knowledge Centre for APL is responsible for the knowledge management and the dissemination about APL and the quality standards for APL in the Netherlands. However, the infrastructure for accreditation is rather articulated at the regional and local level.

## 2. Increasing awareness of recognition practices and outcomes among both migrants and employers

Some of the country studies have pointed out shortcomings in migrant's access to information on existing recognition pathways, which are sometimes related to language barriers. In **Denmark**, for example, a survey carried out in 2010 has shown that highly skilled migrants have difficulty accessing public information on Danish regulations – including those concerning the recognition of qualifications – due to the lack of notices in English. Notably, the lack of easily accessible information from the country of origin (pre-migration) has been stressed. Adding up to the complexity of the recognition system, information barriers faced by migrants willing to have their credentials assessed in their countries of destination might be an obstacle to recognition. In this respect, migrants' access to recognition might be facilitated providing multilingual information on recognition procedures and authorities in the context of the integration programmes (including pre-departure integration programmes, introduction programmes for newly arrived immigrants, and in the context of one-stop shops for integration).

In **Germany**, several initiatives have been implemented in the past five years to address the lack of transparency and information about the allocation of recognition responsibility across professions and locations. Most of those initiatives have consisted in setting up dedicated Internet portals aimed at providing concise and easily accessible information about recognition possibilities and procedures. Since 2008, an Internet portal exists, which provides a structured overview on the various recognition procedures for the different professions as well as detailed descriptions of procedures, and lists the responsible institutions and information about related counselling services ([www.berufliche-erkennung.de](http://www.berufliche-erkennung.de)). In addition, in 2011 the Internet portal [www.netzwerk-iq.de](http://www.netzwerk-iq.de) (IQ Netzwerk Integration durch Qualifizierung) was created to provide online counselling services. Finally, in the context of the new Federal Law on Recognition of Foreign Qualifications (BQFG), which entered into force in April 2012, an information portal (<http://www.erkennung-in-deutschland.de>) is providing information on the recognition procedure for non-regulated professions subject to national law. While the other portals are run in German, this latter portal also provides information in English.

Access to recognition procedures for migrants may also be conditional on the cost of the procedure. In **Canada**, according to a qualitative study (Guo, 2011), several immigrant interviewees stated that the process of foreign credentials recognition is a “lengthy, costly, mysterious, and frustrating” process. In **Germany**, the fees for the procedure vary according to the regulations of the implementing authority on the Länder level. The Länder are currently elaborating an agreement on a processing fee framework providing for lower and upper limits. The concrete costs of the procedure will be determined within this framework, according to the expenditures in the individual case. In the **Netherlands**, the cost of the procedure varies depending on the goals of recognition, as indicated in the below table.



**Table 1: Costs of recognition in the Netherlands, 2012**

Goal /aim	Applicant pays for recognition?
Looking for study within regular subsidized education	No
Looking for study within private education	Yes (or the organization will carry the costs)
Unemployed person looking for a job in a non-regulated profession	Yes
Employed person looking for a job in a non-regulated profession	Yes
Employed person looking for a job in a regulated profession	No (although procedure itself may cost money)
Diploma holder applying for recognition of an academic title	No

Source: *www.idv.nl* 25-04-2012.

Lack of awareness by employers of the functioning and the outcomes of the recognition procedures in place has also been identified as a major issue. This needs to be tackled in order to improve the positive labour market impact of having qualifications and experience earned in third countries recognized. Generally, in the EU and in other OECD migrant destination countries, employers are not familiar with qualifications delivered by third countries or with their possible equivalence to local diplomas. While considering the curriculum of a prospective employee with foreign credentials, their perception might be influenced by the global tertiary education institutions rankings, in which institutions of developing countries tend to have low scores. This information barrier is an important factor in explaining the underutilization of immigrants' skills in their destination countries.

The study on **Denmark** has highlighted a problem of low awareness of the DAUI's assessment responsibility among businesses. Many companies in Denmark, including some of the countries' largest ones, are reported to ignore the work performed by the Agency for the assessment of foreign qualifications. This lack of awareness implies a serious wastage of resources, if one considers the leading position that Denmark has among EU countries for developing databases and standardized procedures for assessment of foreign qualifications and competences. For example, the DAUI publishes a country handbook to provide advisory information to job-seekers and to employers as to general equivalences of foreign qualifications with Danish qualifications. Encouraging the extensive use of this yearbook by employers in the process of recruiting third-country nationals would improve their capacity of understanding the value of foreign credentials and might, thus, improve job-skills matching.

In **Germany**, the new Federal Law on Recognition of Foreign Qualifications has provided for the creation of a database compiling the results of the recognition procedures. The first round of detailed statistics on the quarterly figures should be available in the third quarter of 2012. Encouraging the utilization of such a database by employers for consultation might constitute a valid tool to improve their awareness of the recognition practices and outcomes.



### 3. Providing early and timely recognition

In order to reduce the relative disadvantages that migrants with foreign qualifications face in entering the labour markets of their receiving countries, as well as the mismatches between their competences and the skills requirements for the jobs in which they eventually end up working, foreign credentials should be assessed as early as possible.

Evidence from **Australia** (see below) shows that pre-migration screening of credentials may improve considerably the likelihood of being employed within six months of admission into the country, especially for nationals of developing countries. Pre-migration screening of credentials has been a mandatory requirement for immigration in Australia under the General Skilled stream since 1999. From July 2012, according to Australia's new 'Skill Select' protocol, this requirement will apply to all skilled applicants, including those seeking an employer-nominated temporary residence visa (Subclass 457). In **Denmark**, an assessment of foreign qualifications is a prerequisite for admission under the job-seeking and student visas.

In **Germany**, the new Federal Law on Recognition of Foreign Qualifications has introduced the possibility for prospective labour migrants to have their foreign qualifications assessed prior to arrival in the country. This measure is in line with the European Agenda for Integration of Third Country Nationals (2011) which calls for pre-departure support to migrants in origin countries, identifying the improvement of methods for recognition of the migrants' qualifications and skills as a key element.

In some countries, an assessment of foreign qualifications and competences is provided to newly arrived immigrants in the context of introduction programmes. In **France**, for example, with the aim of facilitating employment in an occupation matching the migrant's skills, a competences assessment (*bilan des compétences*) is proposed to all immigrants who have signed the integration contract – which, since 2007, is compulsory for residence permits for more than one year. In **Sweden**, the new act on the introduction of new arrivals, which has been in force since December 2010, has introduced a service to help immigrants in finding a job that corresponds to their educational background and work experience.

In the **Netherlands**, the creation of a portfolio is proposed to refugees in order to facilitate their economic integration in the country. The Central Agency for the Reception of Asylum Seekers (COA) assists asylum-seekers, as soon as they acquire a residence permit, in preparing a portfolio in which their prior learning, education and experiences are mapped out as precisely as possible. This instrument has been found to be particularly useful for refugees as in many cases these migrants do not have any proof of their formal qualifications or prior learning in their countries of origin. However, formal proof is still necessary for credential evaluation. Therefore, on behalf of the Minister for Immigration, Integration and Asylum, the Dutch centres of expertise for international credential evaluation together with several refugee organizations and representatives of the business community are developing a procedure for credential evaluation based on information provided by the refugee. A pilot project has started in February 2012.

Smooth and timely procedures for the recognition of foreign qualifications are also likely to enhance the process outcomes in terms of labour market integration. With this aim, the recently adopted German law on the recognition of foreign qualifications has defined time limits for the procedure, which may be exceeded only in the case of specific reasons listed in the law, and has established a specific right for the applicant to have his/her qualifications assessed within the stated period. The general time limit is three months, while it rises to four months in the case of recognitions according to the EU directive. This period may be interrupted once in complicated cases that require the involvement of external expertise or the collection of additional information (for example an assessment by a German embassy in the country of origin, a statement by an issuing foreign institution, and so forth).

A maximum authorized length of recognition process also exists in other countries, for specific procedures. In **Denmark**, maximum processing time for pre-departure assessment for the issuance of job-seeker and student visas is set at 30 days, in uncomplicated cases. With regards to the general assessment procedures carried out by the DAUI, data on assessments for 2010 report an average processing time of 32.5 days, with 89 per cent of the assessments completed in less than two months.

#### **4. Drawing on migrants' competences gained from non-formal and informal learning**

Changing work processes increasingly require employees to understand complex work cycles and to develop social networks adapted to work processes both within organizations and on a global scale. As labour markets become more flexible, non-formal and informal learning is key to developing those competences in the workplace. and changes in the range and complexity of skills required in the modern labour markets have fostered the development of procedures for the validation of non-formal and informal learning. At the European level, the European Qualifications Framework (EQF) for lifelong learning, a reference framework of qualification levels defined through learning outcomes, was set up in 2008. Subsequently, EU Member States have put in place National Qualifications Frameworks following the EQF. In 2009 the European guidelines for validating non-formal and informal learning were published as a practical tool for policy-makers and practitioners with technical advice on validation. Moreover, credit systems based on learning outcomes such as the European Credit Transfer and Accumulation System (ECTS) for higher education, and the European Credit System for Vocational Education and Training (ECVET), facilitate the validation of non-formal and informal learning. Despite these policy advances, the latest update of the European Inventory of 2010 on the validation of non-formal and informal learning identified only four EU Member States as having a highly developed validation system.

Measures in support of the validation of competences can either be all-encompassing, or focus on disadvantaged groups in particular. Although migrants count among the latter, only very few countries systematically include migrants and refugees in their

assessments and ensure that these groups are participating in the processes. Individual approaches to the recognition of prior learning, such as the APL (Accreditation of Prior Learning) procedure in the **Netherlands** or in the **UK**, are useful in detecting the skills and competences that migrants bring. Through an assortment of methods including assessment interviews and portfolios, these procedures assess competences gained through informal and non-formal learning, and compare these with the learning outcomes of formal qualifications. Not only do these procedures provide the opportunity for migrants to prove their previous work experience in the countries of origin and of residence, they also raise awareness of the migrants' options and chances in the labour markets in the country of residence, prepare migrants for job interviews and are a means to improve host country language skills. Indeed, migrants at all skill levels can potentially contribute crucial competences – in particular those gained through the migration process and their international background such as networking or interpersonal skills, as well as competences gained outside formal education and in their countries of origin. In addition, validation mechanisms can facilitate the match between skills and labour demand, enhance the transferability of skills between companies and sectors and promote mobility in the EU labour market.

Where recognition procedures fail to account for formal qualifications, validating non-formal and informal learning can play a key role in the labour market integration of migrants. Successful validation procedures hold the potential of demonstrating the abilities and achievements of migrants both to the migrants themselves and to key stakeholders, including employers. This is a particularly relevant tool for encouraging and facilitating the labour market inclusion of non-economic immigrants, such as family and humanitarian migrants, as well as students. The significance of taking into account non-formal and informal learning in recognition procedures, and of involving vulnerable groups, has been underlined in a recent proposal by the European Commission, which will require all EU member states to have a system of validation of non-formal and informal learning in place by 2015. Proposed actions include practical recommendations to the EU Member States. These involve ensuring that by 2015 national systems for the validation of non-formal and informal learning have been established, providing the opportunity to all citizens to have their knowledge, skills and competences validated, irrespective of the contexts in which the learning took place. Another recommendation focuses on making information on validation available to disadvantaged groups, and on offering affordable access to validation. The Commission proposal thus provides a window of opportunity for designing and implementing improved procedures applicable to third-country nationals.

## LABOUR MARKET OUTCOMES OF RECOGNITION OF QUALIFICATIONS FOR THIRD-COUNTRY NATIONALS

The limited availability of statistical information on recognition outcomes is a common issue which has been highlighted in most country studies. In order to get a clear picture of the relative role that recognition may play for jobs-skills matching in the EU, improvement is needed in the area of data collection and analysis of the effects for immigrants, in terms of labour market insertion, of having their qualifications and competences earned in third countries recognized in destination countries.

Two out of eight country studies have provided some statistical evidence of the positive impact of recognition of foreign qualifications for migrant employability. In **Italy**, results of a survey carried out in 2005 by the ISMU Foundation on a sample of 30,000 migrants originating from countries characterized by a strong migratory pressure have shown that, for migrants who possess an academic degree from a third country, having their degree recognized in Italy improves both employability and labour market participation significantly. The unemployment rate stood at almost 10 per cent for the respondents holding a university degree which had not been recognized in Italy, decreasing to around 7 per cent for those whose university degree had been only partially recognized (that is, recognized as a high school degree), and to 4 per cent for immigrants having obtained full recognition. The respective shares of housewives and part-time dependent workers in the latter group were around 3 and 10 per cent, compared with around 7 and 16 per cent for the respondents whose foreign university degree had not been recognized. Full recognition also seemed to increase the likelihood of self-employment and entrepreneurship for migrants with foreign degrees (see below Table 2).

In **Australia**, data from the Longitudinal Survey on Immigrants have demonstrated the positive impact of the 1999 reform of selection of skilled migrants on early employment outcomes, especially for immigrants from non-OECD countries. In the first two years after the reform, the share of newly arrived migrants who were in employment six months after arrival had risen by more than 20 percentage points on average compared with corresponding figures for the early 1990s, from around 56 per cent to around 76 per cent, with above-average increases for immigrants

from Eastern Europe, North, South East and Central Asia, and Middle East and North Africa. However, since the reform introduced both mandatory pre-migration screening of credentials and English language assessment, the effects of these two measures are mixed up and it is not possible to distinguish the relative accountability of credential screening and language knowledge for improved labour market outcomes.

**Table 2: Professional conditions of migrants living in Italy, by level of education and recognition thereof, 2005**

	University degree (completely recognized)	University degree (recognized as high school degree)	University degree (not recognized)	High school (completely recognized)	High school (not recognized)
Unemployed	4.0	7.3	9.9	9.4	8.1
Student	11.4	4.8	1.2	13.9	1.4
Housewife	2.7	4.1	6.7	3.2	4.5
Regularly employed (with a fixed-end contract)	8.6	15.4	6.5	9.1	9.8
Part-time dependent worker	10.1	11.9	15.9	8.2	9.0
Regularly employed (full time and with an open-end contract)	26.4	31.7	28.1	32.5	41.7
Irregularly employed (in a stable manner)	5.2	1.5	8.1	5.0	8.6
Irregularly employed (in an instable manner)	2.1	3.2	4.5	3.9	5.9
Para-subordinate worker	9.3	10.4	8.4	3.9	1.9
Self-employed (regular)	12.7	5.3	3.5	5.6	5.1
Self-employed (irregular)	2.0	0.5	1.2	1.5	1.8
Entrepreneur	5.2	3.7	4.3	3.8	2.1
Other professional condition	0.4	0.1	1.7	0.0	0.2

*Source: ISMU Foundation, Esiti della regolarizzazione nelle regioni meridionali e percorsi di mobilità geografica e professionale dei lavoratori regolarizzati, 2005.*

**Table 3: Impact of improved economic migration screening (1999+) on employment outcomes in 6 months for select General Skilled Migration birthplace groups, Australia (1993–95 and 1999–2000)**

Birthplace of Select Economic Principal Applicants	Employment Within 6 Months (1993–95 Arrivals)	Employment Within 6 Months (1999–2000 Arrivals)
UK/Ireland	85%	86%
South Africa	76%	89%
North West Europe	73%	83%
Eastern Europe	31%	79%
Philippines	57%	76%
India	56%	73%
Hong Kong, China/Malaysia/Singapore	53%	68%
China	45%	61%
Middle East/ North Africa	42%	72%
North, South East & Central Asia	40%	77%

*Source: Longitudinal Survey on Immigrants to Australia; Table derived from Hawthorne, L (2008), ‘The Impact of Economic Selection Policy on Labour Market Outcomes for Degree-Qualified Migrants in Canada and Australia’, Institute for Research on Public Policy Choices, Vol 14 No 5, May, ISSN 0711-0677 [www.irpp.org](http://www.irpp.org), Ottawa.*

In **Denmark**, according to a survey on users’ satisfaction with DAUI’s assessment services, carried out in 2008, the assessments had a positive effect on the individuals’ ability to gain employment or continue their education.

In many countries, wage agreements fix wages according to qualifications generally referring to national qualifications. This is the case, for example, in Austria and in Denmark. In this respect, then, having foreign qualifications assessed against national standards increases migrants’ opportunities for appropriate first insertion in the host country’s labour market and for upward mobility.

However, the recognition of qualifications and competences alone might not be sufficient to improve immigrants’ labour market outcomes. Underemployment and overqualification might, in effect, result from a combination of different characteristics and factors, whose relative importance varies according to the individual situation. Thus, for non-Western migrants, discrimination might persist even after full recognition of foreign qualifications and competences. For certain categories of migrants – namely the medium-skilled or those in medical professions – the lack of adequate knowledge of the host-country language, to the level needed to perform the specific professional activity, may be an obstacle to adequate labour market insertion in their destination countries, thus hampering the effects of recognition. The importance of the language factor is likely to be less prominent for the very highly skilled who have their qualifications recognized, as they generally target jobs characterized by extensive use of the English language in the workplace.

## POLICY RECOMMENDATIONS

- Different methods for the recognition of foreign qualifications and competences may apply in a single country, according to the type of qualifications and competences that need to be assessed (for example academic or vocational, formal or non-formal/informal), or to the purpose of recognition (that is, further education or employment). Some approaches are based on the length of education/training, others on learning outcomes. While it would not be possible nor suitable to establish a single recognition path applying to all types of credentials and competences, or serving the different purposes of recognition, harmonization of the various methods should be promoted, in order to fully capture and recognize the skill set of the immigrant.

The recognition system of the United Kingdom exemplifies good practice in this regard as it provides for the assessment of a wide range of achievements through a blurred distinction between formal, informal and non-formal learning. The system allows individuals to accumulate credit and transfer toward or between different types of qualifications, no matter what the approach of learning has been in the acquiring of credits. The new Federal Law on Recognition recently introduced in Germany is also promising, since it allows for taking into account operational experience acquired abroad in cases where foreign credentials are not sufficient for full recognition.

- A fragmentation of the responsibility for assessing and recognizing qualifications and competences is observed, to a greater or lesser extent, in most EU and settlement countries. This might be related to the administrative structure of the state and/or to the existence of multiple paths for recognition. The fragmentation of the system for the recognition of qualifications and competences generally translates into a high degree of complexity of the recognition process, which might discourage immigrants from seeking to have their qualifications recognized in their receiving countries.

Actions that could be taken to reduce the complexity of the recognition process include the creation of a one-stop shop for recognition, and coordination among all the different authorities involved in the recognition process. Here the Danish system provides an example of good practice, with a single agency (the Danish Agency for University and Internationalization DAUI) responsible



for the assessment of foreign credentials for both the purposes of continued education and employment.

- In most of the countries studied, the employers are scarcely involved or not involved at all in the design of foreign credentials assessment methods and in their implementation. This is particularly the case for non-regulated professions. Involvement of the employers in the recognition process should be increased to ensure that assessment procedures are tailored to the real labour market needs. A good practice in this respect comes from the Netherlands, where the Training and Development Funds set up by the social partners (industrial branches, trade unions, and employers' organizations) participate in the design of assessment methods.

Some of the country studies have pointed out shortcomings in migrants' access to information on existing recognition pathways, due to a lack of transparency on the functioning of the system. In addition, difficulties may arise from language barriers resulting from the limited availability of multilingual information. On the other hand, various studies have also highlighted a lack of awareness amongst employers of the functioning and outcomes of the recognition procedures. Both aspects need to be tackled in order to improve the relevance of recognition procedures for the labour market integration of immigrants.

Examples of good practices include information campaigns, the creation of multilingual websites providing detailed information on recognition procedures for prospective immigrants, and of databases, compiling the results of recognition procedures which employers should be encouraged to use. The new measures recently introduced in Germany may serve as a model in this regard.

Increased awareness of the recognition system and its outcomes, both on the side of the migrants and of the employers, is necessary to reduce information barriers which may hamper job-skills matching for third-country nationals in their receiving countries' labour markets (see the example of Denmark).

- In order to reduce the relative disadvantages that migrants with foreign qualifications face in entering the labour markets of their receiving countries, as well as the mismatches between their competences and the skills requirements for the jobs in which they eventually end up working, foreign credentials should be assessed as early as possible. The positive outcomes in terms of labour market integration of pre-migration credential screening in Australia support this recommendation.

Early recognition of foreign qualifications should be encouraged, either allowing for pre-departure assessments (Germany) or embedding the assessment of foreign credentials and competences in introduction programmes (France, Netherlands, Sweden).

- Some country studies have provided statistical evidence of the positive impact of recognition of foreign qualifications for migrant employability and



career development (Australia, Denmark, Italy). However, the recognition of qualifications and competences alone might not be sufficient to improve immigrants' labour market outcomes. Underemployment and overqualification might, in effect, result from a mix of different characteristics and factors, whose relative importance varies according to the individual situation. Thus, for non-Western migrants, discrimination might persist even after full recognition of foreign qualifications and competences. For certain categories of migrants – namely the medium-skilled or those in medical professions – the lack of adequate knowledge of the host-country language, to the level needed to perform the specific professional activity, may be an obstacle to adequate labour market insertion in their destination countries, hampering the effects of recognition. The importance of the language factor is likely to be less prominent for the very highly skilled who have their qualifications recognized, as they generally target jobs characterized by extensive use of the English language in the workplace.

In order to fully capture the potential of third-country nationals to contribute to their host countries' economic growth, a holistic approach to the utilization of immigrants' skills would be needed, embedding measures for recognition in the context of broader integration measures, while weighting the importance of each measure according to the category of migrant targeted.

- The limited availability of statistical information on recognition outcomes is an issue which has been highlighted in most country studies. In order to get a clear picture of the relative role that recognition may play for jobs-skills matching in the EU, improvement is needed in the area of data collection and analysis of the effects for immigrants, in terms of labour market insertion, of having their qualifications and competences earned in third countries recognized in destination countries.
- Changes in the range of job competences required in the modern labour market, which often seeks skills beyond those obtained through formal education, have led to increased interest in developing the procedures for the validation of non-formal and informal learning in many EU countries. Following the European Commission proposal of September 2012 for a Council Recommendation on the validation of non-formal and informal learning to establish relevant national systems, governments may consider taking into account the specific needs of migrants in the validation of competences gained through non-formal and informal learning. Such an approach could bear an additional positive impact on the labour market integration perspectives of migrants through detecting and recognizing the value of additional skills and qualities both of already-residing and newcomer migrants. It further facilitates job mobility and the matching between migrants' skills and labour market needs, with a view to addressing skill gaps.

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## COUNTRY STUDIES

Edited by  
Anke Schuster, Maria Vincenza Desiderio  
and Giuliana Urso

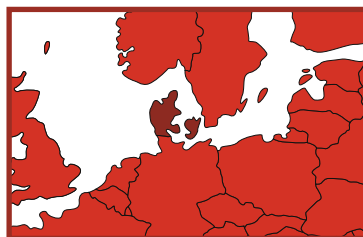
# **PART I**

## **GOOD PRACTICES AND RECOMMENDATIONS FROM SELECTED EU MEMBER STATES**



# DENMARK

Sally Khallash and Jeffrey Saunders <sup>5</sup>



## 1. Introduction

The Danish labour market is fairly restrictive for third-country nationals, except for high-skilled migrants and students. From 2001 through to 2012, the Danish Government's immigration policies have been aimed at limiting the number of refugees, family reunifications, and low- and medium-skilled migrants, whilst increasing the number of skilled and student immigrants (OECD, 2007). Denmark has been largely successful in meeting its stated objectives (Danmarks Statistik, 2012). The number of applications for family reunifications reached all-time lows in 2012, whilst consistent numbers of skilled migrants apply and are approved for entry into Denmark (Danmarks Statistik, 2012). Approximately two in three migrants have obtained their education outside of Denmark. The appointment of a new Danish government in 2011 has led to and will continue to lead to changes with regard to which groups' qualifications must be assessed. Denmark is one of Europe's leading countries in developing databases and procedures for conducting assessments and in the recognition of foreign qualifications and professions.

Until 2012, the Danish immigration policy was geared towards the assessment of qualifications, language skills, and levels of engagement in society in the context of developing point systems for evaluating family reunification, education and job-seeking migrants. Since 8 May 2012, only job-seeking migrants and those seeking education and training need to have their qualifications assessed. Individuals who achieve high enough scores can be granted a visa to Denmark (DR, 2012). Prior to 8 May 2012, migrants seeking entry to the country via family reunification visas also had to have their qualifications assessed, and Danish migration policy customarily gave more points to migrants with extensive or specialized educations.

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Despite the increasingly restrictive immigration policies and the ongoing effects of the global economic stagnation, Denmark's economy has a structural need for qualified foreign workers, which the country has been trying to address (DAUI, 2012).

The number of foreign workers registered in Denmark increased throughout 2009 and stabilized in 2010. This is also reflected in the increasing number of immigrants seeking assessments of foreign educational qualifications experienced by the Danish Agency for Universities and Internationalisation (DAUI). In 2009, the agency issued 2,892 certificates, which is 38 per cent more than in 2008 and twice as many as in 2007 (DAUI, 2012). In 2010, demand for assessment and certification seems to have plateaued as the number of certificates issued by DAUI has remained stable (DAUI, 2012).

The DAUI (previously The Danish Agency for International Education and CIRIUS) is responsible for assessing foreign nationals' credentials with the goal of making entry into the Danish labour market and/or the undertaking of further education easier. Focus is increasingly on including informal credentials as well, and in 2007 a law on further development of the recognition of prior learning and informal competences was passed (Retsinformation, 2012). The DAUI assesses migrant qualifications at all levels, although the majority of assessment requests – 81 per cent – are from migrants who claim higher level educational attainment (DAUI, 2012).

The DAUI manages the system for assessing qualifications for Danish education and work visas. The DAUI has a central role in assessing the qualifications of highly skilled migrants, which Denmark seeks to attract, and facilitating recruitment of foreign workers to certain fields where there are labour shortages, such as the "Positive List".<sup>6</sup> In the Job Card Scheme, foreign nationals hired for work within one of the listed professions will immediately be eligible for a temporary residence and work permit as soon as the applicant has a concrete job offer, matching the Danish employment standards. In uncomplicated situations, the processing time must not exceed 30 days. In the Positive List Scheme, foreign national professionals are eligible for residence permits for a duration of up to three years, with the opportunity for an extension. They are also entitled to family reunification. In the case of a job loss, the requirements for residence permits are no longer valid (IOM, EP, 2008).

Self-employment is possible for foreign nationals with a residence or work permit. Residence permits are given for one year with the possibility of an extension each year, but with no automatic rights for family reunification. The newly created Danish Agency for Labour Retention and International Recruitment under the Danish Ministry of Employment will determine how the foreign national's business relates to Danish business needs. Restaurants and retail shops are not eligible for business permits (IOM, EP, 2008)

The rules on residence for foreign nationals are comprised of a number of schemes designed for highly skilled migrants to obtain residence and work permits in

<sup>6</sup> Detailed in the Job Card Scheme and Positive List.



Denmark. Attaining residency permits via these schemes typically requires an assessment by the DAUI. Please see the below box for an overview:

**Box 1.1: Residency schemes that often require assessments of foreign qualifications**

**The Positive List:** The Ministry of Integration develops the Positive List encompassing professions where labour shortages of qualified professionals are observed. Those who have been offered a job in one of these professions or fields have particularly easy access to the Danish labour market. The professions with the easiest access are in engineering, health care, business management, and information communications technologies. Each specialization, however, has different educational attainment level requirements, and some require authorization from a competent Danish public authority (Nyidanmarka, 2012).

**The Pay Limit Scheme:** Previously part of the Job Card Scheme, it presents professionals with highly paid job offers easy access to the Danish labour market. The Ministry of Integration sets the amount (currently EUR 50,290 / DKK 375.000).

**The Corporate Scheme:** It is easier for companies with operations in Denmark to transfer employees with special abilities or qualifications to Denmark to work periodically on a project or to carry out work that is innovative or educational in nature.

**The Green Card Scheme:** Foreign nationals with special qualifications can be granted a three-year residence permit for job-seeking and subsequent employment purposes. Residence and work permits under the Green Card Scheme are issued on the basis of an individual evaluation, using a points-based system designed to assess the likelihood that an applicant would be able to find qualified work in Denmark. The applicant must obtain at least 100 points, awarded on such criteria as educational level, language skills, work experience, adaptability, and age.<sup>7</sup>

**Researchers:** Researchers and key employees in companies have particularly easy access to the Danish labour market. It offers a special gross tax regime of 26 per cent over five years (60 months) for foreign scientists and key employees (Skat, 2012)<sup>8</sup>. There must be precise reasons why the specific person should carry out the study or task, but research or work is considered to be so closely linked to the individual researcher that the general employment situation in Denmark is not a decisive factor in the granting of the residence and work permits of such researchers.

### ***1.1. New government in 2011 leads to organizational change in assessment of qualifications and competences***

The introduction of a new government has led to changes in how the Danish government organizes the assessments of qualifications for migration. As of 3 October 2011, the new coalition government closed the Ministry of Refugee, Immigration and Integration Affairs and transferred its responsibilities to other ministries:

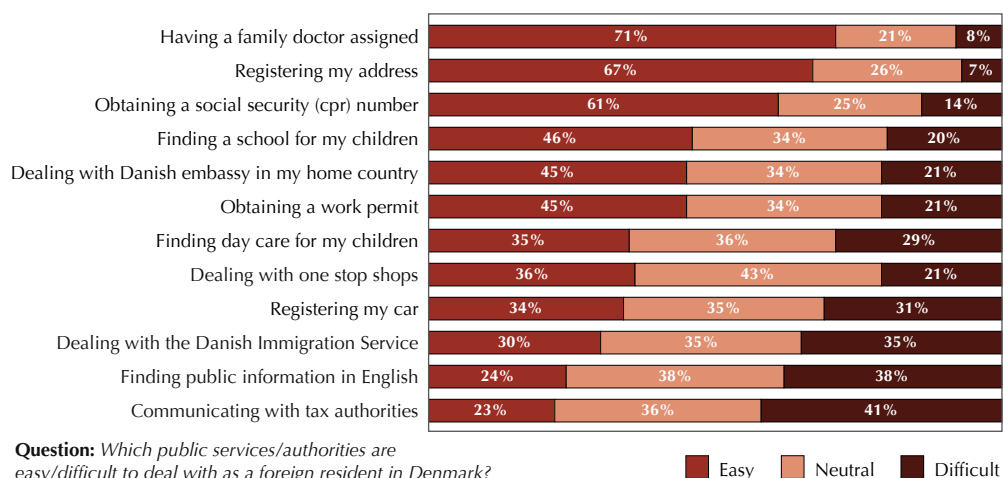
- Humanitarian residence is now the responsibility of the Ministry of Justice.
- Danish citizenship is now the responsibility of the Ministry of Justice.

<sup>7</sup> Throughout 2010 and 2011 there has been much debate among the Government parties about further tightening of the green card scheme. But until now no tightening has occurred.

<sup>8</sup> <http://www.skm.dk/> - PAYE Act § 48 and § 48 E F - <http://www.skat.dk/SKAT.aspx?oID=92157>.

- Danish as a second language instruction is now the responsibility of the Ministry of Children and Education.
- Integration policy, prevention of radicalization and integration studies are now the responsibility of the Ministry of Social Affairs and Integration.
- Integration of refugees and immigrants into the labour market and the educational system, including introduction programmes, is now the responsibility of the Ministry of Employment.
- The assessment and recognition of qualifications is the responsibility of the Danish Agency for Universities and Internationalization.

**Figure 1.1: Dealing with public authorities**



Source: Oxford Research, 2010.

Note: People answering 'handled by employer/relocation agency' are not included. n = 420-1,350.

The new government is currently debating a number of changes to current immigration policies. A number of changes to immigration laws should be forthcoming over 2012 and 2013 (New to Denmark, 2012). The Danish parliament announced its first change with the abolishment of "the point system" for family reunification migration, where highly skilled family reunification migrants were prioritized over less skilled migrants.

## ***1.2. Lack of information in English a challenge for over one third of skilled migrants***

Although Denmark prioritizes highly skilled migrants, many migrants believe that the Danish government has not been proficient at providing rules and regulations for foreigners in English, nor at making them easily accessible. Thirty-eight per cent of high-skilled migrants to Denmark have difficulty accessing public information on

Danish rules and regulations according to a 2010 survey conducted by Oxford Research and the Copenhagen Post. This study notes that this experience jars with the Danish reputation for possessing good English skills (please see figures below). One of the first experiences that expats have with Danish authorities is prior to their departure, when they are looking for public information on Danish rules and regulations in English.

This poses a challenge for all migrants – high-, medium- and low-skilled – who must navigate DAUI and “competent authorities” bureaucracies to gain access to the assessment and certification process for their qualifications and, if applicable, registered professions (Oxford Research, 2010). It is not known how many potential migrants are discouraged from migrating to Denmark due to a lack of easily accessible information.

The Danish system appears to be much easier to navigate once the migrant has relocated to Denmark as basic needs are more easily fulfilled, such as assigning a family doctor, registering a new address and obtaining a social security number (Oxford Research, 2010).

### ***1.3. A lack of awareness about assessment and recognition of foreign educations in Denmark***

Many companies in Denmark, including some of Denmark’s largest enterprises, are not aware of the assessments and recognition of foreign qualifications provided by the DAUI. This is a widespread challenge in Denmark, which the DAUI is trying to address. For example, the DAUI has profiled one of Denmark’s largest and leading biotech companies, Novozymes, as Novozyme’s human resources department was not aware of DAUI’s standardization of assessments and recognition of foreign qualification services until it participated in a project organized by the Danish Engineering Association in 2011 (DAUI, 2012). The DAUI’s own audits note that familiarity with their services is low.

### ***1.4. Ad hoc model on low- and medium-skilled immigrants***

Since 2001, various Danish governments have made a sustained effort to limit the entry of low- and medium-skilled immigrants into Danish society. This is reflected in the restrictions on family reunification, transfer of costs associated with the application process over to the applicant, and stricter prerequisites for residency. All these initiatives suggest that the Danish Government primarily targets resourceful migrants with the ability to pay for their stay in Denmark. The reform of the au pair scheme supports this conclusion, as au pairs offer a necessary support system for expats and other skilled immigrants with little or no network in Denmark. The proposal of the new Minister of Integration to distinguish between non-Western countries, so that entry and family reunion becomes easier for immigrants from certain countries (for example OECD countries), suggests that this trend will also persist in the near future (Nyidanmarkb, 2012). The new government is reviewing and debating Danish immigration law; changes are likely.

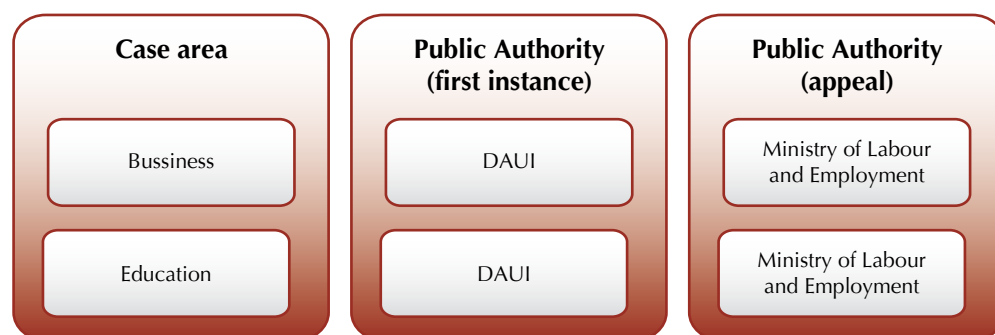
## 2. Assessment of regulated professions and assessment of foreign qualifications

EU/EEA, Nordic and non-EU/EEA and non-Nordic nationals are subject to different procedures for assessment and certification of regulated professions and foreign qualifications. Danish laws and regulations on assessment, validation, or recognition of formal and informal learning of migrants apply different rules based upon nationality and where migrants' professional accreditations and qualifications were acquired. Danish regulations on regulated professions are subject to EU directives, Nordic agreements, and, in some cases, international standards. The DAUI coordinates applications for regulated professions, whilst other public authorities ascertain individual applicants' qualifications in the case of regulated professions. For example, the Danish Health and Ministries Authority is responsible for recognizing foreign-attained medical qualifications.

Denmark is part of several international consortiums to improve and standardize how countries assess and recognize educations, professions and qualifications internationally. Denmark participated in the EU Commission project to create the European Area of Recognition Manual (2012), and the DAUI's *Country handbook* for recognition of foreign educations and qualifications serves as an inspiration for other countries (2012).

While the DAUI serves as the public authority at first instance for the assessment of all business- and education-related visas, appeals of conditional or negative responses are submitted to the Ministry of Labour and Employment for adjudication (see Figure 1.2 below).

**Figure 1.2: The responsible public authority for assessing foreign-attained educations and qualifications**



Source: Ministry of Justice, 2012.

### **Regulated professions**

A regulated profession is a profession in which the migrant has to meet certain requirements with regard to professional qualifications to be entitled to pursue that profession in a given country. A public authority called the “competent authority”

regulates and administers access to each regulated profession. There are currently over 100 regulated professions in Denmark that require some form of declaration or assessment and certification. Potential migrants are encouraged to regularly check the DAUI website for additions or changes to the regulated professions list (DAIE, 2010).

Danish and European law applies different standards based on whether the migrant comes from an EU/EEA country, a Nordic country or from a non- EU/EEA or Nordic country. Each regulated profession has specific conditions, and authorization depends on the relevant authorization statute. Some professions, such as the medical doctor, require that foreign qualified migrants also demonstrate that they are sufficiently adept in the Danish language by passing the Danish 3 examination. Some professions require declarations, documentation or a prior check of qualifications. Some professions, such as in the field of land and air transport and certain maritime professions, are subject to rules and regulations based on international agreements and conventions. Some professions – namely policemen, judges, and priests – require Danish citizenship as a prerequisite and are therefore closed to migrants (DAIE, 2010).

The competent authority for a regulated profession assesses the migrant's professional qualifications and thence it decides whether the migrant will be permitted to pursue the profession in Denmark. Some authorities require that the migrant pay a registration fee. This fee varies by profession and competent authority. For example, chiropodists and social and health-care assistants must pay a DKK 313 (EUR 42) registration fee for a board evaluation (SST, 2012). If the competent authority recognizes the migrant's professional qualifications, it will issue a special permit to pursue the profession. The permit is usually called an authorization (DAIE, 2010). Payment of costs relating to an aptitude test or supplementary training may also be imposed on the applicant. According to Danish law, the amount payable may not exceed the amount charged for tuition, examinations and so forth in the field in question. The payment shall be determined and collected by the authority responsible for tuition, examinations, and so on (Consolidated Act, 2010).

With the exception of a few professions that require Danish citizenship, in the context of the Common Nordic Labour Market, Nordic citizens (Finland, Iceland, Norway and Sweden) need only register with the Danish competent authority and do not have to apply for professional certification to migrate and practise their profession in Denmark if they already have accreditation or have received a qualification in their home country.

### *EU/EEA citizens*

If an EU/EEA citizen is fully qualified for the pursuit of a profession in another EU/EEA country and wishes to practise their profession in Denmark, then the EU Directive 2005/36/EC of 7 September 2005 regulates the assessment process. The EU Directive has been transposed into Danish law and has been updated through the Consolidated Act No. 189 of 12 February 2010. Denmark is in full compliance with EU 2005/36/EC directive according to the last scoreboard assessment in 2010

(European Commission, 2010). The law applies to both those who seek recognition as employees and those who seek self-employment (Consolidated Act, 2010). The assessment process is dependent upon whether the applicant for authorization seeks permanent recognition or temporary recognition (DAIE, 2010).

EU/EEA citizens seeking temporary recognition need to provide a written notification to the competent authority – if required by the rules regulating the profession – prior to coming to Denmark and prior to exercising their vocation. They must have professional recognition in another EU/EEA country. The EU/EEA citizen must renew this authorization annually if the individual wishes to continue providing services during the coming year (Consolidated Act, 2010). In certain professions that have implications for public health and safety, the competent authorities have the right to check professional qualifications before the individual begins providing services in Denmark (DAUI, 2012).

The competent authority may provide three decisions to an individual applicant: positive decision, conditional decision, or negative decision. A positive decision grants full access to pursuing a profession on the same terms that apply to Danish nationals, as well as providing information on the profession, the time frame that this right comprises, and authorization renewal dates. A conditional decision grants full access to pursuing a profession once the applicant proves that he or she is fully qualified to pursue the profession in Denmark. Proof is provided via an aptitude test or through an adaptation period stipulated by the competent authority. The applicant is given the choice of which option to pursue. A negative decision means that the applicant is not permitted to practise the profession in Denmark (DAUI, 2012).

#### *Non-EU/EEA citizens*

Non-EU/EEA and non-Nordic citizens must apply to the competent authority for recognition to practise their profession. The competent authority makes a decision on the basis of an assessment of educational qualifications and proof that the applicant is fully qualified for the pursuit of the profession in his/her home country. Documentation requirements vary according to the competent authority, but generally certified copies are required. The documentation must be certified by the embassy of the migrant's home country or a public authority or professional organization either in Denmark or in the migrant's home country. This can pose a significant barrier for refugees seeking educational recognition or recognition of their ability to participate in a regulated profession. The competent authority may choose to take relevant professional experience into consideration. As with EU/EEA citizens, the competent authority can make three decisions: a positive decision, a conditional decision, or a negative decision. Unlike EU/EEA citizens, non EU/EEA citizens cannot apply for a temporary recognition through the provision of services (DAUI, 2012).

#### *Social and health-care assistants – new standards*

In 2008, in the act governing health-care personnel, the Danish parliament introduced new regulations requiring Danish authorizations from the National

Board of Health for all persons wishing to call themselves “Social and Health-care Assistants”. All persons who possess a foreign qualification and wish to utilize this qualification have to apply for authorization. Even those who previously received an assessment from CIRUS – the former DAUI – stating that their qualification was comparable in level to a Danish social and health-care assistant qualification, must now seek a Danish authorization from the National Board of Health (DAUI, 2012).

### **3. Assessment of foreign qualifications**

Assessment of foreign qualifications is subject to two different procedures based on whether the evaluation is for general employment purposes or for continued education and training in Denmark. The Assessment of Foreign Qualifications, etc. Act – Consolidated Act No. 371 of 13 April 2007 and ministerial orders assessment of Foreign Qualifications, etc., Order No. 602 of 25 June 2003, which was amended by Order No. 448 of 10 May 2007, and the Qualifications Board Order, Order No. 447 of 10 May 2007, Consolidation Act no. 371 of 13 April 2007 regulate the DAUI’s assessment and recognition process (DAUI, 2012). The challenge for many migrants in Denmark is that awareness of the DAUI’s assessment responsibilities remains low among businesses in Denmark.

The DAUI’s assessments are:

- advisory for general employment purposes;
- binding in cases where they are used for gaining access to unemployment benefits and integration purposes;
- advisory for recognition for purposes of continuing education.

#### ***Recognition of foreign qualifications for general employment purposes***

According to the Assessment of Foreign Qualifications Act and supplemental ministerial orders, all persons with foreign qualifications are entitled to have their foreign qualifications (qualifications at all levels) assessed by the DAUI with a view to gaining employment in Denmark. The DAUI’s assessments for general employment purposes serve two functions. First, they serve an advisory function in the job-seeking process. Second, they provide binding assessments for access to unemployment funds and public authority decisions. In most circumstances, an assessment can only be made when there is consent from the person whose qualifications are being assessed. However, in integration contexts, a municipality or other responsible authority can enforce an assessment of foreign qualifications when required for assessment of the integration process (Assessment Act, 2007).

The DAUI’s assessments may, for example, be used as advisory information in connection with job hunting, where both the job-seeker and the potential employer



can use the certification as a way to gauge an individual's suitability for a particular position. In this regard, the DAUI also publishes a country handbook (see below for more information) to provide advisory information to job-seekers and employers as to general equivalencies of foreign qualifications to Danish qualifications.

The DAUI's assessments are binding in certain labour market contexts. Their decisions are binding in the case of:

- decisions on the right to unemployment funds;
- public authorities' decisions on employment;
- decisions on final pay grade in public sector employment.

When the DAUI makes assessments in these situations, unemployment funds and public authorities must follow them. This means that the unemployment fund and public authority must consider applications for membership and job applications on an equal footing with applications from persons with Danish qualifications at the same level of education as that stated by the agency in its assessment (DAUI, 2012).

As regards employment in the public sector, the Danish Confederation of Professional Associations' collective agreement sets pay grade levels. In this context, the public authority must use the DAUI's assessment of the foreign qualification when making the final decision on the pay grade of the employee in question.

## 4. Challenges faced by users of the DAUI's assessment and recognition services

The latest assessment of users' satisfaction with DAUI's work is from 2008, is therefore dated, and needs to be updated. This study assessed three groups:

- people who had their qualifications assessed
- employers who have used the DAUI (then CIRUS)
- job consultants and case workers who have experience using the DAUI's assessments.

The study employed both qualitative and quantitative methodologies. The study interviewed 12 employers and 12 caseworkers at job centres, who assist migrants living in Denmark in finding employment. In general, all three groups were satisfied with the DAUI's assessment process, including adjudication time. Most were also happy with assessment result. Those who were most unhappy with the DAUI's assessments – typically those who disagreed with either the level of equivalency or with a negative assessment – had the lowest satisfaction levels in the study. This group comprised 18 per cent of those surveyed. It appears that the assessments had a positive effect on the individual's ability to gain employment or continue their education.



The analysis, however, pointed towards several challenges. Migrants were generally unaware that the CIRIUS, now DAUI, existed. First, most migrants did not hear about DAUI from official sources, but from friends and family. The user study noted that there is a general lack of awareness regarding the DAUI assessment and recognition work. Later studies from Oxford Research (2010), and anecdotal cases from the DAUI (2012), show that a lack of information and awareness are the key challenges that have not yet been resolved. The 2008 study recommended that the DAUI be promoted in ‘welcome packages’ to newly arrived migrants.

Second, information from the DAUI could be improved, according to those seeking recognition for foreign-attained qualifications. Although 75 per cent of migrants had no trouble understanding the DAUI’s educational assessments, one quarter of respondents – in particular those who had acquired education in Asian, African, and non-EU European countries – experienced difficulties in understanding the DAUI’s evaluations.

Third, all three groups wanted more detailed assessments that incorporated, for example, specific competencies, courses, and relevant experiences. The 2008 study recommended that assessment information be provided more completely and clearly. Recipients of DAUI assessments expressed an interest in receiving more detailed information as to how one could use a DAUI recognition, and recommendations as to what a migrant could do to seek further education opportunities in Denmark.

Fourth, both employers and applicants found that the assessment process was often too slow when it was needed for an application for a specific job or in the employment process.

Employers’ use of DAUI services varied greatly among the 12 employers interviewed. Many employers, however, expressed an interest in receiving more detailed information about assessments, especially assessments of Asian or African qualifications (NIRAS, 2008).

## **5. Statistics regarding assessments of foreign qualifications**

The DAUI separates its figures between assessments for green cards and assessments for other purposes. These assessments are called common assessments. Of the assessments conducted by the DAUI, 75 per cent stem from applications for assessment submitted under the green card scheme. Out of the 7,837 assessments that the DAUI conducted, 1,953 regular applications were evaluated compared to 5,884 assessment cases under the Green Card scheme. The growth in green card assessments has been dramatic since 2008. The DAUI conducted the same number of assessments in 2009 as it did in 2010.

### ***Statistics for common assessments of foreign qualifications***

Table 1.1 provides a general overview of the assessments delivered by the DAUI since 2006. The number of completed assessments has stabilized from 2009

onwards after having increased by almost 95 since 2006 (see Table 1.1 for more information).

**Table 1.1: General statistics for common assessments**

General statistics	2006	2007	2008	2009	2010	Change since last year (2009–2010)	
Assessment completed	1,008	1,416	1,822	1,963	1,953	-10	-1%
Answered with information/ instruction	38	61	86	80	75	-5	-6%
Processing rejected	29	35	42	64	72	8	13%
Forwarded or referred	14	9	27	94	36	-58	-62%
Application rescinded	8	8	13	19	14	-5	-26%
<b>Total number of applications</b>	<b>1.097</b>	<b>1.529</b>	<b>1.990</b>	<b>2.220</b>	<b>2.150</b>	<b>-70</b>	<b>-3%</b>

Source: CIRUS, 2010.

In 2010, almost two thirds of applicants sought an assessment for employment purposes. Sixty-three per cent of applicants were women. The number of assessments for employment purposes has declined sharply since 2006, while those sought for education purposes has increased. This change could be related to the economic instability observed since 2008 (see Table 1.2 for more information).

**Table 1.2: Purpose for which assessment sought – not including Green Card scheme**

Purpose	2006	2007	2008	2009	2010
Employment related	76%	77%	78%	68%	64%
Education related	23%	22%	22%	31%	36%
Other	1%	0%	0%	1%	0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source: CIRUS, 2010.

The majority of assessments are sought by third-country nationals, followed by EU/EEA citizens and Danish citizens (see table below). Among third-country nationals, the largest portion of assessments is sought by applicants from Asian countries (see Table 1.3 for more information).

Seventy-three per cent of assessments compared foreign higher education degrees with Danish higher education degrees. Since 2004, there has been a steady increase in the number of assessments of educations equating to four to five years of advanced studies, from 20 per cent of assessments in 2004 to 33 per cent in 2010. The DAUI processed assessments within 32.5 days as in previous years. Eighty-nine per cent were completed in less than two months.

Table 1.4 presents an overview of where applicants who solicit assessment have acquired their education. The leading countries are Great Britain and Germany, followed by Ukraine, Russia and Poland.

**Table 1.3: Assessment applications by region (not including Green Card Scheme), 2010**

Region	2006 Pct.	2007 Pct.	2008 Pct.	2009 Pct.	2010 Pct.	2010 Nr.
Denmark, Faroe Islands, and Greenland	15%	14%	13%	12%	12%	243
EU/EEA	29%	42%	40%	30%	34%	663
Third country	50%	40%	44%	56%	52%	1,007
Rest of Europe	23%	13%	15%	17%	17%	327
Asia	15%	17%	17%	24%	21%	410
Africa	5%	4%	5%	6%	6%	111
North America	2%	3%	3%	3%	4%	73
Central and South America	4%	3%	3%	4%	4%	76
Oceania	1%	1%	0%	1%	1%	10
Not disclosed	6%	3%	3%	2%	2%	40
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>1,953</b>

Source: CIRUS, 2010.

Note: Due to rounding of figures to whole per cents, the figures do not always match category totals.

**Table 1.4 Country of origin of education (excluding Green Card Scheme)**

Nr.	Country of Education	Number of applicants		Change since last year	
1	Great Britain	158	8%	24	18%
2	Germany	157	8%	18	13%
3	Ukraine	132	7%	0	0%
4	Russia	104	5%	1	1%
5	Poland	95	5%	-2	-2%
6	USA	79	4%	-11	-12%
7	Philippines	72	4%	16	29%
8	Pakistan	67	3%	-55	-45%
9	Sweden	65	3%	-15	-19%
10	Romania	59	3%	19	48%
11	India	53	3%	-5	-9%
12	France	45	2%	4	10%
13	Iraq	37	2%	-18	-33%
14	Australia	33	2%	-2	-6%
15	Turkey	32	2%	7	28%
16	Brazil	31	2%	-3	-9%
17	Bulgaria	31	2%	16	107%
18	Lithuania	30	2%	6	25%
19	Holland	29	1%	2	7%
20	Thailand	28	1%	-1	-3%
	Other	616	32%	-11	-2%
	Other countries	1,953	100%	-10	-1%

Source: CIRUS, 2010.

The following table presents the distribution of educational attainment of applicants for assessment. In 2010, 73 per cent of applications sought assessment and recognition for partial or full higher education degrees (13 upwards) – the same as in 2009.

**Table 1.5: Distribution of attained education level for assessment (excluding Green Card Scheme)**

Level assessment	2006 (%)	2007 (%)	2008 (%)	2009 (%)	2010 (%)	2010 Nr.
Primary school level through 9. class/year	0	0	0	0	1	11
10. education year	2	2	1	2	2	32
Secondary school education – 11.-12. education year	33	42	37	24	25	493
Short higher education – 13.-14. year	7	8	8	11	9	176
Medium-long higher education/bachelor – 15.-16. education year	31	23	26	29	28	542
Long higher education 17.-18. education year	23	21	25	32	33	638
Researcher level education 19. education year	5	3	3	3	3	61
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>1.953</b>

Source: CIRIUS, 2010.

Table 1.6 shows the educational focus of those seeking assessment and recognition of their education.

**Table 1.6: Subject matter focus of assessed educations (excluding Green Card scheme)**

Subject matter focus	2006 (%)	2007 (%)	2008 (%)	2009 (%)	2010 (%)	2010 Nr.
Non-business focused education	9	10	9	13	14	271
Teaching education	7	6	6	6	6	114
Humanities and artistic education	15	13	14	17	18	345
Social, office and trade educations	28	24	26	33	30	600
Natural science educations	9	7	8	11	9	174
Industrial and trade educations	13	12	11	10	13	249
Agricultural and fisheries educations	4	3	4	5	4	84
Transport technical educations	0	0	0	0	0	4
Health education	14	25	23	4	6	112
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>1.953</b>

Source: CIRUS, 2010.

Table 1.7 below shows that most cases for common assessments are handled in less than one month. Almost 88 per cent of cases are closed within two months. When cases lasted more than three months, the delay was typically caused by holdups at the institution from where the applicant received their education.

**Table 1.7: Case handling time for assessment of qualifications (excluding Green Card scheme)**

Case handling time	2006 (%)	2007 (%)	2008 (%)	2009 (%)	2010 (%)	2010 Nr.
Less than one month.	57	52	60	49	50	985
Between 1 and 2 mth.	33	32	29	41	38	748
Between 2 and 3 mth.	8	14	10	9	10	192
Between 3 and 4 mth.	1	2	1	0	1	16
Between 4 and 5 mth.	0	0	0	0	0	9
Between 5 and 6 mth.	0	0	0	0	0	1
Over 6 mth.	0	0	0	0	0	2
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>1,953</b>

Source: CIRUS, 2010.

### ***Statistics concerning assessments of foreign qualifications under the green card schemes***

In 2010, the DAUI completed 5,455 assessments concerning 5,115 individuals under the Green Card scheme. Ninety per cent of applicants for assessment through the Green Card scheme were citizens from Asian countries. The applicants for assessment came from India (2,079 persons), Pakistan (1,616), Bangladesh (636) and Nepal (364). Six per cent were citizens from African countries, especially Nigeria (132) and Cameroon (100). Three per cent were citizens from EU/EEA countries. Two per cent were from North America. In cases where the application requested evaluation of several unrelated educations, the DAUI undertook a separate assessment for each education. In such a case, the DAUI registers several assessment cases for the same education level. Table 1.8 shows the subject matter focus of applicants for assessment via the Green Card scheme.

**Table 1.8: Subject matter focus of educations under assessment through Green Card scheme**

Subject matter focus	2010 (%)	2010 Nr.
Non-business focused education.	2	103
Teaching education.	3	170
Humanities and artistic education.	8	423
Social- office- and trade educations.	42	2,298
Natural science educations.	26	1,399
Industrial and trade educations.	11	577
Agricultural and fisheries educations.	2	129
Transport technical educations.	0	13
Health educations.	6	343
<b>Total</b>	<b>100</b>	<b>5,455</b>

Source: CIRUS, 2010.

Applicants' educational degrees were predominately assessed as comparable to Danish four- or five-year education. Assessments for Green Card schemes took an average of 18.6 days (see Table 1.9). In 2010, the DAUI had an agreement with the Danish Agency for Integration that Green Card cases should be handled within three weeks. The DAUI notes that the change in the number speed of assessment was principally due to the high number of applications in 2010. Of all the assessments, 63 per cent were completed in less than three weeks, and 99 per cent were completed in less than two months. The DAUI is intensifying its examination of the authenticity of education documents. In 2010, one application for assessment of a foreign degree was deemed to contain false statements.

**Table 1.9: Case handling time for Green Card Assessment applications**

Case handling time	2009 (%)	2010 (%)	2010 Nr.
Less than one month	92	80	4,350
Between 1 and 2 mth.	8	20	1,072
Between 2 and 3 mth.	0	0	24
Between 3 and 4 mth.	0	0	8
Between 4 and 5 mth	0	0	1
<b>Total</b>	<b>100</b>	<b>100</b>	<b>5,455</b>

*Source: CIRUS, 2010.*

The DAUI serves as a knowledge centre for assessing and certifying foreign educations. In this capacity, the DAUI answered 461 requests concerning foreign admission-granting educations in 2010. Eighty-three per cent received answers the same day. One model for quick counsel in connection with the employment of PhD students has been tested successfully in Copenhagen University, and has been expanded to other Danish universities.

Danish experience with the recognition of foreign qualifications is now serving as a model for inspiration for new, comprehensive legislation in Germany (CIRUS, 2010). The DAUI is also participating in the European Area of Recognition, where it along with seven European sister organizations has created a comprehensive manual for assessment and recognition of foreign-based educations (DAUI, 2012).

## 6. The recognition of foreign qualifications and the Danish labour market

Two out of three immigrants do not possess a Danish education. Their qualifications are not reported in official Danish statistics and their status is marked as undisclosed, according to official Danish statistics. It is, therefore, almost impossible to make a meaningful comparison between the Danish and immigrant skill sets given available statistics (Danmarks Statistik, 2011). Due to the contentious debates surrounding the Danish labour market during trilateral negotiations for collective bargaining agreements (between the Finance ministry and organizations representing labour

unions and employers), it is difficult to assess the Danish labour market's need for labour and whether or not Danish policies for attracting foreign labour to fill these gaps are successful or not. The Danish labour market appears to be polarizing. Unemployment is growing and is becoming diverged: there exist pockets of talent shortages in certain highly specialized fields.

As in many other European countries, the Danish labour market is under pressure from economic stagnation and general economic insecurity concerning the stability and soundness of the Euro-zone. The independent Danish Economic Council has readjusted its assessment of the Danish labour market's potential. It expects that unemployment will continue to grow over the period 2012–2013 from 110,000 persons to 130,000 – an expected 18 per cent increase (Danish Economic Council, 2012). This is leading to a great deal of debate as to whether the Danish labour market is actually facing a shortage (Kingsley, et al., 2011).

Denmark suffers under a number of domestic economic and demographic challenges. Danish productivity is declining. A recent study from the Rockwool foundation shows that Danes are working less than they actually think, and actual average time spent working has declined by one hour since 2001 (Rockwool Foundation, 2012). Job creation in Denmark is at very low levels – levels not seen since the 1970s. The Economic Council of the Labour Movement (ECLM) – an organization that works for Denmark's labour organizations – expects that only 9,000 jobs will be created in 2013, which does little to replace the 180,000 job losses (the ECLM's estimate is 50,000 more lost jobs than the Danish Economic Council) in the service, building and manufacturing sectors (ECLM, 2012).

The challenge facing Denmark is that the labour market is also polarizing. As in the other high-income countries, the need for highly skilled talent has increased while the middle class has declined. The decline has been most notable among the middle-income group of the middle class. (ECLM, 2009).

Denmark's leading employer organizations and international companies in Denmark, however, are leading several calls for the development of a national talent strategy in Denmark to attract necessary highly skilled foreign talents to the country. In an anonymous survey of international businesses in Denmark, a majority of respondents stated that they were considering stopping investments and business operations in Denmark. Most of these respondents pointed towards the high cost of doing business in Denmark. Respondents also pointed to their difficulties in attracting qualified labour (Amcham, 2011).

These developments pose significant challenges for migrants in Denmark, who on the whole have become increasingly active in the labour market and the Danish workforce. From 1996 to 2008, employment rates for non-Western immigrants increased. For men, there was an increase from 40 per cent to 63 per cent. The relative increase was even greater for women. In 2008, women had an employment rate of 50 per cent compared with 26 per cent in 1996 (Danmarks Statistik, 2011).

Since 2009, non-Western immigrant employment rates have declined slightly. This can be attributed to the recession, as employment rates among native Danes have also declined. The decline is highest among men, reflecting the fact that more men than women work in cyclical industries.

**Table 1.10: Labour market attachment for 25–64 year old non-Western immigrants and Danes (%)**

	2006	2007	2008	2009	2010	2011
Total	75.2	76.8	77.4	75.0	71.8	71.1
Native population	77.3	78.7	79.3	77.1	74.1	73.6
Immigrants	53.6	57.0	59.1	56.9	53.2	51.9
Immigrants from Western countries	62.5	64.0	64.9	63.0	60.1	59.0
Immigrants from non-Western countries	49.1	53.4	56.0	53.4	49.1	47.6

*Source: Danmarks Statistik, 2011.*

It is almost impossible to make meaningful comparisons of Danish and immigrant skill sets due to the way statistics are collected. The foundation of educational statistics in Danish statistical reports is collected using social security numbers from all Danish educational institutions. Immigrants have in most cases not completed an education in Denmark, and, therefore, are poorly covered by the general education statistics. Immigrants who may have been trained abroad and not in Denmark will stand with unknown education. Almost 79 per cent of male Western immigrants and 63 per cent of non-Western immigrants have undisclosed educations compared to only 1 per cent of Danes. Among female immigrants the figure is almost as great, with just over two thirds of Western immigrant women and non-Western immigrant women with undisclosed educations (Danmarks Statistik, 2011).

An OECD survey from 2007 shows that immigrants in all OECD countries are more likely to be overqualified for their positions than persons born in the country. Women, recent migrants, and third-country migrants are the most likely to be affected by overqualification compared with other migrants (OECD, 2007). Given the DAUI's poor visibility with Danish employers and immigrant job-seekers and a generally more difficult labour market since 2007, overqualification remains a challenge in Denmark. According to figures released by the European Commission in 2008, 24 per cent of immigrants are overqualified for their jobs, whereas just 14 per cent of people with traditional Danish backgrounds are. Despite the significant gap, immigrants in Denmark still fared better than the EU average, according to the study. Across the 27 EU countries, more than one third of foreign-born workers were overqualified versus just one fifth of the native populations' workers (Copenhagen Post, 2011).

Young people of Danish origin are more often enrolled in education than young immigrants. Among 20–29 year-old men of Danish origin, 32 per cent are in training, while the corresponding percentages are 23 per cent for both Western and



non-Western immigrants. There is a greater proportion of immigrant descendants than immigrants enrolled in education. With the exception of non-Western immigrants, there is a higher proportion of women than men who are undergoing training.<sup>9</sup>

## 7. Conclusions and recommendations

Assessment and recommendation of foreign qualifications and competencies helps immigrants gain access to employment in Denmark. Once an immigrant has his or her qualification and competencies assessed, they must be viewed as comparable to the equivalent Danish education. Denmark is at the forefront in the assessment of foreign qualifications and competencies in the European context. Its manuals are used to inspire German legislation, and the DAUI actively participates in European projects to develop common assessment procedures, CVs and manuals to facilitate common frameworks and standardization of assessment rules, regulations, and practices across the European Union.

### *Information can be difficult to find for immigrants*

Although Denmark prioritizes attracting highly skilled migrants in its immigration policy, many migrants believe that the Danish government could improve the way it communicates the rules and regulations concerning immigration. As previously mentioned, since 2001 the Aliens Act has been targeted for 20 changes. This means that every six months the immigration legislation is adjusted. This makes it extremely difficult for foreign nationals and companies to keep pace with the changes. Also, the responsibility for finding and understanding the rules for immigrating to Denmark rests on the individuals trying to comply, who have to constantly update their knowledge on the rules and legislation. These conditions may deter immigrants from applying to immigrate to Denmark. In addition, this creates confusion around the immigrants' legal status and compliance issues that immigrants file in applications based on expired rules or to the wrong authority. Immigrants become dependent on help from people familiar with the system.

More than one in three migrants also believe that Danes – despite having a reputation for being skilled English speakers – do not provide a great deal of information on immigration rules and regulations in English, and the information that is available in English is not easy to find. Given that close to 40 per cent of high-skilled migrants find the process insufficient, dissatisfaction rates among medium- and low-skilled migrants could be higher.

### *Too many authorities*

There are too many different actors involved in immigration, assessment and recognition programmes. Since the latest reform of the Danish immigration

<sup>9</sup> Danmarks Statistik, *Invadere i Danmark* (2011): 71.

authorities occurred in 2011, an already complex process has been further complicated by the division of several of the Ministry of Integration activities into other ministries and agencies.

### ***The DAUI has low visibility***

The DAUI needs to increase its visibility. Companies – even large corporations like Novozymes – are not aware that the DAUI has databases and can help assess foreign workers' qualifications during the recruitment process. Studies by NIRAS in 2008 also showed that the then CIRUS (now DAUI) had a relatively low visibility among both foreigners living in Denmark and employers.

Given that two in three immigrants do not have a Danish education, increasing the utilization of and awareness of DAUI for assessments and recognition of qualifications among both immigrants and employers is essential.

### ***Immigrants have equal rights as Danish employees***

One positive aspect of Danish legislation lies in the fact that once a qualification has been assessed by the DAUI, it must be measured on an equal footing with Danish qualifications when it comes to the awarding of unemployment benefits, pay scales in the public sector and admission to educational institutions. These rights are further extended once an immigrant has been granted a residence and work permit. The immigrant then has equal rights as Danish employees in regard to working conditions and security, wages, union participation, access to unemployment funds, health care, continuing education, and so on.

### ***A new user study needs to be conducted***

A new user study that measures the satisfaction of assessment seekers, employers and job consultants needs to be conducted. The last evaluation was carried out in 2008, and given the many changes that have occurred in the assessment process, it would be beneficial for a new study to be conducted to assess eventual progress on addressing the challenges identified in 2008.

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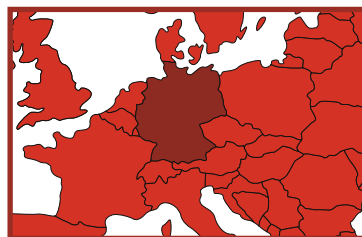
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# GERMANY

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## 1. Introduction

German migration history is marked by a continuing system of foreign labour employment, which shifted from agriculture in the era of Prussia to the industrial sector in WWII. This pattern of foreign labour recruitment was interrupted only during the economic crisis at the end of the 1920s and during the end of WWII when, in the four years after 1944 13.7 million refugees and expelled ethnic Germans from Central Europe immigrated to the three Western Zones later forming the Federal Republic of Germany (Bade, 1983: 59). Until the early 1950s, the labour force demand of the Wirtschaftswunder could be met by these usually well-skilled and German-speaking migrants. Due to labour supply shortages in agriculture, the first post-WWII recruitment of Italian ‘guest workers’ took place in 1952. In 1955, the government, the employers’ associations and the unions agreed upon full integration of the labour migrants into the social security system (Mehrländer 1980: 77ff), in principle not differentiating between foreigners and German nationals. Recruitment agreements were made with Italy (1955), Spain and Greece (1960), and Turkey (1961). After the effective closure of the German Democratic Republic’s border in 1961, further agreements with Morocco, Portugal, Tunisia and Yugoslavia were signed by 1968. These ‘guest workers’ have been primarily employed for manual labour in industry, agriculture and construction, regardless of any qualifications obtained abroad. A smaller source of skilled labour migrants having their skills recognized continued to be ethnic Germans from Romania and Poland, and later from the CIS countries (*Commonwealth of Independent States*) emerging from USSR.

The group of ethnic Germans enjoyed access to German citizenship according to the strict *jus sanguinis* concept of the German constitution upheld until 1992. This

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group ('Vertriebene', or since 1992 'Spätaussiedler') enjoyed far-reaching privileges from 1953 onwards: recognition of qualifications and professional titles acquired abroad both for regulated and non-regulated (handicraft) professions including a legal claim of access to a recognition procedure; priority in case of regional quota for certain professions before proportional representation; and recognition based on testimonies in case of missing documents (BVFG as of 19 May 1953, §69-71, §92, 93, since 2 July 1993 assembled in the new §10). Apart from some minor changes, most of these privileges are still in force. The second group with facilitated access to professional activity are recognized refugees and stateless persons according to the *most favoured status clause* in the Geneva Convention and the 1954 UN Convention Relating to the Status of Stateless Persons. The third group are citizens of EU Member States who hold a qualification in a regulated profession, following the EU directive 2005/36/EG.

The immigration law of 2005 represented a paradigm shift from the restriction of third-country nationals' labour immigration towards an inclusion of these nationals and their offspring being resident in Germany. However, a major study on the qualification recognition practice (Engelmann, 2007) documented serious shortcomings. Other studies analysed the consequences of these shortcomings for labour market integration of this group, in particular the lack of access of third-country nationals to an official recognition of their qualifications acquired abroad (Brussig et al., 2009).

In 2009, the BMAS (Federal Ministry of Labour and Social Affairs) issued a concept paper for a concise recognition law for foreign qualifications and stated the necessity of a claim for having a foreign qualification assessed. An alternative concept paper was also issued by other federal ministries (BMBF, BMWi and BMI) in 2009. The same year, two pilot institutions for advising applicants for the recognition of their foreign qualifications were founded in Saarland and Munich (see Reiche et al., 2010:18ff).

The political discussion resulted in a Federal Law on Recognition of Foreign Qualifications (BQFG) which came into force on 1 April 2012. A main feature of this law is creating a claim for having a qualification assessed in a defined period of time (generally, within three months of application), for the first time also for third-country nationals including potential labour migrants from abroad who can seek recognition before arrival. It further prescribes a written positive assessment of skills and qualifications in case a formal recognition of the qualification is denied, and it provides for the consideration of non-formal qualifications (operating experience) in case requirements are not met sufficiently by the formal foreign qualification. It is a subsidiary law at the national level, thus giving priority to existing regulations for specific groups which remain in force. This refers to established recognition procedures for specific professions (such as regulated handicraft professions which continue to be processed by the local chamber of handicrafts), and in the case of ethnic Germans, the applicant may choose whether his/her claim will be assessed according to the BQFG or to the old BFVG regulations. It deals with both regulated

and non-regulated professions (mainly dual system alternance training) which are subject to national law (approximately 450 professions). It does not interfere with the recognition of school leaving certificates up to university degrees (general and academic education, ISCED 1-4 to 8-4), nor does it interfere with professional qualifications dealt with by Länder law. However, these Länder laws are currently in the process of revision in order to harmonize them with the new national law.

To what extent these amendments to Länder law will accomplish a certain standard procedure and practice across the Länder, is still to be seen. One can expect that – similar to the differences among the Länder school systems – a certain degree of differences will pertain. To support implementation of the new law, a Federal Competence Centre of German Chambers of Commerce, for the assessment and recognition of foreign professional qualifications (IHK-Fosa), has been installed at Nürnberg and started its operation of processing applications for non-regulated professions on 1 April 2012. Several information services have been set up which provide basic information and support in finding the appropriate recognition authority, some of them with a broad framework which covers not only counselling regarding recognition of qualifications, but services for the entire procedure of labour market inclusion. The IQ Network, for example, provides regional counselling offices in all German Länder that support migrants in obtaining an occupation.

This new law and its implementation have the potential for a major improvement in the recognition of qualifications acquired abroad. However, the new law only partially simplifies the complex responsibilities for these processes since, to a large extent, they are under Länder legislative power, and since the new law is subsidiary to existing regulations for specific regulated professions also at the national level.

## 2. Recognition practices in place

Given that the new legislation and its supporting structures have been in force since 1 April 2012, at the time of writing of this paper only four weeks ago, this chapter will describe the situation as it was in the years before, and then discuss the changes introduced by the new legislation.

Qualifications, competences, skills and types of learning in Germany are defined on the national and on the Länder level. Due to the competence of the single Länder for their education system, the ISCED 1-4 to 8-4 categories (ISCED, 2011, previously ISCED 1-6: general school system up to university degrees) are in the domain of Länder policy and legislation. Harmonization among the Länder education system is realized via the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (*Ständige Konferenz der Kultusminister der Länder in der Bundesrepublik Deutschland – KMK*). After the primary level (ISCED 1), in most Länder at the fourth year of primary school, a selection for three career types is made: The Hauptschule (leaving certificate “Qualifizierter Hauptschulabschluss”) preparing for later vocational training in the



dual system (ISCED 3-5) and a potential tertiary education in a Fachschule (ISCED 5-5); the Realschule (leaving certificate “Mittlere Reife”) preparing for tertiary education at a Berufsfachschule or Fachoberschule (ISCED 3-5) in the technics, business, design, law, IT, media, social services, medical/caregiving services, agriculture/forestry and language/culture sectors; the Gymnasium (ISCED 3-4, leaving certificate Abitur), preparing for admission to university studies. Depending on the Länder, at various stages changes to continuing education are possible, although challenging. The education system as a rule is in the Länder domain, and the recognition of foreign school and academic qualifications as well as study credits and degrees is implemented by the Center for foreign education at the Conference of Länder Ministries of Education (*Zentralstelle für ausländisches Bildungswesen bei der Kultusministerkonferenz, ZAB*).

## 2.1. Professional education and dual system training

However, a relevant sector of the education system, primarily related to dual system vocational training (ISCED 3-5) and professional education (ISCED 5-5 and 6-5), is regulated by the Federal Law on dual system alternance training (*Berufsbildungsgesetz, BBiG*). In the German dual vocational training system, practical vocational training is given at work, backed up by theoretical training and general education provided in vocational training schools, which are generally attended one or two days per week. During that time, the apprentice works under a training contract and receives a so-called training allowance. About 340 professions in the dual system alternance training are regulated by national law (*BBiG* and *Handwerksordnung, HwO*), providing for an examination (journeyman’s examination, or trade test). This sector of professional training for *non-regulated professions* under national legislation is parallel to and often interwoven with professional training und Länder legislation, in particular Länder school law. The new Federal Law on Recognition of Foreign Qualifications (BQFG) will be relevant for professional qualifications obtained comparable to those acquired in the German dual vocational training system. Recognitions of professional qualifications managed by the German Chambers of Commerce will be – with the exception of two regions – centrally managed by the new IHK-FOSA; those managed by the Chambers of Handicraft Professions will continue to be processed, decentralized, at the local Chambers in charge, however, the regulations of the new law (or the respectively amended Länder law) will apply for these recognition processes.

A passed journeyman’s examination is the precondition for running a handicraft business belonging to the A list of controlled handicraft professions; other handicraft professions, usually of supporting type, may be exercised without formal qualifications (B list). A passed journeyman’s examination and professional experience are the admission criteria for acquiring a master craftsman degree (*Meisterbrief*), involving attendance at a master craftsmen school (ISCED 5B-5) and the passing of an exam. A master craftsman degree is the prerequisite for teaching in the practical part of the dual system (vocational training on the job);



the master craftsmen training is organized by local Chambers of Handicrafts (*Handwerkskammer*). Access to the status of a master craftsman with regard to exercising the controlled profession and operating as a professional entrepreneur, is open to EU citizens with a comparable training and/or five years of professional activity in the specific craft in the country of origin, subject to an assessment of the authority in charge in the country of origin, which may issue a binding certificate. For foreign born from non-EU countries with a comparable qualification acquired abroad, a *de jure* recognition of their qualification is very difficult and often denied, so only by attending the full required training and passing the relevant exams in Germany can full professional rights be granted. The responsibility of local chambers and the very diverse spectrum of procedures made such recognition of foreign qualifications very difficult, and only ethnic Germans had a legal claim for a recognition procedure according to the Federal Law on Displaced Ethnic Germans (BFVG). A comparable right for a recognition procedure is enjoyed by EU citizens for controlled professions only.

## **2.2. Recognition of foreign school and academic certificates**

The recognition of foreign school-leaving certificates, study credits and university degrees shifted gradually over the last decade from the Center for Foreign Education at the Conference of Länder Ministries of Education, *ZAB* to a standardized procedure organized by the Kultusministerkonferenz in cooperation with Austria and European institutions. A national database of leaving certificates, exams and degrees had been set up in 1997 and is accessible online (*Informationssystem zur Anerkennung ausländischer Bildungsabschlüsse*, ANABIN): [www.anabin.de](http://www.anabin.de). The database also provides information about the authorities responsible for recognition in specific sectors and regions. Since 2012, there has been a publicly accessible version online; detailed information on foreign educational institutions, their courses and certificates is available for institutions that have to assess these for recognition (the database covers 180 countries, approximately 25,000 institutions, 22,000 university degrees and 25,000 evaluations on individual cases; professional qualifications – 5,800 entries – and secondary school leaving certificates – 1,500 entries – complement the academic sector). The database was intended as the standard repository for recognition decisions. As a consequence of standardizing this recognition procedure, the budget of the *ZAB* has been significantly reduced since the *KMK* anticipated a strongly reduced workload with the standardized recognition procedures and the availability of database information. However, this assumption did not materialize due to the extensive demand for the consultant function of the *ZAB* beyond the information stored in ANABIN. This held true for both the academic sector (complex individual cases not being solved by the standard procedure), and the recognition of professional qualifications (expertise regarding structure and quality of foreign training and school institutions). This demand led to an increasing backlog and holdups in consultancy requests being met by the *ZAB*, and to serious delays in many recognition procedures (Englmann, 2007:86).

The situation of residents with migration background in the German education system is problematic. Tendencies towards disadvantage in school assessment for children with migration background and in the selection processes for upper secondary education (ISCED 3-4) have been observed; adolescents with migration background are in particular disadvantaged during the transition from the educational system to vocational training (Konsortium Bildungsberichterstattung, 2006:178f). This can be taken as another indicator for lacking structural adaptation of the educational and the vocational training system to the situation of migrants.

### ***2.3. Recognition of foreign qualifications for regulated professions***

Regulated professions in Germany are professions which can be exercised only upon formal admission based on legal or administrative rules related to specific professional qualifications. Most of these professions require a university degree, but also include non-academic medical and care-giving professions, non-academic therapeutic professions, master craftsmen in crafts named by the A list, public servants and driving instructors.

As with the non-regulated professions and the professional sector of the education system, some occupations and/or trainings are subject to national law, while others are regulated by Länder legislation. Applicable national law is implemented by Länder authorities as well, but the applicable law and procedure may differ within the same profession. For example, the approbation of general practitioners is subject to national law, but the approbation of medical specialists is regulated at the Länder level and implemented by local medical associations. The resulting complex diversity of institutions responsible for the recognition of certain professional qualifications, the procedures and implementation practices are not particularly transparent and very difficult for the applicants for recognition of a foreign qualification to understand. Often, the qualification of the applicant seemed to be of less relevance than the local labour market situation (Englmann, 2007:48).

Out of the various groups – ethnic Germans (*Spätaussiedler*), refugees and stateless residents, EU citizens and third-country nationals – only the first and partially the second group meet traditionally established procedures. For refugees, the Otto-Benecke-Stiftung has offered counselling, education and training courses for access to university studies for several decades. The recognition of qualifications acquired in an EU member state by an EU citizen is regulated by the implementation of the EU directive 2005/36/EG, which replaced previous directives in this area from 1988 onwards. Access to recognition procedure for EU citizens suffers as well from the complex assortment of institutions in charge. The recognition process is more complex since professional experience can be considered, and partial recognitions can be made. In particular, partial recognitions of foreign qualifications seem to be issued by some authorities in a non-transparent manner, sometimes not fully complying with the legal prescription (Englmann, 2009:97). Determining the institution responsible for the recognition procedure is often difficult; occasionally, applicants

either received the information that there are no recognition procedures in place for their case, or the authority contacted flatly declared that it had no information about which institution should be responsible for dealing with the request for recognition (Englmann, 2007: 105).

Last but not least, the monitoring of recognition requests, procedures and results required by the EU directive has been implemented, but comparable statistics for applications and recognitions of other groups of foreigners are lacking. Due to the complex responsibilities and the wide range of institutions in charge that depend upon Länder practices and professions, an effective monitoring was difficult to realize and thus has only been partially achieved. Reliable figures are difficult to come by and do not completely cover the applications and procedures (Englmann, 2007:39). In particular, data on recognition procedure results broken down according to the Bundesländer and institutions implementing the procedures are not available (Englmann, 2010: 18).

The group of third-country nationals is particularly affected by this complex situation. Although in certain professions there existed legal claims for access to a recognition procedure, cases have been reported of applicants with third-country qualifications being rejected as ineligible for the procedure, or being informed that there exists no procedure for their case, both amounting to an inadmissible practice by the authority (Englmann, 2009:114). The EU directives RL 2003/109/EG, RL 2004/38/EG and RL 2005/36/EG have been implemented only partially into administrative practice with regard to claims of third-country nationals for recognition of their foreign qualifications (Englmann, 2010:9).

Outside of the EU/EEA area and Switzerland, usually no bilateral agreements referring to the recognition of qualifications exist, thus the individual case must be considered in each recognition process, and no automatic recognitions are feasible. In some professions, bilateral or multilateral negotiations for a joint standard exist, which can then serve as a basis for the recognition by the appropriate national professional organization.

In cases without legal claim to have the foreign qualification assessed, possible access to informal assessments and professional opinion statements had been denied by several institutions (Englmann, 2009:118). This can result in a situation whereby the place of residence of a third-country national may be decisive for the informal recognition of a foreign qualification in a non-regulated profession (Englmann, 2010:11). On the other hand, there have been good practices of such *de-facto* recognitions observed in some regions, for example authorities issuing professional opinion statements for third-country nationality kindergarten nurses, thus enabling them to secure employment in pre-school education institutions (Englmann, 2009: 121).

## 2.4. Methodological issues

The requirements for the recognition of a foreign qualification being fully or partially equivalent to the German qualification vary considerably between the professions, and the implementation by the different institutions in charge varies in practice as well. Consideration of professional experience, and the consideration of supplementary trainings or examination for a full recognition, varies substantially across the different groups of foreigners, and across diverse professions as well. The lack of sufficient monitoring hampers quality assurance approaches and harmonization of the practices. The lacking overview on legal, organizational and institutional provisions brings about a complex situation with serious information deficits not only on the side of the migrants, but also on the side of the authorities. The assessment of applications often requires the involvement of external consulting such as the assessment of education certificates and degrees by the ZAB, or the collection of further information from institutions of the countries of origin, usually via the embassies. Last but not least, the options for dealing with missing documents or incomplete information from documents produced by the applicant or collected by the authority differ very much across the various groups. For ethnic Germans and refugees, there have been legal provisions in place. For the other groups, the practice has been very much up to the discretion of the authority involved.

## 2.5. Information situation

Indeed, the lack of transparency and information about the allocation of recognition responsibility across professions and locations has led to several initiatives seeking to provide concise and easily accessible information about recognition possibilities and procedures. For the education system, the ZAB had collected extensive expertise, but lacked the resources to meet the demand for consultancy for the recognition of professional qualifications in an adequate period of time. The ANABIN database aimed at easing the access to such information, but is struggling to keep up with the updates of information entries, and cannot substitute experienced judgements of the ZAB experts in many cases, particularly in complex ones.

There does exist an Internet portal, in operation since 2008, that is aimed at providing more transparency around the complex recognition procedures in Germany: [www.berufliche-erkennung.de](http://www.berufliche-erkennung.de). Until 2011 it was funded by the BMAS and it provides a structured overview on the various procedures for the different professions as well as detailed descriptions of procedures, lists the responsible institutions and informs about related counselling services. Another relevant advisory service, online since 2011, is the portal [www.netzwerk-iq.de](http://www.netzwerk-iq.de) (IQ Netzwerk Integration durch Qualifizierung), which is funded by the BMAS, the BMBF and the Federal Office for Labour (BA, Bundesanstalt für Arbeit). This portal provides detailed information on recognition procedures and lists regional contact points for advice. The IQ-Netzwerk comprises five regional offices, coordinated by a central Koordinationsstelle (KP IQ), which links the network to the authorities and provides information to the public. It

cooperates with the national forum for integration, dialogue forum 3 (labour market and professional life). This dialogue forum published an inventory of measures for supporting employment and gainful activities as well as recognition and acquirement of qualifications, covering a broad scope of institutions active in this field (BMAS, 2011:50ff). Based on a special analysis of the Micro Census 2008, the IQ-Netzwerk reports that about 2.9 million migrants in Germany have foreign qualifications not recognized in Germany, and expects that about 285,000 migrants intend to file a recognition application ([http://www.ebb-bildung.de/downloads/sabine-schroeder\\_perspektive-berufsabschluss.pdf](http://www.ebb-bildung.de/downloads/sabine-schroeder_perspektive-berufsabschluss.pdf)).

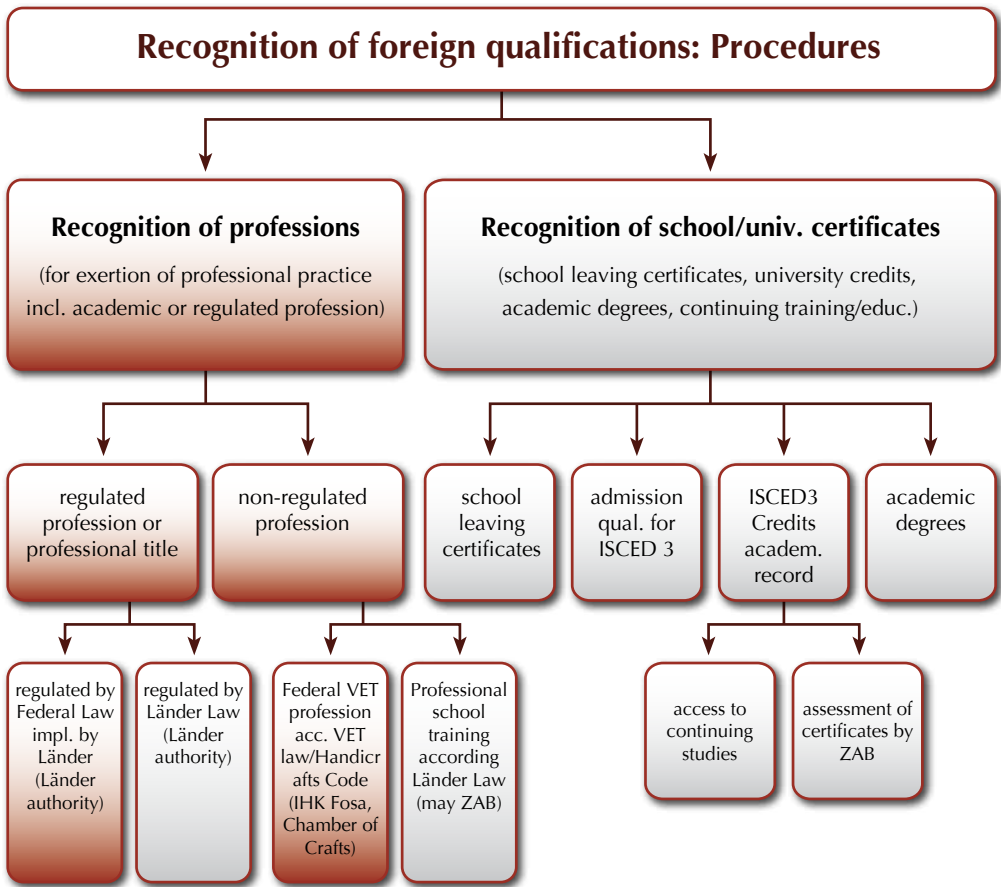
In the context of the new *Berufsqualifikationsfeststellungsgesetz* (Federal Law on Recognition of Foreign Qualifications, BQFG), which entered into force on 1 April 2012, an information portal of the Bundesinstitut für Berufsbildung (BIBB) is providing information of the recognition procedure for non-regulated professions subject to national law (<http://www.anerkennung-in-deutschland.de>). For non-regulated professions in general, a new Federal Competence Centre of German Chambers of Commerce for the assessment and recognition of foreign professional qualifications (IHK-Fosa) has been installed at Nürnberg, which also provides information on its website ([www.ihk-fosa.de](http://www.ihk-fosa.de)).

These various information resources on the web reflect the intense political discussion on the issue of the recognition of foreign qualifications from the second half of the last decade onwards. Several institutions and NGOs active in this policy field organized these initiatives.

## **2.6. The new *Berufsqualifikationsfeststellungsgesetz* (BQFG)**

The new law which came into force on 1 April 2012 covers regulated professions and non-regulated professions (mainly dual system alternance training), which are subject to national law (approximately 450 professions). It is implemented as an *omnibus bill* with a long list of modifications to existing laws regarding the acquisition and recognition of formal qualifications. It is subsidiary to existing specific regulations for single professions, and offers an alternative for ethnic Germans (often foreign-born in CIS countries and naturalized) to the BVFG law regulations, which remain in force as another option. It does not cover regulated and non-regulated professions that are subject to Länder legislation, nor the general education sector. The graph below gives an overview on the competence of the new legislation across the various fields of recognition of qualifications. The areas regulated by the new law are marked in blue. The new law did not introduce institutional changes, and left existing recognition responsibilities as they had been; in particular, the recognition procedures developed by certain professions such as medical doctors or regulated handicraft professions have been left as they were. As a federal law, it introduced the new regulations only for professions that are subject to federal legislation. The only major change of institutional responsibilities in the context of the new law is the self-organization of the Chambers of Commerce in Germany creating a central recognition institution on their behalf for the professions in their domain (IHK-FOSA).

Figure 2.1: Recognition of foreign qualifications: procedures

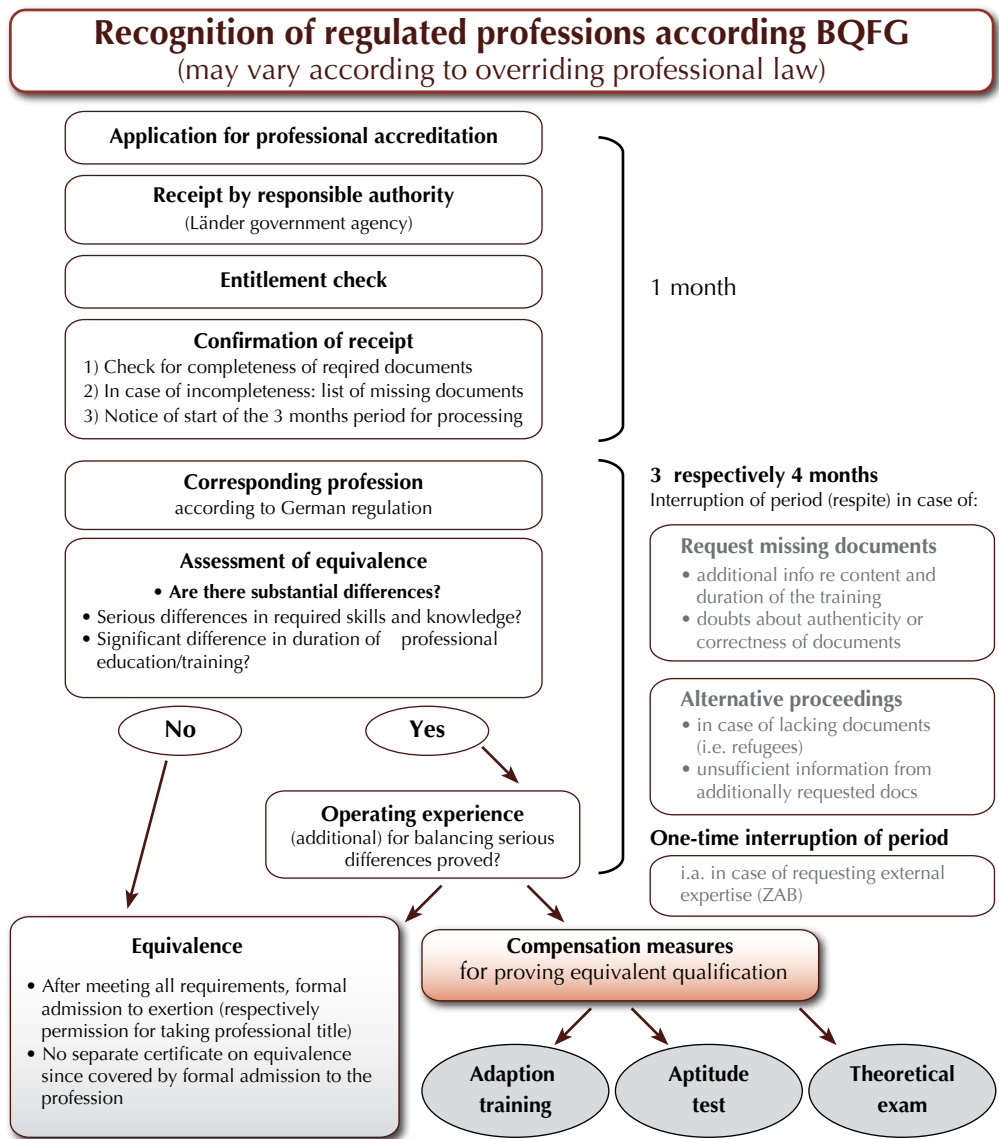


Source: BMBF 2012:6.

The federal law is implemented by the local institutions organized at the Länder level. Regulated and non-regulated professions under Länder law are not covered by the new law, however they are usually implemented by the same institutions. Amendments of the respective Länder legislation are currently in progress to harmonize the Länder regulations with the federal law.

The new BQFG law provides for a unified procedure differentiating across regulated and non-regulated professions. Apart from overriding specific regulations for particular professions that remain in force, and apart from the option for ethnic Germans to alternatively choose a procedure according to the BVFG, the new law provides for a standardized procedure, not differentiating among the various groups of foreign applicants, both EU nationals and third-country nationals. Access to the recognition procedure is available from abroad if the intention to exercise the profession in Germany shows credibility (for example by an ongoing visa application for employment).

Figure 2.2: Recognition of regulated professions according to BQFG



Source: BMBF 2012:31.

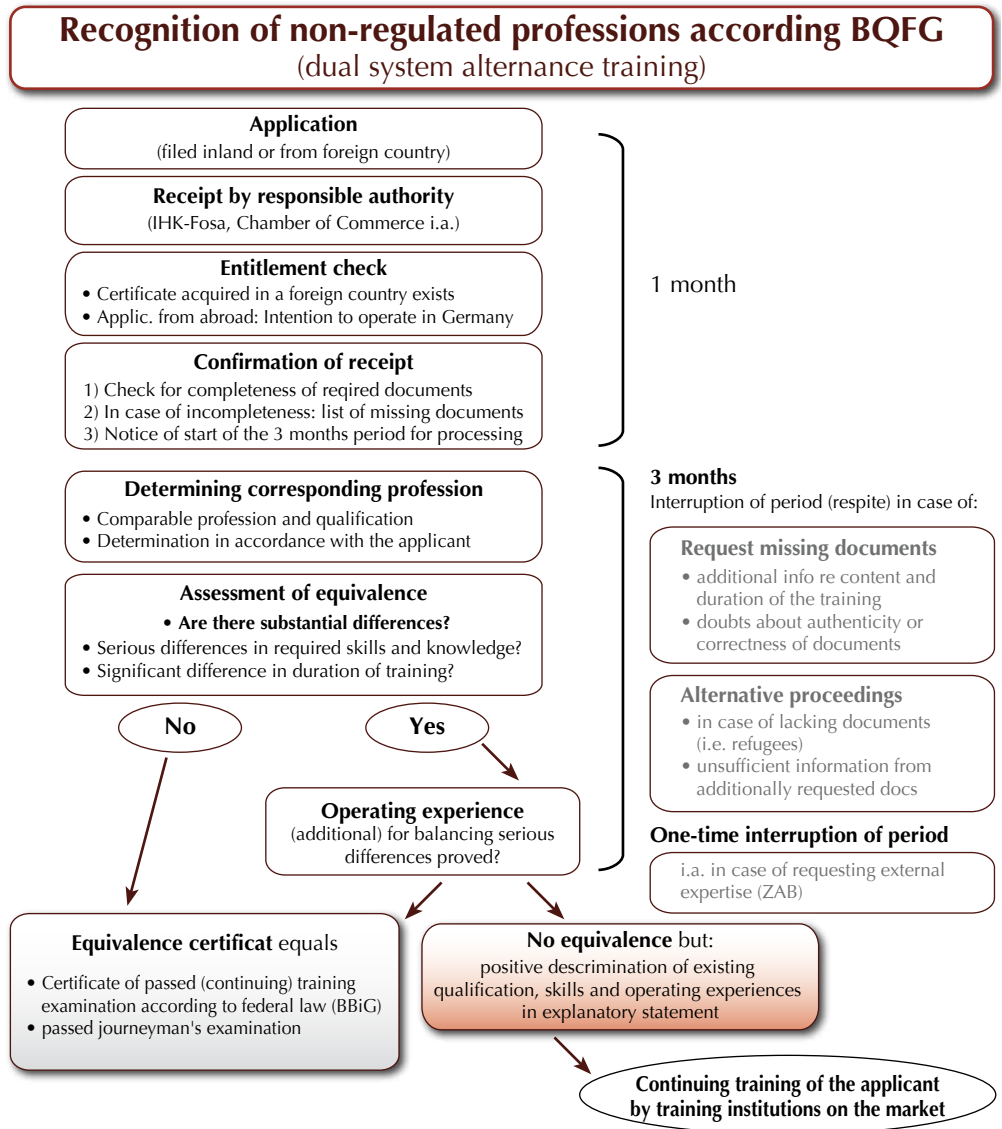
The legal claim for access to recognition procedure does not differ according to the legal status of the applicant. The law defines time limits (3 to 4 months) for the procedure which may be exceeded only in the case of specific reasons listed in the law<sup>11</sup>. It defines the general policy on assessing the equivalence of a foreign qualification to

<sup>11</sup> Missing documents or doubts about their authenticity, or the need to acquire more precise information on the specification of a foreign qualification; one extension only in the case of an external expertise request (that is, by ZAB).



the related German one: only in the case of serious differences can the recognition be denied. Minor differences in the acquisition of the foreign qualification do not justify a rejection. In cases of serious differences, non-formal and informal qualifications from work experience have to be considered, and compensation measures can enable an accreditation based on the existing foreign qualification and a supplementary measure such as adaption training, aptitude or theoretical tests. The recognition is granted via the standard procedure for the regulated profession, thus a regular German qualification certificate is issued, as opposed to a recognition certificate for a foreign qualification.

Figure 2.3: Recognition of non-regulated professions according to BQFG



Source: BMBF 2012:28.



Documents produced by the applicant to prove the qualification acquired abroad may be copies of the originals. The implementing authority may require officially certified copies, and may require certified translations into German language if necessary. It may incorporate external expertise or collect additional information on its own if it is necessary (for example an assessment by a German embassy in the country of origin, a statement by the issuing foreign institution or an assessment of educational certificates by the ZAB). In such cases, the time limit of three months (or, in cases of recognitions according to the EU directive, four months) may be interrupted once.

If the applicant cannot provide sufficient documents (not due to his/her fault, for example in case of refugees), the professional qualification for a regulated profession can be determined by alternative measures such as aptitude tests, expert interviews or practical and/or theoretical tests. The law features an annex with a list of regulated professions specifying which kind of alternative measures apply for this profession: it can be a practical aptitude test, an oral or written exam which checks the professional knowledge, or a compensation course which qualifies the applicant. The methods for such assessments of informal and non-formal skills are not defined in the law, but are chosen according to the experience of the institution in charge for a specific profession. However, the decision process and methods applied have to be documented. For certain regulated professions, a partial recognition (limited to specific professional activities) is also a possible outcome of the recognition procedure.

Command of the German language is mandatory only for certain controlled professions which require active German language skills as part of the profession (such as teachers, medical doctors, medical care providers). For non-regulated professions and handicraft professions, language skills are not formally required, but may be assessed if the recognizing authority considers it as necessary for the professional practice. Such assessment is detached from the recognition procedure and will not necessarily imply excessive requirements.

Further measures are bridging courses, which do not primarily target the recognition of the qualification, but support the integration into the labour market at the appropriate qualification level, such as cultural skills specific to a profession, introduction into professional associations in Germany, the labour law and laws relevant for the profession (such as construction regulations), and units promoting skills for job applications and self-presentations. Both language assessment and bridging measures are not subject to the new law, but may be external measures accompanying the recognition.

In the case of a previous negative decision according the BQFG, a follow-up application can be filed only in light of new facts relating to the case, within a period of three months from their occurrence.

A new feature of the law is the standardized recognition procedure for non-regulated professions. In cases of regulated professions, a formal recognition is a prerequisite for exercising the professional activity in Germany, and is thus indispensable. In cases of non-regulated professions, such recognition is an option which is not formally

necessary for exercising the profession. However, a formal recognition is usually very relevant for finding an occupation and for the status of the employee, in particular in relation to salaries and career opportunities.

Since recognition of non-regulated professional qualifications is not mandatory for exercising the activity, the law does not provide for supplementary measures, only for the consideration of existing work experience abroad. However, in the case of rejection of the recognition of the foreign qualification, the law demands a positive explanatory statement to the decision, detailing existing qualifications, skills and operation experiences, thus supporting the consideration of qualifications on the labour market even if formal *de jure* recognition could not be granted. In the case of a negative decision, the applicant may acquire a related formal qualification via the services of professional training institutions on the market on his/her own initiative.

Recognition of foreign qualifications issued according to the BQFG is binding nationwide. Recognition by a Länder regulation in accordance with the BQFG (implementation of the model law proposal Länder-BQFG by Länder legislation) is binding in the issuing Land only. This refers to those regulated professions which are subject to Länder law. However, the model law for Länder implementation proposes a general acceptance of recognitions issued by one Land in other Länder; if not foreseen by the respective law on the Länder level, the foreigner may file an application for the decision to be recognized by another Land (BMBF, 2012:14). The procedure depends on Länder regulations, and there is no time limit given. The new law does not provide for an involvement of potential employers in the procedure; the application for recognition can be filed by the holder of the foreign qualification only. However, a potential employer may support the application in terms of the fees or by financing supplementary measures relevant for the recognition.

The fees for the procedure vary according to the regulations of the implementing authority at the Länder level. The Länder are currently elaborating an agreement on a processing fee framework, providing for lower and upper limits. The actual costs of the procedure should be determined within this framework according to the expenditures in the individual case (BMBF, 2012:15). The current average costs depend on the profession and range between a minor administrative fee of EUR 100–200 up to more than EUR 1,000 in cases of complex recognition procedures.

An appraisal of the effects of the new law cannot be made yet, but the law implements a series of recommendations made in the discussion process since the immigration law of 2005. Although it cannot reduce the complexity of the procedures being subject to Länder regulation or profession-specific procedures, one can expect that it will lead to a relevant improvement of the implementation practice by the responsible authorities and – if not implemented by Länder law – to a *de facto* harmonization of the diverse practices and the improvement of the knowledge and information situation, since most German institutions responsible for professional recognitions will be involved in the standardized procedures in line with the BQFG. The new law is likely to set standards, and since it provides for monitoring and quality control

measures as well, it holds the potential for a general improvement of administrative practices in dealing with qualifications acquired abroad.

A further activity in the field of recognition of foreign qualifications is the pilot project DECVET funded by the BMFB, which is implementing a test phase of the European Credit System for Vocational Education and Training until the end of 2013. In Germany, the implementation of the ECVET system is not only targeting the mobility in Europe, but is also intended as a tool to make the various types of vocational trainings within Germany comparable since they may differ considerably across the Länder.

### **3. Statistics/Available data on recognition procedures and outcomes**

Given the complex structure of the implementation of recognition of foreign qualifications in Germany, there is a serious lack of concise data on the federal level. National statistics frequently provide data on employment and overqualification for the current job market, but only differentiate according to citizenship at best. Data on applications for recognition and their outcomes are only available by some studies which collected primary data, and related data collection and reporting is introduced by the new law, but no related provisions were set up under the previous legal framework.

The only exceptions to this poor data availability are recognitions in the field of general and university education, and recognitions of regulated professions of EU citizens in Germany, since the EU directive requires monitoring. Detailed data on recognition procedures can be found on the DG Internal Market and Services website ([http://ec.europa.eu/internal\\_market/qualifications/regprof/index.cfm](http://ec.europa.eu/internal_market/qualifications/regprof/index.cfm)). With regard to third-country nationals, available data on recognition procedures in Germany are very scarce and not systematically collected. This situation, however, is likely to improve soon with the implementation of the new BQFG, since the law provides for data collection and monitoring also for third-country nationals.

Statistics on third-country nationals in recognition procedures exist from several small projects that conducted small primary data collections (interviews and internal working statistics of institutions, if available). Some indirect estimations about the situation can be made from general statistics of various sources. These statistics provide information on one or two dimensions of the procedures only, and are mostly outdated; comparable data at more recent dates are not available. This dire situation regarding data is primarily due to the heterogeneity and local assignment of the institutions implementing recognition procedures, and the lack of any coordinated approach before the new legislation. In addition, recognition procedures are usually only a marginal issue amidst the other activities of the institutions involved. Thus the statistics presented below can provide only estimates at certain times with limited sample sizes, often not differentiating between the various groups, and can be interpreted as non-reliable indicators, only approximating the general situation in the field.

### 3.1. Number of applications

Some early figures on application procedures are provided in a publication which initiated a major political discussion on the issue (Englmann, 2007). Based on questionnaires and interviews with 388 institutions conducting recognitions (out of 435 contacted), it indicated that most institutions processed only a few cases in 2006, and that the vast majority of the 37,164 procedures carried out in 2006 were assessing school-leaving certificates.

**Table 2.1: Applications per profession (no separate figures for third-country nationals available)**

Responsible institution, profession-specific	No. of applications	No. of recognizing institutions
School certificate	25,681	8
Chambers of Commerce (dual system training, business & services)	2,294	32
School teachers	2,210	11
Academic health professions	1,912	13
Academic qualifications	1,127	5
Health professionals	1,066	23
Handicraft chambers (dual system training, handicrafts)	934	32
Navigation/shipping	809	1
Social service professional	301	6
Architect	258	3
Farming, forestry	168	8
Law	135	14
Engineer	131	4
Continuing studies for acad. health professions	85	2
Medical professionals (non-academic)	40	9
Auditors/tax accountants	6	3
Interpreters/translators	4	1
Pharmaceutical/technical professionals	2	1
Topographical survey	1	1
<b>Totals</b>	<b>37,164</b>	<b>177</b>

Source: Englmann 2007:127.

Table 2.1 lists 177 of 388 institutions which reported recognition procedures in the year 2006–2007. The listed professions are predominantly regulated professions, thus the numbers refer to 33 per cent of EU citizens (ibid: 133). Other regions of origin are successor states of the former USSR (43%), which belong to an unknown degree to the group of *Spätaussiedler* entitled to procedures according to the BVFG; 16 per cent were non-European third countries and 8 per cent European third countries

(partially counting Romanian and Bulgarian citizens). Sixty-six institutions reported the following outcomes of the procedures: 64 per cent recognitions, 32 per cent rejections and 6 per cent no decision due to formal reasons (ibid:134f). The duration of the recognition procedures ranged from up to two weeks (approximately 25%) to more than three months (approximately 18%). Of the institutions, 37 per cent considered the applicants' levels of information about the procedure as insufficient.

The main initiators for the application had been advisory services (approximately 28%), labour departments (approximately 26%) and own initiative (approximately 16%). Thirteen per cent of the institutions interviewed for the study considered the situation at the local labour market as being relevant in their decision-making. These statistics are not differentiated according to the migrant groups (EU citizen, ethnic German, Refugee, third-country national), but only about 30 per cent of institutions implemented procedures for third-country nationals at all (ibid:156). A relevant issue has been the option of partial recognitions of regulated professions (39%) as an outcome of the procedures.

The institutions utilized the ANABIN data base (circa 41%), expert opinions by the ZAB (circa 30%), other expert opinions (10%), information provided by their umbrella organizations (circa 8%) and information requests to foreign institutions (circa 7%) as relevant sources of information for the procedure. Typical problems included incompleteness of the documents produced by the applicant (circa 40%), language problems (20%), problems of assessing leaving certificates (15%) and lack of legal options for recognition (12%).

Another study (Englmann, 2009) is based on findings in the context of advisory proceedings by the IQ network. Out of 151 cases dealt with, circa 22 per cent received a positive outcome, circa 18 per cent a negative one, circa 21 per cent received a rejection from the institution in charge as being ineligible or not competent for the case, and 40 per cent withdrew their application upon recommendation by the advising institution. The regions of origin of the clients are: 34 per cent from European third countries, 21 per cent from Asian countries, 19 per cent from new EU Member States, and 6 per cent from old EU Member States. The study annotates that in most EU Member States, the recognition rates for applications by EU citizens are significantly higher than in Germany, insinuating a particularly restrictive approach in Germany (ibid:95).

Data from the Federal Office for Statistics for 2008 (compiled by Englmann, 2010:17) provide information about the outcomes of procedures.

The data in Table 2.2 are based on the micro census 2008, which for the first time allowed for a differentiation along migration background. The particular implementation in Germany, however, suffered from some methodological problems of the related items since the German implementation skipped differentiations on the institution involved, and insinuated a homogenous recognition practice across the professions and types of qualifications (formal/informal). As discussed before, the recognition procedure in Germany is far from being homogenous, thus the

wording of the items used in the survey likely contributed to misunderstandings or missing answers ('no response').

**Table 2.2: Immigrants by migration status and application for recognition of a foreign qualification between the age of 25 and 65, absolute (thousands) and relative (%) based on Micro Census 2008 survey data**

	Highest leaving certificate acquired abroad		Recognition of equivalence of qualifications acquired in a foreign country									
			decided positively		negative or pending decision		not necessary		not determined due to other reasons		no response (missing)	
Migrants (EU + TCNs)	1,706	100%	182	10.7%	73	4.3%	722	42.3%	455	26.7%	274	16.1%
Naturalized	510	100%	94	18.4%	20	3.9%	176	34.5%	127	24.9%	93	18.2%
Ethnic German	791	100%	159	20.1%	47	5.9%	308	38.9%	210	26.5%	67	8.5%
<b>Total</b>	<b>3,007</b>	<b>100%</b>	<b>435</b>	<b>14.5%</b>	<b>140</b>	<b>4.7%</b>	<b>1,206</b>	<b>40.1%</b>	<b>792</b>	<b>26.3%</b>	<b>434</b>	<b>14.4%</b>

Source: Englmann 2010:17.

Other analyses of data of unemployed foreign citizens and nationals with migration background stress the fact that until recently, the Federal Employment Agency's database of qualifications (VerBIS) used for describing the qualifications of job-seeking applicants did not provide for qualifications acquired abroad, thus considering migrants who have acquired extensive qualification abroad as fitting for blue-collar work (Brussig, 2009:6f). Analysis by this study shows that a considerable share of unemployed migrants (up to more than 40 per cent for migrants from South and South-Eastern European countries) hold a foreign qualification not recognized in Germany, a situation which hampers a successful transition into the first labour market (ibid:7).

The problem of migrants being employed in jobs that do not make use of their qualifications acquired abroad (overqualification) is discussed in some other studies, which, however, do not differentiate between nationals and migrants in the data provided. The Bildungsbericht 2008, which considered for the first time the dimension of migration in its data, provides figures about the extent of overqualification for current jobs among the population in general (Autorengruppe Bildungsberichterstattung, 2006:185), but lacked to differentiate the data according to migration background. Employed persons with tertiary education suffered, in 20 per cent of the cases, from being allocated to a job which does not correspond to their qualification (most of them with minor deviations to their qualification level). Employed persons with a completed VET professional training suffered less from overqualification, but are allocated over-proportionally to jobs that are a long way below their qualification level. Specific figures on overqualification, also provided by Eurostat, offer evidence that non-EU27-born residents in Germany are notably



occupied in jobs that do not reflect their higher qualification (Eurostat, 2011:55). A survey conducted in 2007 among migrants in Germany rendered a majority of migrants (65.3%) stating that they are not employed in a job which makes use of their qualification achieved abroad (n=152, Englmann, 2007, 199). A 2010 working paper by the research department of the German EMN contact point at the BAMF confirms the trend described by these studies without quoting any other sources. Further data on the link between non-recognition of professional qualifications and overqualification on the job in Germany could not be found.<sup>12</sup>

## 4. Conclusions and recommendations

In Germany, the recognition of qualifications acquired in a foreign country is highly differentiated. Traditionally, established procedures with certain privileges – such as for ethnic Germans and recognized refugees – stood in sharp contrast to the small subset of other migrants with a right to have their qualifications assessed (EU citizens aiming at a regulated profession). Third-country nationals – apart from some exceptions – have been completely left out of these procedures; only in cases of commitment of the local authority in charge and the preparedness to recognize skills and qualifications on an informal basis, a certain assessment and certification of skills and qualifications could be obtained. Thus, third-country nationals who are not recognized refugees had few possibilities to have their professional qualifications recognized in Germany; only in the education system a recognition procedure for school and academic certificates acquired abroad has been in place. In addition, the federal system in Germany, with local institutions being in charge to implement recognition procedures, contributed to a very complex setting, further complicated by varying responsibility across the different professions. This complex situation, of course, contributed to information deficits both on the side of applicants as well as on the side of the responsible authority. This situation also contributes to the lack of monitoring and availability of related statistics.

One can reasonably expect that the new law on the recognition of qualifications will improve this situation, in particular with regard to monitoring and data available. However, there is a certain risk that the implementation of the law – since its realization must be decentralized and the corresponding Länder laws are still pending – will only partially reduce the obvious information deficits. A potential problem could also stem from the harmonization of the recognition procedure; in particular, institutions which had been liberal and supportive (that is, by issuing expert statements about the qualification if a *de jure* recognition is not possible) may turn to a more restrictive practice within this harmonization process. Thus, the

<sup>12</sup> Detailed or comparable data on the recognition procedures and their outcomes could not be collected within the framework of this study. Given the diversity of institutions involved and the hitherto mostly marginal role of recognition activities among their principal duties, one can expect that to a large share such data has not been collected if not prescribed by law (such as controlled professions for EU citizens). One can expect a data situation from reliable working statistics of an institution (best case) to no monitoring at all, and that existing statistics are not comparable.

transition from the pre-existing to the new system should be carefully monitored, and information about the status quo ante – in particular descriptive data – should be collected.

Last but not least, there are some relevant issues that should be tackled by further legislative activities, in particular with regard to support for unemployed migrants. One option is for the labour office to fund the costs of attending course units necessary for a full recognition.

However, the recently adopted legislation holds the potential for a relevant improvement of the practices in place. This innovation process on the side of the authorities and various institutions should be carefully monitored, in particular to identify negative transition effects of the new law in cases where institutions previously issued informal assessments of professional qualification without legal obligation.

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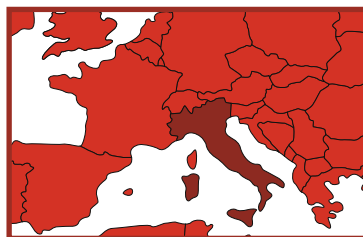
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# ITALY

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## 1. Introduction

On the turn of the new millennium, the annual survey<sup>14</sup> on the labour needs of Italian companies included, for the first time, a question aimed at investigating their tendencies to hire non-EU workers<sup>15</sup>. The results were quite surprising, since they reported particularly high-incidence rates as regards employing foreign labour not only on a national scale, but also in regions suffering chronically from local unemployment. A strong demand for immigrant workers was noted, corresponding with a variety of job offers for technicians and plant and machine operators, which confirms the new role of immigration in the Italian economy, and particularly in the eyes of the entrepreneurs. In a few years, Italy has passed from a situation of a virtually invisible immigrant workforce, to a sort of celebration of the potential for domestic and immigrant labour forces to complement each other.

Labour market ‘ethnization’, one of the key elements of its segmentation, represents the other side of the compatibility between national and foreign labour forces. The distribution of employed workers by occupation (Table 3.1) clearly demonstrates migrants’ segregation in the lowest levels of the job hierarchy in all the years for which data are available (2005–2010).

The distribution of employed foreigners outlines an overall picture that is characterized by substantial immobility. Certainly, at an individual level, there are several examples of upward mobility, which takes place as migrant seniority grows. However, in general, amongst both firms and families there is a growing familiarity with immigrant workers

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<sup>14</sup> Survey on employment expectations of Italian firms, carried out by Unioncamere and supported by Ministry of Labour (<http://excelsior.unioncamere.net/>).

<sup>15</sup> The results of this survey were published in a volume promoted by Unioncamere in cooperation with ISMU Foundation: Zanfrini, 2000.

in specific fields where certain types of personnel are required (the most telling example being that of cleaners), and a focus on the recruitment of foreign labour into segments which are already widely characterized by its prevalence.

**Table 3.1: Employment by nationality and occupation (%), 2005–2010**

	2005		2006		2007		2008		2009		2010	
	National	Non National	National	Non National	National	Non National	National	Non National	National	Non National	National	Non National
Skilled workers	35.5	9.2	37.8	9.3	38.8	9.9	38.4	8.3	37.5	7.2	36.8	7.1
Clerical service and sales workers	27.7	16.8	26.8	18.2	26.7	18.6	27.5	18.3	28.4	17.1	29.3	16.4
Manual workers	27.5	41.1	26.5	43.0	26.0	43.0	25.7	41.4	25.6	39.7	25.1	38.7
Elementary occupations	8.2	32.9	7.8	29.5	7.4	28.5	7.2	32.0	7.3	35.9	7.6	37.7
Armed forces	1.2	0.1	1.2	0.0	1.2	0.0	1.1	0.0	1.2	0.0	1.3	0.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Source: Istat, Indagine continua sulle forze di lavoro, 2005–2010.*

In this situation, the deskilling of well-educated migrants has promptly emerged as a distinctive trait of the Italian experience. In the first phases of their insertion in the labour market, the desire to meet employers' expectations – when accepting low-profile jobs – encouraged educated migrants to avoid declaring their educational degrees (in fact, the data documented a higher level of employability for non-educated migrants). Although in the years that followed qualified migrants have improved their performance compared with their non-educated counterparts, a majority continues to be involved in professions below their qualification level (see Section 3 of the present report): deskilling is so widespread that it is taken into account even before migrating to Italy. With regards to informal learning, various investigations registered that for many migrants, coming to Italy has signified a step down in status from the work they did before emigration. Moreover, de-qualification can imply three different dimensions: the fact of being employed in a job completely unrelated to the technical skills and competences possessed; the fact of being overqualified with respect to the type of tasks and responsibilities to which one is assigned; the fact of receiving a salary not in line with the tasks actually accomplished (see, for example, Rarco, 2006).

According to the 'Immigrant Citizens Survey' (May 2012), overqualification is decidedly more significant in the two Italian towns than in all the other European cities involved in the research. The proportion of employed immigrants who believe that their main job does not require the level of skills or training that they possess

stands at 52 per cent in Milan and 66 per cent in Naples (at the opposite end we find Stuttgart – 13%, Liege – 15%, and Berlin – 18%). Furthermore, the percentage of third-country nationals that have applied for recognition of qualifications is, in Italy, dramatically lower than that recorded in the other countries: only 7 per cent<sup>16</sup>, compared with 24 per cent in France, 24.5 per cent in Spain, 28.4 per cent in Portugal, 34.2 per cent in Belgium, 38.6 per cent in Hungary, and 42.7 per cent in Germany. As highlighted by the authors, more research is needed to explain why so few immigrants apply for recognition, overall and – we add – particularly in Italy. In addition, third-country nationals living in Italy are also confronted with minimal chances of success when they do decide to apply for recognition: the incidence of fully accepted recognition requests is 55.6 per cent, while the European average is 64.6 per cent. Against this background, as we will see, not only does recognition increase the migrants' prospects for securing better jobs, but it also has a symbolic value, sketching a new image of immigration: not only as a source of adaptable and cheap labour, but also as human capital to be valorized for economic growth.

## 2. Identification of recognition: practices in place

The Italian legal system is extremely complex and the recognition of foreign qualifications (not only for non-EU citizens, but also for Italian or EU citizens who have obtained their qualifications in a country not belonging to the European Union) is regulated with great caution. There exist different procedures and conditions according to the different authorities that are involved. It depends on:

- a. the level of qualification to be recognized (secondary school, university degree or PhD);
- b. the content of the course or the qualification: there may be scientific content (for example, medicine, biology and so on) typical of the exact sciences recognized around the world, or content tied to the specific historic, literary or juridical reality in Italy, and furthermore there are qualifications which in Italy are obtained not only by passing exams but also by carrying out a professional apprenticeship in an Italian organization;
- c. the reason for requesting recognition (enrolment in a school or university course, admission to an Italian university or obtaining equivalence of a foreign degree with an Italian degree, enrolment in a professional register necessary for working on a freelance basis, access to a job in the private sector or access to a job in the public administration);

<sup>16</sup> The percentage of applicants is particularly low among migrants from Sub Saharan Africa (only 1.1%) and from Eastern Europe (4.6%). North Africans and Asians and Latin Americans record a percentage of 8.2 per cent, 8 per cent and 7.2 per cent respectively. Asian migrants have more probability of success (the request was fully accepted in 73.7% of cases), followed by Eastern Europeans (57.4%, but many of them are still waiting for a response), Sub Saharan Africans (50%), Latin Americans (48.9%) and North Africans (19.5%). Finally, a lot of North Africans and Latin Americans obtained only a partial recognition (41.5% and 32.9% respectively).

- d. the country of origin of the foreigner, where the qualification was obtained abroad (because with some countries there exist international bilateral or multilateral agreements, which facilitate the recognition of qualifications).

With regard to the *recognition of professional qualifications obtained abroad*, the protocol differs when dealing with professions that are regulated in Italy. The bodies in charge of the management of recognition procedures for professional qualifications obtained abroad, including those obtained by holders of international protection, are the Foreign Office, other Ministries according to the sector, and the Service Institution (Conferenza dei Servizi).

The Foreign Office receives the documentation from the candidate and sends it to the appropriate Italian diplomatic representation (where the qualification was issued), which then issues a declaration of value *in loco*. The Ministries authorized in the recognition procedure evaluate the documentation and either take a decision by equivalence or send it to the Service Institution. The Service Institution then assesses the qualifications and establishes the equivalence or defines the need to take other exams or courses in order to achieve equality. For example, a social worker with a degree from Ukraine will be asked to take an exam in Italian law and to perform six months of professional activity in order to have the Italian degree in Social Work and also to be permitted to take the state exam for social workers, which is a fundamental requisite for functioning as a social worker in Italy.

## **2.1. Recognition: regulations and methodologies**

Different institutions are involved in the process of recognition for each type and level of recognition:

- a. the Foreign Office (through Italian consulates) for a declaration of the value of each kind of title in every country;
- b. other Ministries in accordance with their competences and for recognition if necessary for a profession regulated by law under a professional Order or under the observation of a Ministry;
- c. universities, for the recognition of qualifications necessary for access to Italian universities, and to establish comparisons in methodologies and study systems in specific courses and qualifications, according to the autonomous status of each university;
- d. the Ministry of University, Education and Research for the recognition of equivalence of PhDs obtained abroad;
- e. state school offices in each province for the recognition of assessments made by secondary schools;
- f. each region, by delegation of Ministries, for the procedures of recognition of qualifications necessary for specific jobs (for instance, nurses; see Chapter 2.3 of the present report).

As concerns the recognition of study periods carried out abroad and foreign academic qualifications, with a view to gaining access to higher education, a continuation of university studies and the attainment of university qualifications, authority lies with the universities and related institutions; they are self-regulating and act according to the respective norms laid down in specific bilateral agreements.

For qualification recognition that enables people to work in a professional capacity, Article 49 of the regulation of the enforcement of Immigration Law specifies that foreign citizens living permanently in Italy who intend to enrol in the professional orders, registers and “special lists” set up in the relevant administrations, may request recognition of their qualifications by the chosen professional organization, following the same procedure that is now expected for community citizens (enforcement of the directive 2005/36/EC regarding the recognition of professional qualifications).

The recognition procedure requires that the application be made to the appropriate Ministry along with the necessary documentation, which must be suitably translated and authenticated in accordance with the original by the diplomatic or consular authority of the country in which the documents were issued. The appropriate Ministry calls a service conference at which representatives of all interested Ministries are present, and during this a representative of the order or professional category of the interested party is heard. The appropriate Ministry must decide on the question by decree within four months of the date of the presentation of the application, and the decision is then published in the Official Gazette of the Italian Republic. The decree can establish that the recognition is subordinate to the application of other so-called “compensation steps”, consisting of an apprenticeship or period of practice of a maximum of three years, or else request the passing of an exam organized and carried out by the institution or bodies that oversee the professional lists, orders and registers.

Article 49 of the regulation of the enforcement of the Immigration Law requests that the applicant hold the qualification “to be able to practise in Italy as an independent or dependent worker, in the relevant profession”. Such a procedure is also administered for the recognition of those qualifications that permit the practice of occupations for which specific European Union directives apply. This clarification is important because for some professions (lawyers, architects, pharmacists, dental surgeons, and so on) the European Union has set out specific rules that are only applicable for EU citizens.

There are special rules for those who work in the Health Service. The Ministry of Health is responsible for this sector: in the Ministry there are “special lists” for those professions without orders or professional registers. The “special list” shows the personal information of those registered, citizenship, date of enrolment and the qualifications that permitted the enrolment. The application has to be sent to the Ministry along with the requested documentation. The decision on the enrolment must be taken within three months. If the period of time is exceeded unnecessarily or if the decision for enrolment is negative, the interested person can appeal to the Central Commission for health sector workers.

Registration, both in the professional bodies and in the special lists, is subordinate to the assessment of Italian language proficiency and the special requirements that regulate professional activity in Italy. The individual bodies or boards, or the Health Service (for those medical professions that have no official bodies or boards), are responsible for such checks before the enrolment, the regulations having been established by the Ministry of Health itself. Similarly, any public or private health organization or institution must inform the Ministry of the name of the foreigner that has been hired or engaged, and their professional qualifications, within three days of the date of hiring or engagement.

As regards the recognition of qualifications, it is established that the Ministry of Health is responsible for making its decisions as described previously, according to the particular details and figures relating to those already in health-care professions. The Regulation also anticipates that the declaration of equivalence of qualifications, and admission to university exams and other qualifications, with total or partial exemption of achievement exams, is decided according to the “quota system” for each profession. To this end, the Ministry of Health must express its opinion and if this happens to be negative the individual is not permitted to enrol in the professional orders or “special lists”, either in Italy or in those of the European Union. In this case, too, the coordination as set out in Article 42 of the regulation is not clear, as there is no reference for the need for “previous verification regarding the quotas”. Similarly, nor is it clear why it is essential to “check the respect for the quotas for each profession” to request the declaration of equivalence of academic qualifications or the admission to the respective degree exams with total or partial exemption of the achievement exams. Again, it is unclear what the “opinion” of the Ministry of Health consists of and which discretionary margins are implied.

All citizens, non-EU or otherwise, who wish obtain authorization to work professionally in Italy and hold foreign qualifications obtained in a non-EU country, have to apply for the recognition of their qualifications. In this case, the Ministry of Health takes into consideration the integration of training and professional activity acquired in another EU Member State. Under the provisions in the Ministry of Health decree of 18 June 2002, the regions of Emilia-Romagna, Lazio, Lombardy, Umbria, Valle d'Aosta, Veneto and the autonomous provinces of Trento and Bolzano have been authorized to conduct training courses for the recognition of applicants' qualifications obtained in non-EU countries in the health sector, provisionally for the recognition of the qualifications of nurses and health technicians in radiology who intend to work in one of the above-mentioned regions or provinces. Once the inquiry has been carried out, the relative documentation along with a “summary” containing a reasoned proposal for the acceptance or rejection of the request for recognition is sent to the Ministry. The latter then makes its assessment and where necessary calls a Conference Service as mentioned earlier.

Foreign non-EU professionals wishing to work in Italy who have obtained their qualifications in a country not belonging to the European Union must request



recognition of their professional qualification. EU and non-EU citizens may request this. There are a few more formalities in terms of the documentation to be presented in the case of non-EU applicants.

Special centres have been set up to facilitate the dissemination of information regarding the recognition of qualifications: the Information Centre on Mobility and Academic Equivalence ([www.cimea.it](http://www.cimea.it); see Chapter 2.4 of the present report) and the National Centre for Information on the recognition of Qualifications. The setting up of such centres reflects the commitment undertaken by Italy with the ratification of the Treaty of Lisbon on the recognition of higher academic qualifications within Europe.

## ***2.2. A relevant example: the case of nurses***

A peculiar feature of the Italian model since the dawning of the country's migratory transition has been represented by female migrants' strong participation in the labour market. This feature has contributed to the consolidation of a "parallel welfare"; that is, to the tendency of Italian families to recruit migrants for caretaking activities in order to manage their ever increasing care responsibility towards young children and dependent elderly persons (whose number is increasingly significant). In fact, third-country migrant workers have carried out a strategic function for the Italian (formal and informal) welfare system, producing at the same time a process of "care drain" whose consequences for the sending communities are particularly damaging.

According to the estimates, the amount of migrants employed by Italian families is higher than the amount of workers enrolled by the public health system: the number of foreign workers employed by Italian families as house helpers or caretakers has risen, according to the INPS (National Institute for the Social Security), from 139,863 (51.8% of the total) in 2001 to 710,938 (81.5% of the total) in 2010. For the majority of female migrant workers, a job as a home-based caregiver represents a first opportunity to enter the Italian labour market, thanks to the large possibility of working without a contract and without a stay permit, even in the absence of any previous working experience in this field (in fact, the professional background of the majority of these workers is not associated with the care sector). In recent years, a significant number of migrants have attended training courses that have permitted them to improve their professionalism and to be employed by various kinds of welfare institutions.

Only more recently has Italy started to recruit nurses; nurses unquestionably represent the most significant case of qualified migration destined to satisfy a tangible labour shortage. After the special entry shares for nurses (2,000 units) established in 2001 by the Italian government, the law 189/2002 stated that to meet the need for nurses in both public and private health institutions, their entry into Italy would not be submitted to the quota systems (so-called "extra-quota entries").

In order to practice his/her profession in Italy, a non-EU worker must meet two criteria: *a)* to possess a professional qualification recognized by the Ministry of Health; *b)* to be registered with a provincial IPASVI Nursing College (*Infermieri Professionali Assistenti Sanitari Vigilatrici d'Infanzia*) in the province<sup>17</sup> of residence or of work (before registering, migrants have to pass an exam to prove their knowledge of the Italian language and also, in the case of non-EU citizens, the special requirements regarding nursing practise in Italy).

The recognition of any foreign-attained diploma by the Ministry of Health is a requirement of the Italian law for all workers, irrespective of their nationality. If the diploma was acquired in an EU Member State, the procedure differs according to the nationality of the worker. EU citizens who possess a professional qualification attained in a Member State can submit a request for recognition with the aim of exercising the freedom of establishment. According to EU law, the procedure for recognition is based on the verification of the regularity of the documents presented. Non-EU citizens who possess a professional qualification obtained in a Member State must request the recognition of their qualification, even if it was already recognized in another EU state (in this case, the Ministry of Health will take into consideration the eventual training and work experience acquired in the other EU country). If the diploma was attained in a non-Member State, all workers (EU and non-EU-citizens) must submit a request of recognition, even if the qualification was already recognized in another EU State (also in this case, the Ministry of Health will take into consideration the eventual training and work experience acquired in another EU country).

The procedure can lead to three different outcomes: *a)* the issuing of a decree of recognition; *b)* a denial of the request, the communication of which will specify the impedimental reasons; *c)* the call for completion of a compensation measure to be carried out in a university school of nursing, that is, with a formal communication that requires the candidate to take an aptitude test. The decree of recognition loses its effectiveness if the applicant does not register with the respective Ipasvi College within two years of the date of issue.

As we have seen (Chapter 2.1), the Decree of the Ministry of Health, 18 June 2002, authorized the regions to implement the actions related to requests for the recognition of nursing diplomas attained in non-EU countries. Only some of them (Calabria, Campania, Liguria, Lombardy, Piedmont, Sardinia, Tuscany, Valle d'Aosta, Veneto and the Provinces of Trento and Bolzano) decided to exercise this

<sup>17</sup> The Provincial Colleges are non-profit bodies by public law, established and regulated by specific laws. Their first aim is the protection of the citizen/client, who has the right, sanctioned by the Constitution, to receive health-care services by qualified personnel, holding a specific fitness-to-practise title, with no pending suits against them, and so on. A second aim is to ensure the level of competence of registered nurses, by exerting discipline, opposing abuses, being sure that nurses comply with the Deontological Code, exerting the tariff regulations, encouraging the cultural development of the registered nurses, guaranteeing information, providing supporting services that help nurses practise their profession in the most correct manner. The Provincial Colleges are coordinated by the Federation of the Ipasvi Colleges, the body that represents Italian nurses on a national basis.

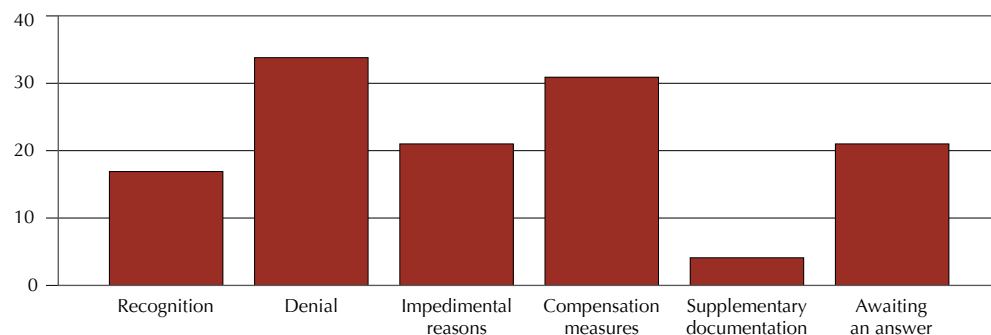
role; in the other cases, the candidates must address their applications directly to the Ministry, without benefitting from the technical support offered at regional level.

Considering the experience of Lombardy (the first Italian region in terms of number of foreign residents), in the last six years (2006–2011), Eupolis, the agency commissioned in this phase of preliminary assessment (and also for technical and administrative judgment), processed 986 applications, with a peak in the year 2008 (226 applications). Focusing our attention on the last year (2011), the majority of the 128 applications analysed – 85 per cent of those presented by female migrants – came from Albanian citizens, followed by Ukrainians and Moldavians. These three countries are also at the top of the ranking of countries where the qualification was acquired.

Data presented in Table 3.2 demonstrate that only a small percentage of the files ends up with a successful outcome (note that the impedimental reasons commonly precede the denial of the request). Besides this, the incidence of successful or unsuccessful outcomes varies significantly from one country of origin to another, with India positively differentiated. There are no reasons to suppose a discriminatory attitude towards some groups of migrants. Actually, this asymmetry stems from the variety of national educational systems, only a few of them being in line with the provisions of the EU-Directive 2005/36, which states that: *a)* admission to training for nurses responsible for general care should be contingent upon completion of a 10-year period of general education, as attested by a diploma, certificate or other evidence issued by the competent authorities or bodies in a Member State or by a certificate attesting success in an examination, of an equivalent level, for admission to a school of nursing; *b)* the training of nurses responsible for general care should comprise at least three years of study or 4,600 hours of theoretical and clinical training, the duration of the theoretical training representing at least one third and the duration of the clinical training at least one half of the minimum duration of the training. Member States may grant partial exemptions to persons who have received part of their training on courses which are of at least an equivalent level. It must be noted that the Italian Ministry of Health, besides the 10 years of general education and the three years of professional training, considers 3,600 hours as a prerequisite for being admitted to the compensative exam. Migrants coming from certain countries generally lack this requisite: this circumstance generally results in a loss of time and money (according to estimates, EUR 3,000–5,000 have usually been spent to provide the necessary documents and their translation), considering the very few possibilities of success.

Faced with these kinds of problems, Eupolis' operators stress three points: *a)* first of all, the need for a *vade mecum* providing candidates with the basic information, edited in a language that is easily understood (avoiding, for example, the use of archaic words that may be replaced with simpler alternatives); *b)* providing applicants with information (bibliographical, for example) that is useful for sitting the aptitude test; *c)* finally, the analysis and the valorization of the experience held by candidates, considering that, if they do not obtain the nursing title, they will most likely be employed in the care sector, and so they may be profitably oriented to other working and training opportunities.

**Figure 3.1: Applications for recognition of diploma of nursing obtained abroad, Year 2011, Ministerial pronouncements (data updated to 20 March 2012)**



**Table 3.2: Applications for recognition of diploma of nursing obtained abroad, Year 2011, Ministerial pronouncements, by country (data updated to 20 March 2012)<sup>18</sup>**

Country where the qualification was obtained	N. of applications dealt with	Decree of denial	Impedimental reasons <sup>18</sup>	Decree of recognition	Compensation measures	Request of supplementary documentation	Waiting for an answer
Albania	25	3	2	-	16	-	4
Moldavia	20	13	5	-	2	-	-
Ukraine	20	13	4	-	-	-	3
India	14	-	-	11	-	-	3
Peru	14	-	2	5	1	2	4
Philippines	3	1	2	-	5	-	1
Brazil	3	-	-	-	2	-	1
El Salvador	3	-	-	-	2	-	1
Morocco	3	2	-	-	1	-	-
Russia	3	-	3	-	-	-	-
Ecuador	2	-	-	-	1	-	1
Argentina	1	1	-	-	-	-	-
Bolivia	1	-	-	-	1	-	-
Bosnia Herzegovina	1	-	1	-	-	-	-
Bulgaria	1	-	1	-	-	-	-
Burundi	1	-	-	-	-	-	1
Colombia	1	-	-	-	-	-	1
Georgia	1	1	-	-	-	-	-
Japan	1	-	1	-	-	-	-
Kazakhstan		-	-	-	-	-	1
Libya	1	-	-	-	-	1	-
Tunisia	1	-	-	1	-	-	-
Venezuela	1	-	-	-	-	1	-
<b>Total</b>	<b>128</b>	<b>34</b>	<b>21</b>	<b>17</b>	<b>31</b>	<b>4</b>	<b>21</b>

Source: EUPOLIS, 2012.

<sup>18</sup> The communication of the impedimental reasons comes before the enacting of the decree of denial.

In fact, the majority of nurses come to Italy through the intermediation of specialized agencies that are involved in the entire recruitment process, from the selection in the sending country to the signing of the job contract, and are sometimes involved in the procedure of recognition. The nurses who have arrived through this kind of channel have greater opportunities to obtain recognition than those who have arrived alone<sup>19</sup> but, at the same time, they are subject to the “control” of the agency and tend to accept non-competitive salaries.

We also have to ponder the social and ethical implications of these processes. Some origin countries have expressed their discontent to the Italian government, because its interest for recruiting nurses contributes to brain drain, which can be particularly dramatic if we consider the significant costs expended by the country of origin for their education. Other countries asked the Italian authorities to cooperate in the education of young nurses. Finally, according to some studies about immigrant communities living in Italy – for example the Filipino population (Zanfrini and Asis, 2006) – the demand for foreign nurses expressed by the receiving countries resulted in the proliferation of nursing schools in countries of origin, and a remarkable increase in student enrolment in nursing programmes in recent years, shaping – or perhaps distorting – the educational and professional aspirations of younger generations.

### **2.3. Initiatives at local, regional, national and international levels**

An example of a good practice at *local level* is offered by the “Sportello di Consulenza per migranti” (Counsellor’s office for migrants) implemented by the province of Mantua to advise migrants willing to require the recognition of their qualifications and training.

Financed within the project “Interventi di promozione per l’inserimento lavorativo delle persone disabili e svantaggiate” (Interventions for the promotion of the professional integration of disabled and deprived people), promoted by Cariverona Foundation, this initiative benefited from a sum of EUR 26,159.63, and was trialled between October 2008 and March 2009. The initiative involved a network of partners composed of the Province of Mantua, the Municipality of Mantua, A.O. “Carlo Poma”, unions and non-profit associations (Enaip, Ial, For.ma). The actions were developed thanks to the involvement of the five Job Centres of the Province and of the local network of Immigration’s Secretariats and cultural mediators, who carried out an informative campaign among migrants. The activities realized consisted of the promotion of a workshop addressed to the personnel of the various municipal departments and other local operators; the publication of an informative guide addressed to two different targets (migrants and operators); and in a final report presenting all the cases dealt with during the opening of the counsellor’s office. The major difficulty that the promoters had to confront was the lack of a reliable source of information that the operators could refer to in order to become competent, considering the “jungle” of laws and procedures to keep on top of.

<sup>19</sup> To the point that some of the latter decide to attend *ex novo* the full educational curriculum in order to become a nurse.

During this experimental phase the project permitted the assistance of 183 migrants (for a total of 180 hours of counselling) coming from 35 different countries (predominantly from Romania, Morocco, Brazil, Ukraine, Albania, Moldavia and India). Since the formal end of the project, the counselling activity has been continuing without a specific source of financial support, thanks to the competencies and expertise acquired by the personnel, permitting them to respond to the numerous requests coming from “Arab Spring” refugees.

At *regional level* it is worth mentioning the initiative of regional institutions that try to guarantee lifelong learning to all citizens, together with the chance to develop and assess their formal, informal and non-formal skills and competences. According to a recent study conducted by Isfol (2012), the Italian Institute for the development of workers’ professional training, the solutions undertaken by the different regions can be clustered in three phases of advancement: *phase 1*) the strategy has not yet been formalized or regulated by the Law and the assessment is applied within the framework of specific projects, programmes, training types and routes; *phase 2*) the strategy was formalized within a regional system of assessment and certification but has not yet been implemented; *phase 3*) the strategy was formalized and specific pilot initiatives were carried out.

Among the regions participating in the third phase we can cite the case of Emilia Romagna since it chose as a field of experimentation the professional sector of health-care assistance, involving a large share of non-EU workers. Its approach is based on a repertory of more than 100 qualifications, which are all described in terms of their featuring elements (content, tasks, skills needed and so on) and indicators for the assessment. Each profile is described through a limited number of “competence units”, that is, clusters of skills and knowledge necessary to accomplish activities producing an observable and measurable outcome. Each unit comprises both “skill” (that is, cognitive and behavioural processes involved in the professional activity) and “knowledge” (that is, the theoretical base of the professional activity). The methodology applied distinguishes the cases in which the candidate can be admitted to the final examination in order to obtain a qualification, from those in which the candidate, lacking the minimum level to be admitted, can achieve the certification of some single competence units that can be spent in the labour market or for pursuing professional training. With specific reference to the assessment of informal and non-formal learning, the experimentation concerning health-care operators was so successful that workers involved can spend their certification even outside the regional labour market. Since the end of the experimental phase, the project has been institutionalized through the involvement of the employers interested in the assessment and certification of their employees’ skills. One hundred and twenty-five employers declared interest in acceding to this opportunity in favour of 2,580 workers, 1,795 of whom were admitted. Even some workers employed in other regions are asking to be admitted to the procedure, bearing the relative costs.

The Emilia Romagna region has made another interesting investigation concerning non-EU citizens. It is dealing with the testing of the “Citizen Training Booklet”



(Libretto formativo del cittadino), a tool which was instituted by the national Law 30/2003. This booklet is aimed at recording, synthesizing and certifying the citizen's learning experience and his/her competences acquired in formal, non-formal and informal contexts. In Emilia Romagna, the Training Booklet was tested within the framework of the Equal Mobili project (<http://equalmobili.it>), whose main objective was the advising of young migrants for their incorporation into the labour market. This regional experience led to the decision to connect the Training Booklet with the wider system of assessment and certification of competences, an operation which is still in process. In every context, the testing phase envisaged a preliminary step of involvement of stakeholders, the training of the operators in charge of the Booklet administration, the actual experimentation of the tool with ultimate beneficiaries, and a final assessment. In general, from this analysis it emerges that the Training Booklet is particularly useful for citizens experiencing some sort of disadvantage in access to the labour market or needing special support in identifying their employability strategies. It also assumes a role of empowerment, as it helps the beneficiaries to become aware of their competences and to develop them according to the labour market requirements. Especially as concerns migrant users, the effectiveness of this tool can be ensured only through providing the operators in charge of administering the Booklet with adequate training, which will help them construct an appropriate support relationship.

At a *national level*, we have to mention Cimea, *Centro di Informazione sulla Mobilità e le Equivalenze Accademiche* (Information Centre on Academic Mobility and Equivalence). Promoted in 1984 by the RUI Foundation, Cimea operates within an agreement with the Ministry of University and Research, undertaking a function of technical assistance. Its mission consists of informing citizens (independently of their nationality) about opportunities and procedures for the recognition of foreign study qualifications; directing them to the appropriate source of information; providing advice to institutions on the comparability of qualifications acquired abroad; and promoting the free circulation of EU citizens and international student mobility. In particular, Cimea is involved in the implementation of the Lisbon Recognition Convention and of the reform of the academic system<sup>20</sup>.

Cimea, which along all other national centres is coordinated by the Naric (National Academic Recognition Information Centres) network, promoted in 1984 by the European Union, constitutes a relevant source of information. Cimea is also a partner of the Enic<sup>21</sup> (European Network of National Information Centres on Academic Recognition and Mobility) promoted by the Council of Europe and UNESCO.

<sup>20</sup> Signed in Lisbon on 11 April 1997, the Lisbon Convention, created by the joint initiative of the Council of Europe and of the European Region of UNESCO, is a multilateral agreement with the aim to promote mutual academic recognition between the contracting parties.

<sup>21</sup> The Network is composed by the national information centres of the States party to the European Cultural Convention or the UNESCO Europe Region. An Enic is a body set up by the national authorities. While the size and specific competence of Enic may vary, they will generally provide information on: a) the recognition of foreign diplomas, degrees and other qualifications; b) education systems in both foreign countries and the Enic's own country; c) opportunities for studying abroad, including information on loans and scholarships, as well as advice on practical questions related to mobility and equivalence.

Finally, it is inserted in the Meric (Mediterranean Recognition Information Centres) network, created in 2005 by the initiative of the Intergovernmental Committee for the Mediterranean Recognition Convention<sup>22</sup>. Each year Cimea receives approximately 10,000 requests coming from a very heterogeneous group of Italian and foreign citizens in possession of a qualification acquired abroad. In the last year (2011) it dealt with more than 7,000 requests (see Table 3.3), 40 per cent of those coming from Italy, 45 per cent from other European countries and 9 per cent from America; very few requests arrived from Asia, Africa and Australia.

**Table 3.3: Request processing by Cimea during the year 2011, by topic and type of applicant**

Topics	Individuals	Universities	Other institutions	Total
Italian academic system	721	261	338	1,320
Foreign academic systems	1,119	31	24	1,174
Recognition of academic diplomas	2,556	292	332	3,180
Recognition of professional qualifications	1,245	58	65	1,368
Others	27	3	3	33
<b>Total</b>	<b>5,668</b>	<b>645</b>	<b>762</b>	<b>7,075</b>

Source: Cimea, 2012.

In their approach, Cimea's experts stress the need to pay special attention to the following elements: *a)* to clarify the aim of the request of recognition (to pursue studies, to practise a profession, to take part in public competitions and so on); *b)* to provide complete documentation, coherent with the aim of the request; *c)* to assemble all the information acquired during the procedure, in order to feed a data-bank of recognitions; *d)* to situate the qualification in the educational system of the awarding country, and to compare it with the Italian system, taking into account the intention of the request; *e)* to combine the objectivity of the analysis with the consideration of the individual situation (taking into account, for example, any supplementary documentation); *f)* to provide reasons for the final decision, since it is an appealable judgement.

With reference to the *international level* we can cite the case of Fepi, European Federation of Nursing Regulators, whose establishment was strongly desired by Ipasvi, the Italian representative body for nursing (see Chapter 2.3 of the present report). Launched in 2004, Fepi brings together regulatory bodies and competent authorities responsible for nursing across Europe. Its main objective is to protect, maintain and promote the health and safety of the public by creating and preserving the highest standards of competence and conduct by health-care professionals and indeed nursing

<sup>22</sup> It aims to promote information exchange in the Mediterranean Region and with the Enic/Naric networks, those being developed in the Arab states as well as other existing relevant networks, to promote synergy.



professionals. The functions of regulation that Fepi promotes include: education and continuous training and development of the profession; standards of competence, codes of conduct; registration and fitness to practise. More specifically, Fepi's aims are focused on some principal areas: *a)* patients and nurses' mobility, and the related ethical and multicultural questions; *b)* the comparative analysis of educational systems in the different EU Member States (and in countries such as the United States and Canada); *c)* how to improve the actual system of certification of competences and the accreditation of professional nursing; *d)* to promote the exchange of knowledge and experiences between nursing professionals and EU representatives, in coherence with the approach envisaged by the DG Market IMI Project and the future European Commission Directive on *Safe, high-quality and efficient cross-border health care*. In conclusion, Fepi wants to contribute to the construction of a common "European vision of nursing regulation", through the sharing and the homogenization of educational and professional practice standards of European nurses.

Fepi is committed to lobbying activity aimed at improving the nursing regulation on an international level. In particular, Fepi supports the concepts of simplification and freedom of movement while maintaining the status quo relating to the responsibility currently assumed by regulatory bodies, having as their main objectives patient safety and public protection. It also stresses the need to set up regulatory bodies in all countries, in order to facilitate citizens' access to information. Another important point is the necessity for a common lexicon, with clarity as to what is meant by different terms across the states, as well as a clear mapping system with hyperlinks showing the key authorities in all the involved countries. Finally, Fepi strongly believes that the linguistic issue is of high importance for health-care professionals, who should be able to demonstrate their linguistic skills by any means (attending language training, staying in a country where the language is used, and so on).

On a local, regional, national and international level, several interesting projects have been implemented for the valorization of the migrants' human capital and their formal and informal professional skills. Among them we may mention the Talea project ([www.taleaweb.eu](http://www.taleaweb.eu)), started in 2009, promoted by the Etnoland Foundation (Milan), and geared towards the exploitation of the talents that are widespread among graduated migrants and second-generation members. In order to enhance this asset, potentially able to boost the national economic growth by heightening its development and competitiveness, Talea promotes a leadership summer school every year which, through a two-week training programme, aims at empowering talented first- and second-generation migrants, by raising their awareness and strengthening their leadership skills. The summer school entails modules on charisma and leadership style, on self-marketing and team building, and on diversity management, politics and society. Moreover, Talea promotes a Talent Welcome Day: a career day where migrant graduates are given the opportunity to meet firms and companies. Here we are dealing with a dialogical platform, fostering the match between a labour demand oriented towards diversity management and an appropriate labour supply, with a view to enhancing the recognition of highly qualified migrants within the Italian labour market and valorizing their distinct cultural resources.

Moreover, it is worth mentioning the “Programma Integrato Azione di Recupero delle Competenze degli Immigrati” (Rarco), carried out between October 2004 and October 2005 by Cerfe, a non-profit research and training organization based in Rome, in partnership with the Latium Region and the “Centro Nazionale Opere Salesiane – Formazione Aggiornamento Professionale” (Cnos-Fap), a non-profit training centre. The programme was supported by the European Social Fund, within the framework of the Regional Operational Programme 2000–2006 FSE, measure B.1. This project was aimed at valorizing the professional skills acquired in the country of origin, thereby generating a more effective inclusion in the regional economic and social environment. The project envisaged two different phases: a first action consisted of research into the dynamics related to the recognition and valorization of migrants’ technical and professional skills (which subsequently led to the identification of some guidelines for the implementation of policies and interventions<sup>23</sup>), with the involvement of the relevant stakeholders. A second action entailed a 200-hour training programme, involving 20 beneficiaries with mid-level technical competencies, and a 600-hour internship in a variety of public, private and non-profit organizations, fying the main obstacles which, onrevent

Some other projects focus on the assessment of experience-related competences. As a matter of fact, the theme of validation of competences acquired by migrants in sending and receiving countries in non-formal and informal contexts is closely connected to their integration opportunities in the country of residence. For this reason, in recent years, important experimental initiatives in this field have been promoted, co-financed by EU funds, mostly through the “Leonardo da Vinci” programme. Most of these initiatives are aimed at integrating the innovative outcomes and contents of previous projects and experiences, also adjusting them to new geographical or professional contexts, for an incremental development of knowledge and practices. They are generally promoted by a European partnership of public and private bodies, and concern mainly the professional care sectors (mostly the in-home assistance of elderly people) and industry (mostly the building and engineering fields), which are both strongly ethnicized and highly characterized by irregular work and informal channels for the recruitment of labour (Salerno, 2011).

In particular, as has already been illustrated, the Italian private care market is distinguished by a high migrant supply, mostly women lacking specific training and qualifications, with little availability for attending traditional training programmes, and a strong need to capitalize on what was learned on the job, through different qualification paths and through engagements (both regular and irregular) as caregivers. Based on these peculiar traits, validation of competences appears to be crucial in order to qualify, on the whole, the system of service supply in a key field of welfare, safeguarding the users, giving the right value to the assistance provided, fostering professional mobility, and promoting effective and transparent mechanisms for the matching of supply and demand. In this regard we can mention, among several other examples, the Care Talents Project ([www.caretalents.it](http://www.caretalents.it)), supported within the framework of the EU Life

<sup>23</sup> They are illustrated in the project’s final report: [www.cerfe.org/public/rarco.pdf](http://www.cerfe.org/public/rarco.pdf).

Long Learning Programme (Leonardo Da Vinci – Multilateral projects for innovation transfer), and carried out between 2007 and 2010 by the Consortium “Anziani e Non solo” (Modena), operating in the field of social research and planning, entertainment of communities, and local development, in partnership with other public and private bodies in Italy, France and Bulgaria. Its aim was to develop a strategy for ensuring adequate levels of professionalism in the private care market and for improving the care workers’ opportunities for professional mobility. To this end, Care Talents aimed at: deepening the knowledge of the French model, widely structured and tested, of the validation of acquired competences (the VAE – *Validation des Acquis de l’Experience*); evaluating its possible transfer to the Italian context after translating, adapting and structuring its tools such as reference grids, procedures, testing and evaluation for the professional profile of a live-in caregiver; analysing the way the outcome of the official recognition could be used as a valid educational unit for the training paths of caregiver and assistant nurse; testing the model in Italy; and checking the conditions for the transfer to Bulgaria of both model and tools. By means of this project, a model for identifying and validating the competences acquired on the job by operators working in the private care sector was built, which makes it possible to assess the professional level of caregivers, and to prepare professional registers containing precise indications about the credentials offered. Moreover, this system proffers the possibility to spot the competences which are still lacking and to integrate them through ad hoc training modules, in order to stimulate a process of professional development.

This model – alongside others developed in similar projects – was built within a context characterized by several critical factors. Firstly, a national model for the validation of competences acquired in a non-formal and informal context is lacking. Likewise, a profile of the live-in caregiver’s role, founded on common criteria and standards on a national level, has not yet been elaborated, along with a set of technical and operational modes specifically featuring in the private care sector. Moreover, the people to be involved in the validation process are mostly migrant workers with language inadequacies or Italians with a low education level. In both cases this may imply difficulties in the expression and, subsequently, identification of professional competences. Lastly, it is particularly difficult to detect the numerous transversal skills (linked to behaviour, planning and management) which are required in the field at issue.

As a starting point, some competence indicators were identified, based on the repertory of the professional profile created during a preceding project: “Equal Aspasia” (2005–2007), through the analysis and comparison of similar French professional profiles and the profiles elaborated by some Italian regions. The process, which was structured for the validation of competences, is articulated as follows: *a*) an initial meeting for the presentation of the competence validation route: meanings and modes (estimated duration: two hours); *b*) a second meeting for verifying the essential conditions for accessing the competence validation route, based on the reconstruction of the user’s professional path (estimated duration: two hours); *c*) preliminary check of the technical knowledge, through some multiple choice questionnaires (estimated duration: two hours). If one (or more) of the tests is not passed, the candidate is

required to deepen his/her knowledge by studying the corresponding training modules of the self-training programme developed during the previous project “Equal Aspasia”, and other specialization modules. Subsequently to the individual study, the candidate will be tested again, until all the tests are passed (maximum estimated duration: 70 hours); *d)* preliminary check of the operational-professional competences through a series of written exercises (estimated duration: four hours). If one (or more) of the exercises is not completed correctly, the candidate will be required to attend the corresponding training workshops carried out by experts in different fields, such as personal assistance, mobilization, and communication. Subsequently, the candidate will be tested again, until all the exercises are carried out correctly (maximum estimated duration: 16 hours); *e)* preliminary check of the organizational and relational competences through the case study methodology, that is questionnaires focused on practical cases, described with several endings, where each ending is linked to the behaviour concerning a particular competence (estimated duration: two hours). If the answers to one (or more) of the case studies are incorrect, the candidate is interviewed in order to address the lacking competences and is provided with information, examples and support surrounding the actions and experiences to implement in order to strengthen the missing skills (estimated duration: 18 hours); *f)* final examination, by a board of external examiners, who will certify (or otherwise) the acquisition of all the competences concerning the live-in caregiver profile. Overall, the competence validation route can last from a minimum of 12 hours to a maximum of 116 hours, according to the professional level already achieved and the new competences to be acquired.

According to the promoters, the above-described process fulfils several requirements essential for proving effectiveness in the special sector of home care: *a) Accessibility*: the only requirements for accessing the process are a sufficient knowledge of the Italian language and a minimum of two years’ working experience, even if self-declared; *b) Usability*: it meaningfully reduces the time needed for the preparation and preliminary checks. In addition, it is spread over modules of a maximum of four hours, and is usually accomplished in four to six weeks. If the 70 hours of theoretical training are needed, the duration will be about three months; *c) Pertinence*: it complies with the requisites for validation required by several regional bodies; *d) Transferability*: it uses standardized tools, tested and measured especially on the profile of live-in caregiver. It does not entail tremendous investments; it does not require a particular education in the technical professional sector of the operators providing support and documenting the activity; it is totally documented both in the content and in the implementation and can be authenticated by the person in charge of the supervision.

Finally, in some cases, projects promote the circulation of human and professional capital through the involvement of both the origin and destination countries of migrants, and the enhancement of their cooperation. An experience worth mentioning in this respect is the Leonardo project “Improving qualification for elderly care assistant” (Iqea), executed over the period 2010–2013, co-financed within the framework of the EU Life Long Learning programme, promoted by ExFor, a training agency based in Cagliari, in partnership with the Sardinia Region and

other bodies based in Italy, Germany, Romania and Poland. This project is intended to develop the European Credit System for Vocational Education and Training (Ecvet), a European initiative aimed at facilitating the recognition of achievements in vocational education and training, in formal, informal and non-formal learning. To this end, Ecvet allows for the accumulation and transfer of credits gained through the recognition of learning outcomes in vocational education and training across Europe. The main aim of Iqea is to elaborate and test an Ecvet agreement among training agencies from Italy, Romania and Poland, for the professional profile of the elderly care assistant providing assistance either at home or in nursing facilities. The agreement will allow students to achieve a qualification recognized in all the territories of experimentation, regardless of the training institution issuing the diploma. Ultimately, Iqea is geared towards the promotion of the qualification transparency and the mobility of care workers across Europe.

At times, projects are also aimed at favouring the reintegration of migrants in their home country. For instance, the Italian branch of the International Organization for Migration (IOM), in partnership with Cerfe, the Foundation Hassan II pour les Marocains Résidant à l'Étranger (FH2 – MRE), and the Centre d'Études et de Recherches Démographiques (Cered), promoted the project “Migration and Return: Resources for Development” (Mig.Ressources). Implemented between April 2006 and July 2009 and financed by IOM and the Italian Ministry for Foreign Affairs (DG Cooperation for Development), this project was geared towards unleashing the potentials of highly skilled migrants for the development of both their receiving and sending countries. It was conceived as a pilot project, focusing on the case of high-skilled migration between Italy and Morocco, and consisted of various actions of research, training, communication and networking. In particular, from the scientific standpoint, the project was intended to deepen the knowledge on the migration paths of highly skilled migrants and the role they could play as agents of social and economic development. It also aimed at training both some skilled Moroccans planning to migrate to Italy, so as to foster their adequate professional inclusion in the Italian labour market, and some Moroccan migrants intending to return, in order to valorize their potential for development. Moreover, the project aimed at creating an environment conducive to taking advantage of the potentials of high-skilled migration, through the reinforcement of networks between enterprises, associations and public administrations in Italy and Morocco<sup>24</sup>.

Notwithstanding their relevance and interest, all the above-mentioned projects are initiatives depending on temporary sources of financing, and which, for this reason, are characterized by discontinuity and partial impacts in the long term. They tend to be pilot or experimental projects, which usually can't be incorporated in the overall institutional framework and, generated by the initiative of individual private or public bodies, lack systematic planning and coordination. To better capitalize and strengthen the impact of all these initiatives, a system should be put in place that is able to collect and institutionalize their results and outputs and to propagate them at a national level.

<sup>24</sup> For further information: <http://www.iom.int/jahia/Jahia/pid/2024>.

## ***2.4. Government initiatives aimed at the involvement of countries of origin***

An important initiative generated by the planning system introduced with the law 286/98, Article 21, was the so-called “privileged shares” in favour of the countries that had signed cooperation agreements on migration. These shares, first limited to Albania and Maghreb countries, were later on extended to other countries and became one of the major irregular migration prevention tools. Consequently, the economic dimension of planning was mixed with the intricately political one. These aspects, however, although not intrinsically mutually conflicting, could not always be easily reconciled (Zanfrini, 2000). Only more recently the instrument of bilateral agreements was clearly intended to favour the economic integration of new qualified non-EU migrants and their adherence to labour market needs.

During the period 2004–2005, the Italian General Direction of Immigration carried out, in some countries of origin, a number of pilot projects for the selection and training of workers destined for entry into Italy. The first project was realized through the involvement of two Italian regions – Lombardy and Veneto – and the Tunisian Ministry of Labour. The delegates of the two regions and of the Italian employers recruited 250 Tunisian workers. Another project involved the Tuscany Region and the Sri Lanka authorities, for the selection and training of 100 workers destined to be employed by Italian families as caregivers. A third involved Lombardy, Veneto and the Province of Piacenza and was aimed at the recruitment of 200 Moldovan workers. In the period 2007–2009, the Italian government endorsed 39 projects for the recruitment and training of qualified workers coming from Albania, Brazil, China, Ethiopia, India, Moldova, Morocco, Nepal, Nigeria, Peru, Philippines, Russia, Tunisia, and Ukraine. These programmes, directed at young workers to be employed in various economic fields – food and beverage, manufacturing, constructions, health care, and so forth – were selected from the proposals formulated by voluntary organizations, employer associations, public institutions and training agencies. In recent years, bilateral agreements have been signed with Moldova, Morocco, Egypt, Albania and Sri Lanka. Other negotiations are open with Ghana, Bangladesh, Peru, and Tunisia.

According to the Italian Ministry of Labour, these agreements aim to promote legal channels of entry, while at the same time supporting the match between labour demand and supply. They are also a tool for valorizing cooperation with the most important countries of origin; to improve the recruitment of qualified foreign workers in order to meet the needs of the Italian labour market; and to share a common language with the countries of origin, through the joint use of some technical devices (such as professional records, training standards, lists of workers).

Together with the exchange of information about the labour market needs and the professional profiles available in the countries of origin, these agreements take into account the sharing of experiences and good practices and the support offered by Italy for the implementation of programmes of professional training and for Italian



language learning. Attendance at these programmes grants the participants priority for regular entry to Italy as economic migrants.

The authorities of the countries of origin are expected to prepare lists of workers interested in working in Italy, on the basis of the criteria defined with the Italian Ministry of Labour. A local office of coordination, managed by the Ministry of Labour in strict connection with the Italian embassies, will support the recruitment process and the implementation of the training initiatives, promoting the relationship between Italian firms and agencies and local actors.

These kinds of agreements are also envisaged to promote various forms of “circular migration”, intended as a means to satisfy Italian labour market needs, while at the same time valorizing the role of return migrants as development agents in the origin communities. Finally, they strive for a cooperation between the educational and training systems of the origin and destination countries (for example through the organization of training internships in Italy) as an instrument to reinforce migrants’ skills, in order to support their insertion in the Italian labour market, or to contribute to the development of their countries. Actually, the economic crisis has discouraged the implementation of these resolutions, but the Italian authorities have claimed that the future of migratory flow management will be increasingly based on this kind of approach. This is particularly welcomed by Italian employers’ associations.

### 3. Labour market analysis in relation to recognition procedures

In order to evaluate the importance of recognition on professional careers, the major source of information is probably represented by the results of a survey conducted in 2005<sup>25</sup> on a sample of 30,000 migrants coming from countries characterized by a strong migratory pressure, the vast majority being composed of third-country nationals. Data presented below concern the 28,138 third-country nationals comprised in the sample. The majority of them (42.2%) rejoined the level of the secondary education, 32.3 per cent the compulsory level, 14.4 per cent possessed an academic degree and 11.1 per cent had no education. According to the respondents, only 17 per cent of third-country nationals who possessed a secondary or a university degree obtained recognition, while 10 per cent obtained a partial recognition.

Focussing our attention on those third-country nationals who possess an academic degree, data presented in Table 3.4 show how recognition influences both employability (very low incidence of unemployment) and labour market participation (very low incidence of housewives); at the same time, it increases the possibility of becoming self-

<sup>25</sup> ISMU Foundation, *Esiti della regolarizzazione nelle regioni meridionali e percorsi di mobilità geografica e professionale dei lavoratori regolarizzati* (outcomes of the regularization in the Southern regions and geographic and professional mobility of the regularized workers), inquiry commissioned by the Ministry of Labour and Social Policies. This survey was realized in 2005 and was based on a sample of more than 30,000 units, covering 40 of the 103 provinces, selected through the Centre Sampling Method. The results of the survey were published in Blangiardo and Farina (eds.), 2006.

employed, a professional condition that notoriously enables the migrants to improve their earnings.

**Table 3.4: Professional conditions of third-country national migrants living in Italy, by level of education and its recognition, 2005**

	University degree (completely recognized)	University degree (recognized as high school degree)	University degree (not recognized)	High school (completely recognized)	High school (not recognized)
Unemployed	4.2	7.1	10.1	9.9	8.3
Student	12.0	4.8	1.2	14.2	1.2
Housewife	2.8	4.1	6.7	3.4	4.4
Regularly employed (with a fixed-end contract)	7.4	15.6	6.8	9.1	9.6
Part-time dependent worker	10.4	12.0	15.5	8.1	8.8
Regularly employed (full-time and with an open-end contract)	27.4	31.6	28.7	31.3	41.8
Irregularly employed (in a stable manner)	4.0	1.5	7.5	4.6	8.5
Irregularly employed (in an instable manner)	2.2	3.2	4.7	3.8	5.9
Para-subordinate worker	8.9	10.5	8.4	4.1	1.8
Self-employed (regular)	13.5	5.3	3.1	5.9	5.3
Self-employed (irregular)	2.1	0.5	1.3	1.6	1.9
Entrepreneur	4.7	3.8	4.5	4.0	2.2
Other NON professional condition	0.4	0.1	1.8	0.0	0.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Source: ISMU Foundation, Esiti della regolarizzazione nelle regioni meridionali e percorsi di mobilità geografica e professionale dei lavoratori regolarizzati, 2005.*

In a context characterized, as we have seen, by a strong concentration of migrants in low-profile jobs, about 60 per cent of workers, among those who obtained recognition of their university degree, are employed in qualified jobs (exercising intellectual, clerical, medical and paramedical professions). The incidence of qualified workers becomes less and less significant passing from those who obtained only a partial recognition of their university degree to those who did not obtain – or did not request – formal recognition (see Table 3.5). The recognition of a university degree seems to be genuinely advantageous in permitting access to jobs more in tune with the worker's educational background. Actually, according to other research also based on qualitative methodologies (see, for example, Melchionda, 2003; Zanfrini and Sarli, 2009), the



option of investing time and money to obtain the recognition of one's qualification is part of a wider strategy of social and professional mobility that could imply renouncing immediate reward opportunities and the attendance of some training courses.

Finally, it is important to note that a remarkable percentage of migrants employed by Italian families as house helpers or as caregivers (the vast majority are females) have a very high level of education, which is usually not recognized: this phenomenon has been documented by a lot of research, and constitutes the most significant example of "brain waste".

**Table 3.5: Occupations of third-country national migrants living in Italy, by level of education and its recognition, 2005**

	University degree (completely recognized)	University degree (recognized as high school degree)	University degree (not recognized)	High school (completely recognized)	High school (not recognized)
Non-skilled industrial workers	4.1	4.0	7.3	9.2	12.8
Non-skilled services workers	3.7	6.7	5.2	6.1	8.1
Skilled workers	0.7	4.1	1.7	3.8	5.2
Building workers	0.5	2.8	4.1	4.9	15.8
Farm workers	0.2	2.6	1.4	3.2	2.7
Clerical workers	10.3	11.4	7.0	4.6	1.8
Sales workers	1.4	2.8	6.1	6.0	4.1
Trade workers	4.4	3.1	7.8	6.0	6.5
Food and beverage workers	7.1	8.1	5.8	15.3	8.5
Craftsmen	4.4	4.8	4.0	4.1	6.0
Truck workers	1.1	2.6	1.7	2.8	2.1
House helpers (full-time)	0.3	4.9	3.3	1.9	4.6
House helpers (part-time)	1.6	7.6	10.3	5.5	7.5
Home-based caregivers	1.5	1.8	14.6	5.2	7.9
Babysitters	1.6	1.5	2.8	2.4	2.1
Social assistance operators	2.0	1.1	2.5	2.5	0.9
Medical and paramedical	15.2	2.1	1.5	4.0	0.1
Intellectual professions	34.0	24.6	10.8	9.1	2.7
Sex workers	-	-	0.5	1.1	-
Other workers	6.1	3.4	1.3	2.3	0.6
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Source: ISMU Foundation, Esiti della regolarizzazione nelle regioni meridionali e percorsi di mobilità geografica e professionale dei lavoratori regolarizzati, 2005.*

Those who have obtained (partial or complete) recognition of their training degrees tend to gain more than the workers with the same level of education but without

recognition, above all for the completely recognized university degree. In the case of workers who possess an academic education, in fact, the average income is respectively 9 per cent and 33 per cent higher for those who have obtained a partial recognition (equivalent to the high school level) or a complete recognition, compared to those with no recognition (equivalent to the compulsory level). In any case, these differentials are partly due to a small group of respondents whose income is much higher than average. Finally, in the case of migrants with high school level, the recognition of their diploma does not seem to genuinely improve their earning capacity (+3%).

**Table 3.6: Monthly earned income net of tax, in EUR, of third-country national migrants living in Italy, by level of education and its recognition, 2005**

	University degree (completely recognized)	University degree (recognized as high school degree)	University degree (not recognized)	High school (completely recognized)	High school (not recognized)
First quartile	750	750	650	700	700
Median	1,000	1,000	850	900	900
Third quartile	1,500	1,200	1,000	1,100	1,000
Median Average	1,263	1,032	947	942	916

*Source: ISMU Foundation, Esiti della regolarizzazione nelle regioni meridionali e percorsi di mobilità geografica e professionale dei lavoratori regolarizzati, 2005.*

Those who have obtained the recognition of their qualifications tend also to emancipate from the channels normally used by migrants to enter the Italian labour market and find a job, in particular as regards the intermediation of co-nationals (Table 3.7). In addition to the autonomous initiative of the worker, we have to stress the importance of the attendance of internships or professional training, a clear sign of the propensity to exploit the opportunities offered by Italian society.

Another important source of information is offered by the Regional Observatory on Migration and Multi-ethnicity which has been carrying out, since 2001, a yearly inquiry on a representative sample of 8–9,000 migrants living in Lombardy<sup>26</sup>. Unfortunately, the most recent editions of this survey did not collect data about the formal recognition of the certificates and diplomas acquired abroad. We must therefore refer to the 2008 inquiry. Also in this case we will concentrate our attention on the third-country nationals component of the sample, composed of 8,301 units. In that year, the majority of respondents (39.3%) declared possession of a high school diploma; 37.4 per cent declared having only the compulsory level of education; 15 per cent a university diploma and 8.3 per cent no education at all. About one in five migrants professed to having obtained the formal recognition of his/her evidence of training (Table 3.8).

<sup>26</sup> The Regional Observatory on Migration and Multi-ethnicity ([www.orimregionelombardia.it](http://www.orimregionelombardia.it)), managed by ISMU Foundation ([www.ismu.org](http://www.ismu.org)) has been realizing a yearly survey in all the 11 provinces (12 from 2005) of Lombardy.

**Table 3.7: Channels used to find the present job by third-country national migrants living in Italy, by level of education and its recognition, 2005**

	University degree (completely recognized)	University degree (recognized as high school degree)	University degree (not recognized)	High school (completely recognized)	High school (not recognized)
By the autonomous initiative of the worker	47.6	27.7	23.7	30.2	26.1
Through a family member/co-national	16.5	20.2	35.7	33.7	41.6
Through Italian friends or friends of other countries	8.8	32.0	21.0	16.6	18.6
Through a public job centre	5.1	2.0	2.9	1.2	2.9
Through a temporary agency	3.2	4.5	2.2	4.0	2.2
Through a cooperative	4.0	10.0	4.2	3.9	3.7
Through a voluntary association	1.5	0.1	3.5	3.2	1.6
Through a union organization	0.6	-	0.4	0.7	0.2
Through an internship/a training course etc.	8.5	2.3	3.4	4.9	1.9
Others channels	4.2	1.2	3.0	1.4	1.2
<b>Total</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>

*Source: ISMU Foundation, Esiti della regolarizzazione nelle regioni meridionali e percorsi di mobilità geografica e professionale dei lavoratori regolarizzati, 2005.*

**Table 3.8: Level of education of third-country national migrants living in Lombardy by its recognition, 2008**

		Is the diploma obtained abroad recognized in Italy?				Total
		Yes, it is recognized	No, it is not recognized	I don't know, I have no information	I don't know, I am not interested in considering that kind of job	
Level of education (obtained in Italy or abroad)	Compulsory education	18.1	41.9	34.0	6.0	100.0
	High school	22.0	44.6	25.8	7.6	100.0
	University degree	23.9	52.5	16.5	7.1	100.0
<b>Total</b>		<b>20.8</b>	<b>44.8</b>	<b>27.5</b>	<b>6.9</b>	<b>100.0</b>

*Source: Regional Observatory on Migration and Multi-ethnicity, 2008.*

Confirming previous considerations, the process of recognition increases the possibility of becoming a self-employed worker or an entrepreneur, or of pursuing an educational career, a circumstance that demonstrates the greater spirit of initiative that tends to characterize those who involve themselves in this process. The high incidence of para-subordinate workers is explained by the fact that this type of contract is frequently used for intellectual profiles (for example in the case of translators or intercultural mediators).

**Table 3.9: Professional conditions of third-country national migrants living in Lombardy, by level of education and its recognition, 2008**

	University degree (recognized)	University degree (not recognized)	High school (recognized)	High school (not recognized)
Unemployed	5.8	6.2	5.5	6.1
Student	11.9	1.1	19.0	.6
Housewife	3.4	10.9	6.0	8.5
Regularly employed (with a fixed-end contract)	5.1	6.3	13.9	10.5
Part-time dependent worker	11.1	10.4	7.5	6.4
Regularly employed (full-time and with an open-ended contract)	33.4	39.5	34.2	42.8
Irregularly employed (in a stable manner)	4.1	7.8	4.0	9.0
Irregularly employed (in an unstable manner)	2.1	3.5	1.8	6.2
Para-subordinate	6.9	3.7	1.4	1.0
Self-employed (regular)	11.8	7.0	5.0	5.7
Self-employed (irregular)	1.5	0.9	0.2	1.0
Entrepreneur	1.6	0.5	0.7	0.7
Cooperative's member	1.0	1.3	0.8	1.1
Other NON-professional conditions	0.3	1.0	-	0.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Source: Regional Observatory on Migration and Multi-ethnicity, 2008.*

Note: A significant part of those possessing a legally recognized high school diploma and declaring to be a student is composed of second-generation members.

Data presented in Table 3.10 demonstrate how the recognition of the university degree completely changes the distribution of jobs: the majority of those who possess a recognized academic qualification are employed in the health sector – as doctors or paramedical operators – or as clerical or intellectual workers. At the same time, they tend to keep away from the typical “migrants’ jobs”, such as those of house helpers or home-based caregivers (in the case of women), or of farm, building or services workers (in the case of men). In fact, in Lombardy, the recognition seems to influence the kind of job more than the level of employability of third-country migrants.

**Table 3.10: Jobs of third-country national migrants living in Lombardy, by level of education and its recognition, 2008**

	University degree (recognized)	University degree (not recognized)	High school (recognized)	High school (not recognized)
No-skilled industrial workers	5.0	10.5	16.9	16.0
No-skilled services workers	2.6	5.9	6.3	6.4
Skilled workers	0.9	2.6	3.1	3.0
Building workers	1.5	6.0	10.2	12.0
Farm workers	0.1	0.9	1.9	2.0
Cleaning workers	3.1	4.5	3.7	6.1
Clerical workers	8.7	3.9	4.2	0.6
Sale workers	2.7	2.5	4.7	2.3
Trade workers	6.2	3.8	4.9	5.9
Food and beverage workers	6.7	12.1	12.3	9.0
Craftsmen	4.5	5.6	6.6	4.8
Truck workers	0.5	1.6	2.3	3.0
House helpers (full time)	1.5	6.1	2.1	4.7
House helpers (part-time)	0.3	9.4	2.6	8.5
Home based caregivers	0.6	8.5	3.0	7.1
Babysitters	0.7	1.6	0.6	1.0
Social assistance operators	1.9	2.3	4.7	3.0
Medical and paramedical professions	21.9	2.0	3.1	0.4
Intellectual professions	24.3	7.8	2.7	2.2
Other jobs	6.3	2.2	4.0	1.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Source: Regional Observatory on Migration and Multi-ethnicity, 2008.*

Finally, recognition clearly improves the revenues that third-country nationals gain from their jobs, as we can observe comparing the income distribution of those who possess a recognized academic degree with those of migrants who possess a non-recognized academic degree (Table 3.11). Actually, the advantage of this category is largely due to the incomes of migrants clustered in the third quartile. In the case of non-EU migrants who possess a high school diploma the results are paradoxical, since those in possession of non-recognized diplomas earn more than those who obtained recognition.

**Table 3.11: Monthly earned income net of tax of third-country national migrants living in Lombardy, in euro, by level of education and its recognition, 2008**

	University degree (recognized)	University degree (not recognized)	High school (recognized)	High school (not recognized)
Less than EUR 500	4.4	2.9	7.4	3.8
EUR 500-750	11.9	13.2	10.2	11.1
EUR 751-1,000	23.2	34.7	30.1	33.3
EUR 1,001-1,250	14.0	21.7	24.6	24.4
EUR 1,251-1,500	15.7	16.6	20.3	16.3
EUR 1,501-2,500	25.2	10.2	6.9	9.9
More than EUR 2,500	5.6	0.7	0.5	1.2
First quartile	900	850	800	850
Median	1,200	1,000	1,100	1,100
Third quartile	1,700	1,300	1,300	1,300
Mean	1,377	1,116	1,077	1,122

*Source: Regional Observatory on Migration and Multi-ethnicity, 2008.*

## 4. Conclusions and recommendations

Third-country nationals working in Italy record very high levels of overqualification and, at the same time, a very low propensity to require the recognition of their skills and training. Many migrants may not believe that formal recognition will be helpful to them due to the limited jobs available or the sceptical attitudes of employers; although formal recognition – especially the recognition of academic titles – really does improve the chances of entering better positions and earning higher salaries. The complexity of the procedures and the uncertainty about their outcomes could be a deterrent, especially for migrants who are profoundly focused on immediate earning gains. As regards the informal competences, they are largely ignored – with a few exceptions concerning highly ethnicized professional roles, as is the case for care workers – within a context that tends to reduce immigration to a polarized representation: on the one side highly qualified workers, generally involved in a dequalification process, and on the other side a cheap manpower, without any title or qualification.

Italy has a very complex and fragmentary legal and procedural system, characterized by some “regulation gaps” which contribute to increasing the level of arbitrariness of the various actors and institutions involved in the process of recognition. At the same time, local actors and institutions – such as schools, job centres, social services and so on – who play a strategic role in the process of migrants’ integration, often lack reliable information for giving advice to migrants willing to apply for the recognition of their qualifications and competences. The main problem stems from the heterogeneity of the national educational systems to be compared; as several experts and operators observed, a possible outcome is the risk of interpreting the

difficulty to evaluate and recognize curricula that are too different from the Italian ones, as a discriminatory attitude against non-EU migrants (with the consequence of deteriorating the inter-ethnic cohabitation). Actually, the information and skills deficits that we currently observe produce a double negative effect. Firstly, they discourage migrants who possess the requisites for obtaining recognition; secondly, they result in a loss of time and money that harms those migrants who decide to engage themselves in the process of recognition, even if they do not possess the criteria prescribed by the law and by the practices in place.

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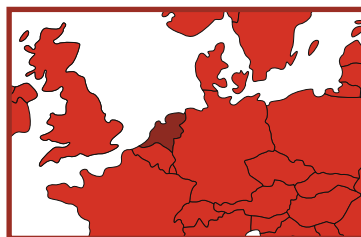
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# NETHERLANDS

Inge van der Welle<sup>27</sup>



## 1. Introduction

Immigration to the Netherlands continued to increase in 2010 and 2011. The immigration growth is primarily caused by the increasing numbers of immigrants from other EU Member States. Immigration from Africa declined in 2011 and immigration from Asia slightly increased (Jennissen, 2011).

Labour migrants constitute the largest share of immigration to the Netherlands. A large majority (80%) of labour immigrants comes from the EU countries. Asian countries contribute to another 10 per cent of labour migration to the Netherlands. The largest share of the immigration of third-country nationals to the Netherlands consists of family reunification and family formation. In 2010, family migration accounted for around 40 per cent. Other motives for migration constitute a smaller share of the immigration of non-EU nationals: labour migration (15%), asylum (15%), study (20%), internship/au pair (3%) and other motives (6%).

Over recent years the economic crisis has seriously affected labour migration to the Netherlands. Labour market shortages have decreased, which is reflected in declining numbers of issued work permits for third-country nationals.<sup>28</sup> However, despite the economic decline, there are still labour market sectors that are confronted with shortages, such as health care, primary and secondary education, and horticulture.

Owing to several reasons – including the ageing of the population, considerable return migration of labour migrants and asylum-seekers, and the fact that not all immigrants enter the Dutch labour market – labour shortages are expected to remain

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<sup>28</sup> Work permits (tewerkstellingsvergunning – TWV) are required for foreign workers from third countries, as well as for workers from Romania and Bulgaria. TWV's are only granted if no job-seekers from the prioritized labour force (Dutch and EU nationals) are available.

apparent in the long term (Nicolaas, 2010). The anticipated shortages are so large that experts agree that, in the long run, immigration of labour will not be a sufficient answer to Dutch labour market shortages. In the manufacturing sector, shortages of technically skilled workers are likely to occur in the future and, especially in the larger cities, shortages in health care and education are expected to increase (RWI, 2010; INDIAC, 2010).

The Dutch labour migration policy has remained demand-driven and protectionist over recent years. The general idea is that labour market shortages should in the first instance be filled by job-seekers from EU countries. An exception is, however, made with regard to the immigration of the highly skilled. Whereas low-skilled and semi-skilled labour migration are facing restrictive immigration policies nowadays, the highly skilled increasingly encounter easy access and simplified procedures (RWI, 2010; INDIAC, 2010).

## 2. Current and evolving trends in the recognition of formal and informal learning

The first international agreements concerning the recognition of diplomas date back to the 1950s. Four phases in the recognition of foreign diplomas can be recognized (Scholten and Lokhoff, 2008):

### *1950–1970s: equivalence*

In this period, recognition of foreign diplomas was based on equivalence. A foreign diploma was recognized in cases where the evaluation showed that the foreign curriculum was almost identical to the Dutch curriculum. Because of increasing student mobility and a more diverse offer of education this method became untenable.

### *1980s: considering goal of recognition*

During the 1980s, equivalence was no longer the aim. The level, functions and corresponding rights of a foreign diploma were taken into consideration. A foreign diploma would be recognized in the instance of there being no large differences with the curriculum of the Dutch education for the specific goal of the recognition. The goal could be academic recognition or professional recognition.

### *1990s: acceptance of differences*

During the 1990s, the focus shifted from recognition for a specific goal towards acceptance of differences. The starting point was that there will always be differences between foreign education and national education. However, these differences can be seen as an enrichment. Foreign diplomas can be recognized despite differences in the curriculum as long as differences are not substantial. The differences are not neglected, but accepted. International agreements on diploma recognition start from this idea.

*2000–present:*

Since 2000, supporting measures alongside formal recognition have been explored and evaluated. This meant giving more priority to accreditation and recognition of prior learning. A knowledge centre was introduced to make people aware of the possibilities for accreditation and recognition of prior learning and the use of available instruments was stimulated. Recent trends and discussion on the recognition of prior learning are considered in the remainder of this section.

## ***2.1. Quality assurance of Accreditation of Prior Learning (APL) procedures and regulation***

The discussion concerning the idea of recognition of prior qualifications started from the acknowledgment that most employees no longer worked for one employer their whole life. By the end of the 1990s, Accreditation of Prior Learning (APL) was mainly seen as an employability instrument, meant to improve individual opportunities on the labour market and part of the idea of ‘lifelong learning’. The Dutch government, together with employers’ organizations, trade unions and other social partners, decided to stimulate the broader concept of accreditation of prior learning (Kenniscentrum EVC, 2009). In 2001 the Knowledge Centre for accreditation of prior learning (APL/In Dutch: EVC-Erkenning van Verworven Competenties) was established. The centre is responsible for knowledge management and dissemination on the subject of APL in the Netherlands. In addition, it has a major role in the further development of APL in the Netherlands and in all matters concerning the quality standards for APL in this country. The Knowledge Centre defines APL as follows:

“Accreditation of prior learning (APL) is the common name given to the process of the recognition of the competences an individual has gained through formal, informal or non-formal learning in various settings. This implies that competences acquired by learning on the job, in society or in voluntary work are in principle comparable to the competences acquired in formal education.”<sup>29</sup>

Until 2006, the national system for validation of non-formal and informal learning was primarily focused on bottom-up usage of APL. Government and social partners (namely employers’ organizations and trade unions) tried to stimulate the recourse to APL by creating favourable circumstances for developing and implementing APL in many contexts: work, voluntary work, reintegration and job-seeking (Duvekot, 2010). From 2006, in light of the preceding experiences with APL, the approach shifted towards quality-assurance. The transparency of results and the quality of procedures were matters of particular concern.

In November 2007, a broad range of national stakeholders, among them representatives of the government, universities and trade unions signed the

<sup>29</sup> <http://www.kenniscentrumevc.nl/index.php/mt-apl-intro>.

APL quality code.<sup>30</sup> The quality code aims to achieve more transparency and comparability and to make APL more accessible (Kenniscentrum EVC, 2009). Since then the quality code has been further accentuated to ensure the accessibility, transparency and quality of APL procedures and APL providers.

Discussions about the quality of APL procedures has continued since the signing of the quality code, intensified by the criticism in 2009 of the Dutch Inspectorate of Education on the quality of APL procedures and the lack of national coordination. Because of the criticism, the government took up the responsibility to ensure the (basic) quality of the APL and to initiate regulation. In 2010 the first steps were taken: introduction of standards regarding the issuing of APL certificates and an action plan to further develop quality procedures for APL.<sup>31</sup> Recently, the Ministry of Education, Culture and Science has initiated a trajectory to introduce a bill in parliament to regulate the goal, accessibility, procedure, quality, financing, acknowledgement and availability of APL.<sup>32</sup>

## 2.2. APL as a crisis measure

The economic crisis has intensified the efforts to combat unemployment by subsidizing retraining and recognition of prior learning and experience. In 2009 the Dutch government introduced several measures to facilitate labour mobility by stimulating (re)training programmes and recognition of prior learning and experience (Van der Welle and Blommestein, 2011). Employees without a relevant education/diploma, who lost their jobs, were stimulated to enter an accreditation of prior learning programme in which they could receive recognition and formal credit (EVC – Ervaringscertificaat) for learning acquired in the past through formal study, as well as through work and other life experiences. Another possible procedure was the experience profile (EVP – Ervaringsprofiel), which is considered an opportunity for workers and employers to map out working and learning experience, and to provide an overview in order to develop a suitable training programme (and possibly thereafter start an EVC-procedure).

## 2.3. E-portfolio

Clear insights into and up-to-date information about one's prior learning and experiences are key to success in the dynamic labour market, whereas acquired

<sup>30</sup> The covenant on the quality code for APL was signed by the following parties:

(1) Stichting van de Arbeid, the Labour Foundation, a national consultative body organized under private law; (2) Colo (now SBB), the Association of Centres of Expertise on Vocational Education, Training and the Labour Market; (3) PAEPON Platform of Accredited Private Educational Institutions in the Netherlands; (4) The Centre for Work and Income (CWI, currently called UWV WERKbedrijf); (5) The Netherlands Association of Universities of Applied Sciences (HBO-raad); (6) The Netherlands Association of Vocational Education and Training Centres (MBO-raad); (7) The Council for Agricultural Education Centres (AOC-raad); (8) The Open University; (9) The State Secretary of Education, Culture and Science (Dutch Knowledge Centre for APL 2009).

<sup>31</sup> Tweede Kamer, vergaderjaar 2011–2012, 30 012, nr. 36.

<sup>32</sup> Tweede Kamer, vergaderjaar 2011–2012, 30 012, nr. 36.

competences can lose importance quickly. A personal electronic portfolio may be a useful instrument to keep information and proof of experience up-to-date and to ease the accreditation of prior learning whenever necessary. Therefore the Ministry of Education, Culture and Science and the Ministry of Social Security and Employment have initiated pilot projects in cooperation with UWV to test the added value of e-portfolios.<sup>33</sup> Presently, several pilot projects are underway, but so far the results have not been evaluated.

### 3. Identification of recognition practices

This chapter assesses the methodologies and infrastructure for assessing, validating and recognizing prior learning, skills and qualifications of third-country nationals in the Netherlands. Besides, variations in labour market access, recent developments and legal changes as well as outcomes of evaluations of the recognition practices are highlighted.

#### 3.1. Definitions and methodologies

Concerning the recognition practices of qualifications, formal, non-formal and informal learning in the Netherlands, the following methodologies are in place:

- recognition of (foreign) formal qualifications;
- professional recognition (formal qualifications of regulated professions);
- recognition of competences and prior learning (formal, non-formal and informal learning).

##### *Recognition of foreign qualifications*

The international recognition of foreign diplomas is a recommendation of the competent authority (SBB or Nuffic, for more information see paragraph 2.3) regarding the value of foreign diplomas compared to the Dutch system. Where possible, a foreign diploma is compared to a Dutch diploma. If the foreign study programme is unique, a comparable level is indicated. In addition, individual courses or modules that were taken, the study load and the academic level of the programme are taken into account. In addition to evaluating the diploma, the competent authority determines whether a programme or educational institution is officially recognized and assesses the authenticity of diplomas.

The following aspects are taken into consideration with regard to the recognition of foreign diplomas (Scholten and Lokhoff, 2008):

- formal criteria: international treaties, agreements, conventions, national regulations;

<sup>33</sup> Letter of the Minister of Social Affairs and Employment, 4 July 2011 about the Cabinet's vision to increase labour participation and employability.

- functional criteria: goal and rights attached to the specific foreign education;
- process criteria: preparatory training, selection criteria, educational system, content of education;
- preconditional agreements: role of government.

### *Professional recognition*

The competent authority (a ministry or authority appointed by the ministry, for more information see paragraph 2.3) decides which documents and procedures are necessary for professional recognition for regulated professions. In general, a filled in application form, an identity card or passport and a certified copy and/or credential evaluation of the diploma are required. Other documents commonly needed for the procedure include: evidence of practical experience, declaration of health and good behavior.<sup>34</sup>

### *Recognition of prior learning*

In 2009, to combat the current economic crisis, the government subsidized a formal procedure in which a generic personal portfolio is set up (Ervaringsprofiel, EVP). This procedure aims at a validation of all the generic competences of a candidate and advises on opportunities for accreditation (APL). This procedure was meant for employees at risk of redundancy, and aimed at smooth work-to-work transition. This crisis measure ended on 1 January 2011.<sup>35</sup>

### *Accreditation of non-formal and informal learning*

Accreditation of prior learning (APL, in Dutch: Erkenning Verworven Competenties, EVC) is the common name given to the process of recognition of the competences an individual has gained through formal, informal or non-formal learning in various settings. This implies that competences acquired by learning on the job, in society or in voluntary work are in principle comparable to the competences acquired in formal education.<sup>36</sup>

In general, an APL procedure focuses on a certain qualification. The acquired competences, gained through informal and non-formal learning, are compared with the learning outcomes of a formal qualification.<sup>37</sup> The aim of an APL is to accelerate formal learning programmes or to enhance the employability and mobility of the applicant/employee.

The following documents and items may be accepted as proof of acquired competences: reports, diplomas, certificates and reports of assessment interviews. Methods of

<sup>34</sup> [www.nuffic.nl](http://www.nuffic.nl).

<sup>35</sup> Attachment to the document: Tweede Kamer, vergaderjaar 2011–2012, 30 012, nr 36. Resultaten Leren en Werken 2005–2011.

<sup>36</sup> [www.kenniscentrumevc.nl/index.php/mt-apl-intro](http://www.kenniscentrumevc.nl/index.php/mt-apl-intro).

<sup>37</sup> See, in more detail, [www.kenniscentrumevc.nl](http://www.kenniscentrumevc.nl).

assessing the competences may include: the portfolio, assessment, criterion-oriented interviews, workspace observation or other forms of testing. Usually a mix of methods is applied, depending on the aim, the target group and the competences to be assessed (Kenniscentrum EVC, 2009).

In principle, the final product of an APL procedure is the APL certificate. The proven competences are weighed against the learning outcomes of a qualification for vocational education or another standard which employers and employees regard as relevant.

## **4. Are different types of migration taken into account?**

### ***4.1. Highly qualified migrants***

A credential evaluation, the advice on the recognition of a foreign diploma, can be part of the application procedure for a residence permit. Highly qualified migrants may need a credential evaluation in order to qualify for a 'search year' residence permit as a 'highly qualified migrant seeking employment'. 'Highly qualified migrants' in this regard refers to foreign students (third-country nationals) who attained a master's or doctorate degree in the Netherlands. They have the opportunity to find a job as knowledge worker within a year of finishing their studies.

### ***4.2. Refugees***

COA, the Central Agency for the Reception of Asylum Seekers, is responsible for the reception of asylum-seekers. As soon as asylum-seekers receive a residence permit, COA helps asylum-seekers prepare for staying in the Netherlands. One of the tools they use is the portfolio. In many cases refugees do not have any proof of their formal qualifications or prior learning in their countries of origin. The COA assists asylum-seekers in preparing a portfolio in which their prior learning, education and experiences are mapped out as precisely as possible. However, formal proof is still necessary for credential evaluation. Therefore, on behalf of the Minister for Immigration, Integration and Asylum, the Dutch centres of expertise for international credential evaluation together with several refugee organizations and representatives of the business community<sup>38</sup> are developing a procedure for credential evaluation based on information provided by the refugee (for more information see 2.5). A pilot project was launched in February 2012.

Furthermore, the University Assistance Fund (UAF) supports refugee students in the Netherlands. This support consists of:

- scholarships and contributions towards the costs of the preparation and of the studies;
- individual advice and guidance by student counsellors;

<sup>38</sup> The Central Reception Organization for Asylum Seekers (COA), the Foundation for Refugee Students (UAF) and Dutch Council for Refugees (VluchtelingenWerk Nederland) participate.



- support for graduated UAF clients in finding a job;
- advice to governmental and educational institutions about suitable paths for higher educated refugees.

In order to qualify for UAF support, candidates must meet a number of requirements. They should, for instance, be able to speak Dutch at level B1, or English or French ([www.uaf.nl](http://www.uaf.nl)).

## 5. Role of the different institutions

### 5.1. Authorities for the recognition of foreign diplomas

*Information centre of expertise for international credential evaluation (IcDW)*

Currently, there are two centres of expertise for international credential evaluation: Nuffic and SBB (formerly Colo). Nuffic participates in several international networks, such as the National Academic Recognition Information Centre's (NARIC's) network founded by the European Commission. Nuffic acts as the Dutch NARIC for the evaluation of foreign diplomas in higher and general secondary level education in the Netherlands. SBB is responsible for credential evaluations at the level of senior secondary vocational education (mbo), including adult education, and preparatory secondary vocational education (vmbo). These two centres work together. The Information Centre of Expertise for International Credential Evaluation (IcDW) acts as a central desk where all applications for credential evaluation can be submitted.

A credential evaluation is a written statement, which indicates in which way foreign diplomas and study programmes are valued in the Netherlands. If possible, a detailed and systematic comparison with Dutch educational programmes is made. In cases of too many differences between the educational programmes in the third country and in the Netherlands, only a general comparison is made. The statement is an indication of (usually the highest) diploma a person has obtained. The written statements have advisory status only, and no rights can be derived from these documents. Besides credential evaluation, Nuffic provides information about the Dutch education system and hosts a website to inform potential foreign students about studying in the Netherlands.<sup>39</sup>

*Regulatory bodies for regulated professions*

For some professions, access to employment is regulated by law. Regulated professions can only be practised by someone who has the appropriate national qualification. Examples of regulated professions in the Netherlands are: medical professional, teacher, driving instructor, physiotherapist, lawyer. For every regulated profession a competent authority decides who is allowed to practise that profession.

<sup>39</sup> [www.studyin.nl](http://www.studyin.nl).



Each EU Member State has a National Contact Point for Professional Recognition (NCP). In the Netherlands the NCP is based at Nuffic. Nuffic runs a website that provides information on regulated professions and contact details of the competent authorities. Individuals have to apply for recognition at the competent authority. The competent authority will make a decision within four months of submission of the application and the complete file. Possible outcomes are immediate admission, admission under the condition that additional requirements are met, or no admission. Applicants can appeal against the decision at a national judicial authority.

Table 4.1 provides an overview of the responsible authorities depending on the goal of the diploma recognition.

**Table 4.1: Responsible authorities and goals of recognition**

Goal /aim	Responsible authority	Applicant pays for recognition?
Looking for study within regular subsidized education	Educational institute	No
Looking for study within private education	Educational institute or IcDW	Yes (or the organization will carry the costs)
Unemployed person looking for a job in a non-regulated profession	IcDW	Yes
Employed person looking for a job in non-regulated profession	IcDW	Yes
Employed person looking for a job in regulated profession	Regulatory bodies for regulated professions (professionalrecognition.nl)	No (although procedure itself may cost money)
Diploma holder applying for recognition of an academic title	Dienst Uitvoering Onderwijs (DUO)	No

Source: *www.idw.nl*, 25-04-2012.

### *The APL infrastructure*

In 2005, the Dutch government introduced the ‘lifelong learning’ strategy to stimulate adult learning. This strategy focuses on combining work and study for the adult work force and job-seekers, as well as on the recognition and accreditation of prior learning and work experience. The Interdepartmental Project Unit for Learning and Working (PLW) was set up to boost the lifelong learning strategy. In 2007, the project period was extended until 2011. The aim of PLW was to develop a regional infrastructure (including government, educational institutions and the business community) for lifelong learning, improving the quality of APL and stimulating learning in the workplace. On 1 January 2011, the PLW was discontinued.

Currently, the main focus of the national government is on sustaining the (regional) infrastructure for lifelong learning and the quality of APL and the APL procedures. Educational institutes are encouraged to implement APL institution-wide and sign agreements with the government on the realization of a certain number of APL

procedures and guaranteeing a minimum quality standard. Regional so-called 'work-and-learning offices' (leerwerkloketten) have been set up to actively promote the use of APL and continue to exist in 2012. These offices are a collaboration between UWV WERKbedrijf, municipalities and regional educational institutes (ROC's). Individuals and employers can consult these offices to receive information and solutions for combining work and learning.

Employers' organizations and trade unions (in short: social partners) in the Netherlands traditionally negotiate with the government on all aspects concerning the regulation of the labour market. This also includes the division of responsibilities in the learning market: initial education and training of job-seekers are the primary responsibility of the government, whereas the training of employees is considered the primary responsibility of the social partners. Social partners also stimulate the use of APL by collective labour agreements. Employees are entitled to benefit from APL, as laid down in certain collective labour agreements (Duvekot, 2010). In these collective agreements it is also decided that Training and Development Funds (O&O fondsen) can be used for the valuation of personal competences of employees. Sometimes there is even agreement on the utilization of this fund for giving learning vouchers to the employees. Since the end of the 1990s, a number of industrial sectors (for example the house-painting industry, meat industry, construction industry, process industry and the care sector) have set up initiatives in relation to APL at the sectoral level. In most cases social partners, sector organizations and regional vocational training institutes (ROC's) are involved in setting up APL procedures (Duvekot, 2010).

### *Knowledge Centre APL and APL providers*

In 2001, the Ministry of Education, Culture and Science launched the Knowledge Centre for APL. The centre is responsible for the knowledge management and dissemination regarding APL and the quality standards for APL in the Netherlands. The candidate has to assemble evidence of acquired competences. Recognition of prior learning means awarding certificates of proven experience or sometimes a diploma. However, external legitimacy is the key requirement for recognition. The educational institutes decide whether a specific certificate or diploma will be granted or not.

Organizations aiming to become an accredited APL provider first of all have to develop an APL procedure that meets the quality code. Secondly, the developed APL procedure has to be assessed by an external evaluating organization.<sup>40</sup> The evaluating organization will judge whether the proposed APL procedure meets the requirements laid down in the APL quality code. If the procedure is positively evaluated, the evaluation report will be sent to DUO. DUO is responsible for the registration in the National Register of accredited APL procedures/providers. At the end of 2011, there were about 80 accredited APL providers. Most APL providers

<sup>40</sup> A list of designated organizations is available from the website of the Dutch Knowledge Centre APL, [www.kenniscentrumevc.nl](http://www.kenniscentrumevc.nl).

were institutes for vocational secondary education (mbo, 31), followed by private institutes (30), institutes for higher education (hbo, 11) and knowledge centres (11). The number of providers has declined compared to 2009, when there were still over a hundred providers. The APL quality code is the most frequently mentioned reason for organizations to stop providing APL procedures. Most of these organizations only completed few or no APL procedures in the period they were certified APL providers (Stuivenberg, Kans and van der Aa, 2012).

According to the Dutch Knowledge Centre APL, the APL procedure contains five steps (Kenniscentrum EVC, 2009):

1. information and advice for the candidate, employer/organization;
2. personal dialogue with the candidate and decision (by the candidate) to start the APL procedure or not;
3. recognition of competences: portfolio (supported by a coach);
4. validation of competences: assessment (by the assessors);
5. APL report: description of results and accreditation (by the assessors).

However, a survey among 72 organizations using APL (profit, non-profit, different sectors) shows that in practice there are many different ways in which APL procedures are phased. This also results in differences in the time necessary to complete the APL procedure (Stoel and Wentzel, 2011). The Dutch Knowledge Centre APL assumes an average of about three months is needed to complete the entire procedure.

## 6. A sectoral example: recognition procedure in health care

Health care is one of the sectors facing labour shortages, especially in the larger towns. Within this sector several initiatives have been introduced to increase the potential labour force by professional recognition and recognition of prior learning and working experience.

Many professions in the health-care sector are regulated professions. To work in the Netherlands as a health-care professional one needs to be registered in the BIG register.<sup>41</sup> The CIBG administers the registration of health-care professionals in the BIG register, on behalf of the Ministry of Health, Welfare and Sport. The CIBG also issues a Declaration of Professional Competence to care providers wishing to practise their profession in the Netherlands on the basis of a foreign diploma.

The Foreign Healthcare Qualifications Commission (CBGV) is an independent commission appointed by the ministry and can be called upon for advice and recommendations. The CBGV in turn may seek advice from Nuffic or SBB regarding the standing of qualifications in other countries. Based on the provided information

<sup>41</sup> The register for health-care professionals in regulated professions. This register aims to provide clarity and certainty regarding the care provider's qualifications and entitlement to practise. Anyone can consult the register, either online or by telephone.

and recommendations, the CIBG makes a decision about the registration and professional recognition.

There are basically three ways in which health-care professionals with foreign diplomas can acquire professional recognition, depending on their diploma and nationality, namely:

- Health-care professionals with EER or Swiss nationality with approved diplomas can register themselves directly in the BIG register. After registration the professional is able to use the legally protected professional title.
- Health-care professionals outside the EEA or Switzerland or without an 'approved diploma' (psychologist, physiotherapist, psychotherapist) must satisfy a number of quality requirements. They must obtain a 'Declaration of Professional Competence' to be able to register.
- Medical doctors (since 2005), dentists and nurses (since 2007) with a non-EEA or Swiss diploma, qualified for the profession in their country of origin, have to complete an assessment.

The assessment for doctors, dentists and nurses consists of two parts: a general knowledge and skills test and a professional assessment. In most cases, the assessment procedure will culminate in an 'advisory interview' with members of the CBGV. Depending on the outcome of the assessment, further supervision and training will be discussed.

## 7. Variations in labour market access based on qualifications

Highly skilled third-country nationals, defined by income criteria and/or profession have easy access to the Dutch labour market. In 2004 the Dutch government introduced the Knowledge Migrant Scheme (Kennismigrantenregeling) to make it easier for highly skilled migrants to work and reside in the Netherlands. The definition of highly skilled migrants is based on income criteria which are adapted annually. Besides easier access based on income criteria, different regulations also apply for scientific researchers and foreign doctors studying in the Netherlands in order to become a specialist. Furthermore, foreign students who have attained a master's or doctorate degree in the Netherlands have the opportunity to find a job as a knowledge worker within a year of finishing their studies.

### 7.1. Recent initiatives and legislative changes

#### *Improving the regional infrastructure*

A key element of the PLW approach is the development of regional partnerships to build a sustainable infrastructure for lifelong learning. There are currently 47 such partnerships (37 regional, 9 sectoral and one national reintegration project with job guarantee). The parties involved signed an intention agreement to realize 125,000

trajectories for combining work and learning that would result in certificates for the acquired competences (APL). A quantitative evaluation of the trajectories shows that the goals have been met within the project period (2005–2011).<sup>42</sup>

The ‘work-and-learning offices’ for information about combining working and learning are an important aspect of the regional infrastructure. These service desks are situated at UWV WERKbedrijf (responsible for the implementation of employees’ insurance and (re)integration into the labour market). As a result of austerity measures, the services of UWV WERKbedrijf are changing. The service will be increasingly electronic instead of face-to-face. In 2012, the regional ‘work-and-learning offices’ continue to exist, but the services will be re-evaluated to see whether they still fit the new framework and position of UWV WERKbedrijf.<sup>43</sup>

### *Stimulating APL in higher education: 2010–2011*

Since 2006, there have been several government incentives to stimulate the use of APL in higher education.<sup>44</sup> Despite these incentives the use of APL did not meet the formulated objectives. The main reason for lagging behind was the unfamiliarity of the higher education institutions with the tool. The logistical process improved between 2006 and 2009, but changing to a more demand-driven approach appeared to be difficult.<sup>45</sup> The use of APL in higher education could benefit highly educated third-country nationals, as it broadens the possibilities to have their formal, non-formal and informal learning and working experiences compared to the Dutch higher education standards (and possibly recognized). However, the evaluation of the use of APL in higher education showed that the institutes still preferred other available instruments, such as exemption for part of the study programme or an intake assessment.

Because of this, a new project was introduced for the year 2010–2011. Seven institutions for higher education received a subsidy to increase the participation of the working population of 23 years and older. The subsidized projects aim at:

- developing strategic policies to position and profile the hbo-institutions as institutes for lifelong learning;
- developing and adjusting products and services for education, certification and APL for the target group (meeting the needs of the target group and the market);
- improving relationships with the business community and other institutions;

<sup>42</sup> Attachment to the document: Tweede Kamer, vergaderjaar 2011–2012, 30 012, nr 36. Resultaten Leren en Werken 2005–2011.

<sup>43</sup> Attachment to the document: Tweede Kamer, vergaderjaar 2011–2012, 30 012, nr 36. Resultaten Leren en Werken 2005–2011.

<sup>44</sup> Tijdelijke stimuleringsregeling EVC in het hbo 2006, tijdelijke stimuleringsregeling EVC- en maatwerktrajecten werkend leren in het hbo 2007, tijdelijke stimuleringsregeling EVC- en maatwerktrajecten werkend leren in het hbo 2008.

<sup>45</sup> Attachment to the document: Tweede Kamer, vergaderjaar 2011–2012, 30 012, nr 36. Resultaten Leren en Werken 2005–2011.

- adjusting the internal organization of the institution to facilitate services for employers, employees and job-seekers within the framework of lifelong learning.

The evaluation of these projects is currently being conducted. The results are expected mid-2012. However, interim audits in 2010 showed that quantitative and qualitative results will most likely be achieved where there is a strong sense of urgency and a strong commitment of governors and managers.<sup>46</sup>

### *Pilot project credential evaluation for refugees*

In February 2012, the Dutch centres of expertise for international credential evaluation, together with several refugee organizations and representatives of the business community<sup>47</sup>, initiated a pilot project to develop a procedure for credential evaluation based on information provided by the refugee, without the need for formal proof of qualifications. The aim of the pilot project is to assess whether such an evaluation helps refugees to ease their way into the Dutch labour market. As the credential evaluation will still have the status of a recommendation, employers and educational institutions have a last say in the validation of qualifications.

The pilot project runs until the end of 2012 and a total of EUR 85,000 has been made available to issue 250 indications of the education level. After the trial period it must be clear whether this procedure shortens the refugees' distance to the labour market and will become part of the services provided for diploma recognition.

The first phase of the pilot was used to set up the procedure. An application form was developed, comparable to the forms used in regular recognition procedures. The form is available in eight languages, to enable refugees to fill in the form themselves: Dutch, English, French, Somali, Arabic, Farsi, Dari and Tigrinya. Applications could be returned up until October 2012. There are no costs involved in the credential evaluation. The Central Reception Organization for Asylum Seekers (COA), the foundation for refugee students (UAF) and Dutch Council for Refugees (VluchtelingenWerk) can act as intermediaries and have to (co)sign the application forms. Moreover, client managers of municipalities (responsible for reintegration or integration) can act as intermediaries. In June 2012, the procedure was set up and functioning. So far three "Indications of the education level" have been issued. It is therefore too early to look into the results and experiences.<sup>48</sup>

### *Quality assurance of APL procedures and providers*

As mentioned in paragraph 1.1, since 2010, steps have been taken to further improve the quality of APL, in the form of an introduction of standards regarding the issuing of APL certificates and an action plan to further develop

<sup>46</sup> Attachment to the document: Tweede Kamer, vergaderjaar 2011–2012, 30 012, nr 36. Resultaten Leren en Werken 2005–2011.

<sup>47</sup> The Central Reception Organization for Asylum Seekers (COA), the foundation for refugee students (UAF) and Dutch Council for Refugees (VluchtelingenWerk Nederland) participate.

<sup>48</sup> Telephone consultation with Indira von Oven, projectleader of the pilot, 14 June 2012.

quality procedures for APL.<sup>49</sup> The action plan quality APL consists of activities to stimulate professionalization and the development of products aiming to enhance the quality of the APL system. Several further training courses have been introduced by the Dutch Knowledge Centre APL, such as: mixing methods for assessing competences, writing an APL certificate, intake assessment, quality code APL. Another step to improve the quality of the procedures has been the updating of job descriptions of the APL coaches (who accompany the procedure and give feedback) and the assessors.<sup>50</sup>

Besides the action plan, the ministry of education and science recently initiated a trajectory to introduce a bill in parliament to regulate the goal, accessibility, procedure, quality, financing, acknowledgement and availability of APL.<sup>51</sup>

Despite these initiatives there are still concerns. In March 2011 the social partners in the care sector drew the attention to problems concerning the exchanging of APL-certificates for formal diplomas or exemptions in the study programme. The educational institutes and the exam committees decide about this. An evaluation shows that these committees lack the expertise to assess the certificates and also the quality of the presented certificates requires improvement in order to be properly assessed (Kenniscentrum EVC, 2012).

## **8. Role of consultations with employers**

The Netherlands has a long tradition of training employees, not only organized by employers but also with support of the trade unions. In some branches of industry, for example, trade unions and the organizations of employers have bundled their efforts in stimulating industrial training programmes. Together, these social partners started the Training and Development Funds (O&O fondsen), to support educational initiatives for employees. Both employees and employers pay a small amount of their incomes to these sectoral funds. These funds are also used for the valuation of personal competences of employees. Since the end of the 1990s a number of industrial sectors have set up initiatives concerning APL at their sector level. In setting up these procedures, the social partners, sector organizations and regional vocational training institutes (ROC's) are involved (Duvekot, 2010).

## **9. Good practices and challenges**

### **9.1. Effects of APL**

By order of the Ministry of Education, Culture and Science and the Ministry of Social Affairs and Employment a large scale study has been conducted into the effects of the use of APL for individuals and for organizations (Stoel, and Wentzel, 2011).

<sup>49</sup> Tweede Kamer, vergaderjaar 2011–2012, 30 012, nr. 36.

<sup>50</sup> [http://www.kenniscentrumevc.nl/attachments/article/92/Profiel\\_EVC-begeleider\\_1\\_0\\_maart\\_2011.pdf](http://www.kenniscentrumevc.nl/attachments/article/92/Profiel_EVC-begeleider_1_0_maart_2011.pdf).

<sup>51</sup> Tweede Kamer, vergaderjaar 2011–2012, 30 012, nr. 36.



Within the framework of this study a survey was carried out among 331 individuals who received an APL certificate in 2010, showing the following perceived effects:

- 76 per cent of the respondents acquired new knowledge within a year after receiving the APL certificate.
- 59 per cent of the respondents report to have gained insight into their strengths and weaknesses.
- 54 per cent of the respondents report to have gained more confidence.
- 47 per cent of the respondents have started an education.
- 44 per cent of the respondents report increased changes on the labour market over the past year.
- 44 per cent of the respondents have acquired a diploma over the past year.

Also part of this study, a survey among 163 stakeholders of participating organizations shows the following experienced effects:

- 32 per cent of the respondents state that APL definitely leads to better/higher qualifications or skills for the employees.
- 31 per cent of the respondents state that because of APL career opportunities for employees have improved.
- About a quarter of the respondents state employees have improved professional skills (28%) or their flexibility/employability has improved (25%).
- 23 per cent of the respondents report improved mobility and turnover of employees.
- A small share of the respondents report positive financial effects, such as more profit (4%), better price for goods or services (3%), more sales (2%) or more customers (1%).

Many APL contact persons of organizations do not hand out the APL certificate to the employees. Obtaining a diploma is the eventual goal in most cases. Obviously, an APL and regular education achievements are in many cases strongly interlinked. Therefore, the effects of the APL certificate and the diploma correlate. Based on an extensive survey among 1,080 participants of APL it can be concluded that APL serves as a stimulus for further education. Besides, it has a positive effect on the job and career satisfaction of the respondents. Other effects, such as gaining confidence, increasing employability and career management, appear to be primarily the result of acquiring a diploma and not of the APL procedure.

The evaluation indicates that APL is especially beneficial as a career or labour market instrument for the age group 40–50 years old and for people who have worked for only one or two employers. People within these groups who acquired APL assess their changes on the labour market more positively than similar people without APL (Stoel and Wentzel, 2011).



## **9.2. APL for highly educated immigrants**

Research into the use of the portfolio instrument shows that for highly skilled migrants who want to practice their profession in the Netherlands formal education and accreditation of their diplomas and their language skills are more important than their working experience in their countries of origin. However, as put forward by Scholten and Lokhoff (2008), experience with the portfolio approach as a part of the APL procedure has brought up the following specific advantages for highly educated immigrants:

- The use of Dutch competence standards raises awareness of their options and chances on the Dutch labour market.
- Developing the portfolio is a means to improve their Dutch language skills.
- The portfolio approach prepares for job interviews (reflection of strengths and weaknesses, talents and goals and insights into the Dutch professional culture).

But there are also disadvantages of the portfolio approach:

- It has proven difficult for immigrants to come up with proper evidence of acquired competences abroad. Working experience in the Netherlands is a lot easier to prove. However, only few of the highly skilled migrants using the portfolio had had the opportunity to acquire work experience in the Netherlands.
- Good Dutch language skills are necessary for developing a proper portfolio. This can be an obstacle for immigrants.
- 'Double judgement': it is not possible to focus exclusively on working experiences and informal learning during the APL procedure. The migrants will also be assessed about issues they were already examined about in their country of origin.

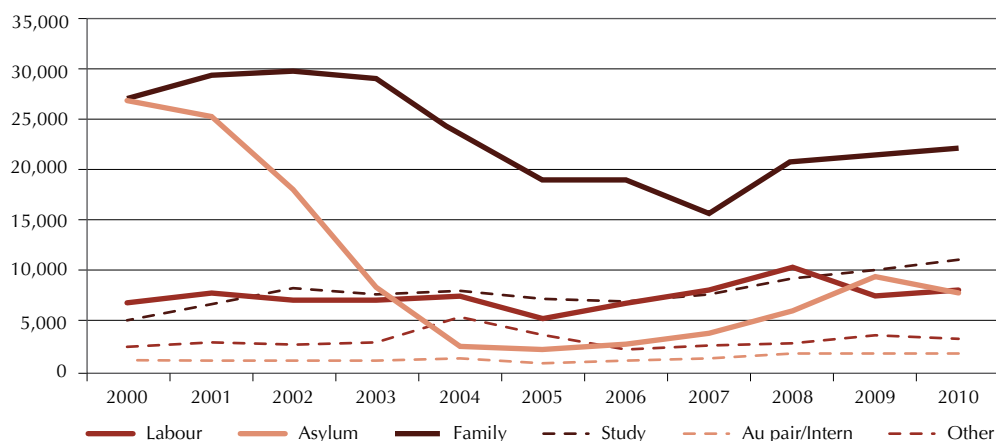
## **10. Labour market analysis in relation to recognition procedures**

### **10.1. Type of migration flows to the country**

Since 2007, the largest share of the immigration flows to the Netherlands concerns labour migrants. The absolute number of these migrants decreased, however, after 2008. In the period 2005–2008 labour migration to the Netherlands increased from more than 22,000 to about 40,000. As Figure 4.1 reveals, labour-based immigration amounts to more than 40 per cent of the total immigration of foreigners. Asylum migration increased from 6 per cent in 2008 to 9 per cent in 2009. This rise follows a period of about five years, within which only small numbers of asylum immigrants came to the Netherlands. Family reunification increased slightly since 2006 and accounted for about a third of the total immigration in 2009. The share of immigrants coming to the Netherlands for studies has doubled over the past 10 years and contributed to almost 15 per cent of the total immigration in 2009.

The immigration motives of third-country nationals differ from those who come from other EU Member States. The largest share of third-country immigrants moved to the Netherlands in order to reunite with their families. In 2009, around 40 per cent fell under this category. Only 14 per cent were labour migrants. In contrast, migration from the EU to the Netherlands largely consists of labour migrants (both employees and self-employed persons). The number of labour, study and internship immigrants from third countries has been rather stable over the last 10 years (Figure 4.1). Family migration and asylum migration have dropped considerably.

**Figure 4.1: Immigration of third-country nationals by migration motive, 2000–2010**



Source: CBS Statline 2011.

More recent figures are available for the number of applications for temporary residence permits. Third-country nationals (that is, those who originate from outside the EU) who wish to remain in the Netherlands for more than three months must apply for an entry visa (authorization for temporary stay, MVV) in their own country. As soon as they arrive in the Netherlands they must apply for a temporary residence permit (VVR) based on the purpose of their stay: work, study, or family reunification. Asylum-seekers must apply for an asylum residence permit upon arrival in the Netherlands. The number of applications for a temporary residence permit for labour, family reunification, study or under the knowledge migrant scheme has increased since 2010. The number of applications for asylum and other residence permits has slightly decreased.

To gain insight into the skills composition of recent immigration of third-country nationals it is useful to look into the issued work permits (TWV's) by employment position. In 2009 and 2010 most work permits were issued for jobs in horticulture, followed by cooking/preparing food and ICT development and consulting. The demand for seasonal labour in the horticulture industry primarily attracts unskilled or low-skilled workers. During the last three years these workers have primarily come from Romania and Bulgaria. Third-country nationals only make

up a small share of these seasonal workers. In 2009, most seasonal workers from third countries came from Ukraine and Russia. Third-country nationals have a larger share in the other positions, demanding higher skill levels. Labour migrants who work as cooks are mainly Chinese, and the ICT labour migrants are mainly Indians (INDIAC, 2010).

**Table 4.2: Number of applications for temporary residence permit by type, 2010–2011**

	2010	%	2011	%
Labour	3,300	5	3,800	5
Asylum (applications eerste aanleg)	12,700	18	11,300	16
Family reunification	20,900	30	22,400	32
Study	10,550	15	11,700	17
Knowledge Migrant	5,900	9	6,650	9
Other	15,350	22	14,400	20
<b>Total</b>	<b>68,700</b>	<b>100</b>	<b>70,250</b>	<b>100</b>

Source: IND 2011.

**Table 4.3: Top 5 work permits by position type, 2007–2010**

	2007	2008	2009	2010
Working in horticulture	23,126	3,247	3,558	3,008
Cooking/preparing food (catering)	1,251	1,163	1,174	1,402
ICT development and consulting	1,342	1,359	747	1,323
Research and analysis	1,006	670	957	862
<b>Serving food and drinks (catering)</b>	<b>889</b>	<b>909</b>	<b>629</b>	<b>775</b>

Source: UWV 2011.

Since 2004, different regulations have applied for highly skilled labour migrants (as defined by income requirements) only. Most important in this regard is that highly skilled labour migrants do not have to apply for a work permit (TWV) and are therefore not included in the above-mentioned statistics.

In 2011, 5,250 people applied for an entry visa (provisional residence permit) under the ‘Knowledge Migrant Scheme’ (Kennismigrantenregeling), and 6,650 people applied for a regular residence permit (VVR). The Dutch government introduced the Knowledge Migrant Scheme (Kennismigrantenregeling) in 2004 to make it easier for highly skilled migrants to work and reside in the Netherlands. A highly skilled migrant is permitted to perform work without a work permit. Highly skilled migrants are third-country nationals who earn an annual income in excess of about EUR 51,000. Mainly because of the economic decline in the Dutch labour market the number of applications decreased considerably between 2008 and 2009. However, over the past two years the number of applications slightly increased. In 2010, most highly skilled migrants came from India (34%), followed by the United States (13%) and Japan (6%).

**Table 4.4: Applications under Knowledge Migrant Scheme, 2005–2011**

	2005	2006	2007	2008	2009	2010	2011
Provisional residence permit*	2,080	3,880	5,600	6,840	4,470	4,700	5,250
Residence permit	2,010	3,930	5,380	7,190	5,410	5,900	6,650

Source: IND 2010/2011.

\* This is an entry visa, applied for before coming to the Netherlands.

## 10.2. Overqualification

There are several studies showing that foreign diplomas as well as prior learning and work experience are not fully recognized upon entering the Dutch labour market. This is particularly the case for refugees, who often do not have official documents as proof of the education they followed. In addition, long waiting periods without working, a loss of status due to their migration history, and severe language problems, further reduce their chances in the Dutch labour market (Klaver and Odé, 2005).

Research among 234 refugee medical doctors in the Netherlands shows that a specific degree in medicine and working experience in the country of origin is no guarantee for a similar position in the Netherlands. Most refugee doctors work in a different specialism in the Netherlands as compared to their countries of origin. They do not benefit fully from their prior learning and expertise and hardly received any exemptions while studying in the Netherlands. Strikingly, the majority of the refugee doctors (60%) do not reflect negatively about this downward change in their careers. They also emphasize that their age and family situation played a part in their career choice (UAF, 2010).

## 10.3. Number of third-country nationals seeking recognition of non-EU qualifications

In 2011, Nuffic evaluated 12,500 diplomas, which is about 1,000 more than in 2010. These include both EU and non-EU qualifications. The increase was mainly due to the increase in recognition requests from Dutch institutes for higher education. Nuffic received evaluation requests for over 6,600 diplomas, an increase of 30 per cent compared to 2010.

The principal nationalities for which advice was requested include the following countries: (1) China, (2) Germany, (3) United States, (4) United Kingdom, (5) Iran, (6) Nigeria, (7) India, (8) Ghana, (9) Cameroon, (10) Russia. About 40 per cent of the recommendations given concerned one of these 10 countries. This ranking is more or less similar to that of 2010.<sup>52</sup>

There are no data available on the use of APL by nationality or ethnic background. The general use of APL has been greater and rising over the last years; from 9,900

<sup>52</sup> [www.nuffic.nl](http://www.nuffic.nl).

in 2007 to 12,500 in 2008, 15,700 in 2009 and 22,000 in 2010<sup>53</sup>, but does not meet the formulated goals. Also, the use of APL as one of the measures to combat the economic decline by improving labour mobility was not used as much as had been expected.<sup>54</sup> In 2011 the number of APL procedures decreased slightly to 17,700.

**Table 4.5: APL procedures 2007–2011**

	2011	2010	2009	2008	2007
APL procedures (including formerly accredited institutions)	17,900	22,300	16,400	12,800	10,300
APL procedures by accredited institutions	17,700	22,000	15,700	12,500	9,900

*Source: Stuivenberg e.g. 2012.*

In 2011 most APL procedures were realized in the following sectors: administration and management (30%), technology (27%), logistics (20%) and care (including education, 13%). In 2009 about two thirds of the trajectories were realized on the vocational level (mbo), and only 13 per cent were realized in higher education (hbo) (Kans e.a., 2010).

A questionnaire among 93 certified APL providers showed that in 2009 most APL procedures were realized in the following sectors: administration and management (30%), technology (27%), logistics (20%) and care (including education, 13%).

#### ***10.4. Results of recognition process (by third country, skill level and length of stay)***

There are no national data available on the ultimate result of the international diploma recognition.

A questionnaire among APL providers showed that on average, one third of the APL procedures results directly in a diploma or certificate. About half of the APL procedures leads to additional education. It has been estimated that about two thirds of this additional education results in a diploma or certificate within two years (Stuivenberg, Kans and van der Aa, 2012).

## **11. Conclusion**

In the Netherlands there is an extensive infrastructure for the assessment of qualifications and competences, which benefits third-country nationals. To assist third-country nationals in the Netherlands with international credential evaluation two centres are in place: Nuffic and SBB. Nuffic is responsible for the evaluation of

<sup>53</sup> <http://www.government.nl/news/2010/09/23/budget-szw-2011.html>, resultaten leren en werken 2005–2011; procedures by accredited APL providers. M. Stuivenberg, K. Kans and R. van der Aa, EVC gemeten. Actualisatie 2010–2011. Rotterdam: Ecorys.

<sup>54</sup> In 2009, 113 retraining bonuses were granted, and 77 EVCs and 12 EVPs were issued. In 2010, 256 retraining bonuses were granted, and 1745 EVCs and 78 EVPs were issued.

foreign diplomas in higher and general secondary level education in the Netherlands. SBB is responsible for credential evaluations at the level of senior secondary vocational education (mbo), including adult education, and preparatory secondary vocational education (vmbo). The Information Centre of Expertise for International Credential Evaluation (IcDW) acts as a central desk where all applications for credential evaluation can be submitted and information can be gathered.

APL has been developed in the Netherlands to stimulate employability and labour mobility of the Dutch labour force. Currently, about 80 organizations offer accredited APL procedures. Most APL providers are educational institutes, but private institutes and knowledge centres also provide APL procedures. There are many diverse ways in which procedures are phased and differences in the instruments that are being used. The Knowledge Centre for accreditation of prior learning (Kenniscentrum EVC) was established for knowledge management and dissemination on the subject of APL in the Netherlands, and to ensure quality standards for APL in this country. The portfolio approach is a common element of the APL-procedure. Research into the use of the portfolio tool has shown that for highly skilled migrants who want to practise their profession in the Netherlands, diplomas and their language skills are of overriding importance compared to their prior learning and working experience.

### *Meeting the challenges*

In recent years, various incidents and challenges in the recognition of competences and qualifications have come about, which have led to the introduction of new regulations and mechanisms: lack of formal documents for credential evaluation for refugees, limited use of APL and concerns about the quality of APL procedures.

For a credential evaluation and the recognition of foreign education, official documents, such as the original diplomas or certified copies, are essential. For many refugees this is problematic and has been a barrier to successful participation in the labour market. A pilot project which was initiated in 2012 will explore a different type of procedure based on the information provided by refugees.

For years, the use of APL was lagging behind the expectations and ambitions, along with other factors due to the lack of knowledge amongst organizations and possible applicants about the existence and possibilities of the instrument. Therefore, the government has stimulated the development of regional partnerships to build a sustainable infrastructure. Until now, several government incentives to stimulate the use of APL in higher education have failed to realize the expressed objectives; the main reason being the unfamiliarity of the institutions of higher education with the mechanism. A new project was introduced for the year 2010–2011: seven institutions for higher education received a subsidy to develop and adjust products and services for education, certification and APL.

The quality and transparency of APL procedures has been a point of critique. To overcome the criticism and stimulate the use and quality of APL, the government

has taken several steps to further regulate APL, such as updating job descriptions for assessors and training courses. Moreover, there are ongoing preparations for the introduction of an APL bill in parliament to regulate the purpose, accessibility, procedure, quality, financing, acknowledgement and availability of APL.

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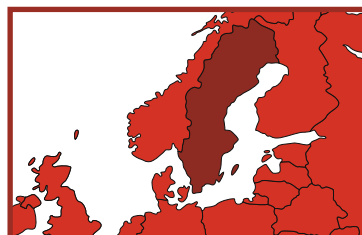
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# SWEDEN

Elena Dingu-Kyrklund<sup>55</sup>



## 1. Introduction

### *Patterns of migration and structural changes*

The Swedish population reached 9.5 million inhabitants in May 2012. About 15 per cent of them<sup>56</sup> were foreign-born – and up to 20 per cent or more of the current population of Sweden has an immigrant background<sup>57</sup>. A decent part of this population also represents an increasing share of the Swedish labour force, as illustrated in tables 5.1, 5.2 and 5.3 below.

**Table 5.1: Native-born and foreign-born, comparison: The Swedish Population aged 16–64 divided according to workforce occupational classification (in occupation<sup>58</sup> / unemployed) and educational level (SUN 2000) as well as birthplace; both genders**

Gender/ Both M/F	In occupation (employed a.o.)				In thousands unemployed				Population			
Country of birth	Lower secondary education	Secondary education	Post- Secondary education	Total	Lower secondary education	Secondary education	Post- Secondary education	Total	Lower secondary education	Secondary education	Post- Secondary education	Total
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Native-born (Sweden)	506,0	1,891,3	1,452,9	3,861,6	41,3	72,9	33,5	150,6	932,0	2,278,7	1,654,3	4,956,5
Born abroad accord. to region	107,5	254,5	249,3	622,4	21,2	25,3	18,9	66,8	235,2	368,0	324,4	966,6

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<sup>56</sup> 1,427,296 persons.

<sup>57</sup> Persons born abroad, or alternatively persons with one or two parents born abroad are considered as having an immigrant background, even though some of them may have become Swedish citizens in the meantime.

<sup>58</sup> The term 'sysselsatta' indicates not only persons effectively employed, but it also includes factually unemployed persons under so-called "labour market measures or programmes", which technically places them in the "occupational" category, but does not change the fact that, at the end of that programme, there is a high probability that they will rejoin the "unemployed" category.

Europe, of which	58,6	149,7	137,0	351,7	8,6	11,3	6,7	27,3	121,9	213,2	166,0	516,5
Northern Europe	24,4	54,7	47,5	128,7	1,8	2,6	1,3	5,9	43,5	76,6	55,9	179,9
EU-25 minus Northern E.	9,4	35,7	51,3	99,4	1,3	2,8	2,2	6,4	17,0	49,6	60,4	132,1
South America	5,2	19,9	17,5	42,7	0,7	1,0	1,3	2,9	10,9	24,6	21,5	58,2
North America	1,4	4,0	7,9	13,7	0,1	0,6	0,3	1,0	3,3	5,7	10,2	20,6
Asia	35,4	65,4	70,3	174,0	9,2	10,5	8,2	28,3	84,1	101,8	103,3	306,4
Africa	6,4	14,0	11,9	33,3	2,4	2,0	1,8	6,5	13,7	20,9	17,5	55,3
Other countries	0,6	1,5	4,7	7,1	0,1	0,0	0,6	0,7	1,4	1,8	5,8	9,6
Total foreign-born	107,5	254,5	249,3	622,4	21,2	25,3	18,9	66,8	235,2	368,0	324,4	966,6

Source: Statistics Sweden, AKU-undersökningen – Labour Market Surveys 2008 (author's translation).

**Table 5.2: Sweden-born and foreign-born, comparison; Occupation, unemployment and labour force figures (relative figures), according to age (15–74 years old) and occupational degree<sup>59</sup>, by 2011**

Age	Relative figures (in percent)								
	Occupational degree/ Employment rate a.o.			Relative unemployment rate			Relative labour force / Relative activity rate		
	Sweden-born	Foreign-born	Total	Sweden-born	Foreign-born	Total	Sweden-born	Foreign-born	Total
15–24	41.6	31.4	40.4	21.1	37.0	22.9	52.8	42.9	52.4
25–54	90.1	70.0	86.0	3.4	14.7	5.5	93.3	82.0	91.1
55–74	46.9	35.7	45.2	3.7	9.1	4.4	48.7	39.3	47.2
15–74	67.6	56.2	65.6	5.5	15.8	7.5	71.8	66.8	71.0
16–64	77.9	63.2	75.3	5.9	15.9	7.6	82.9	75.1	81.5
20–64	83.3	65.5	80.0	4.8	15.3	6.6	87.6	77.3	85.6

Source: Statistics Sweden.

**Table 5.3: Occupation, unemployment and labour force figures (relative figures), according to age (15–74 years old) and occupational degree, and birthplace, by 2009**

Birthplace/part of the World	Occupational degree	Relative unemployment rate	Outside of labour force
Europe	57.4%	10.4%	35.9%
Africa	54.2%	24.7%	28.0%
Asia	51.7%	22.2%	33.6%
South America	66.7%	13.8%	22.7%
North America	61.9%	14.9%	27.3%
Rest of the world	63.2%	9.8%	29.9%

Source: SCB/Statistics Sweden – Arbetskraftsundersökningarna, AKU/Labour Market Surveys, 2009.

<sup>59</sup> See previous note above, on “sysselsatta” – occupational rate including persons employed and (unemployed) “in activity”.

The Swedish Aliens Act (2005:716)<sup>60</sup> of 2005 refers to three accepted categories of labour migrants: those who were offered a permanent contract, those who have special skills and those who, when the demand for labour force could not be covered by recruitment on a national level or from an EEA country or Switzerland, were granted a permanent residence permit (PUT). If one such labour migrant is offered employment in a profession temporarily lacking national labour supply, or if the person works within an international exchange programme, then s/he is offered a temporary residence permit (TUT). Since 2008, it is possible for third-country nationals to come to Sweden as labour migrants, provided there is an employer ready to offer them employment. Thus, there is a clear shift of power in enabling labour market migration from third countries, from the authorities to the employers, who practically become the actual decision makers in the matter. The new Swedish labour migration system is completely employer-driven and is the most open system across OECD countries, even though there might be some differences between theory and practice – and at the time of writing, it is still too early to evaluate its actual impact. Among the most interesting features of the new provisions is the possibility for migrants to shift category, for instance from asylum-seeker to labour-market migrant. Students also have the possibility to work – and even to prolong their stay after completion of their studies if they secure employment, which was not possible before. Labour migrants can acquire temporary residence permits for an initial period of up to two years, which can be renewed. After four years, they can obtain a permanent residence and work permit and thus are able to stay indefinitely. In December 2010, the so-called Establishment reform<sup>61</sup> (*etableringsreformen*) was adopted, which is intended to facilitate the integration of newcomers through a combined set of measures: language instruction, orientation into society, an individual programme with the employment office (AF) and even some mentoring services, cooperation between authorities to help with various pursuits (finding employment, dwelling, childcare, and so forth). The novelty may be more theoretical than it appears, considering that most of what is supposed to be offered in this context existed before<sup>62</sup> with varying results. However, the level of cooperation and coordination between the authorities in charge of its application and the complexity of the model – involving mapping of the professional competence of newcomers, support with solving related issues (dwelling, children's day-care or school arrangements), language instruction and also various forms of support to find employment, including a so-called “establishment pilot” (*etableringslots*), which will take a personal individually directed interest and offer guidance for actions, leading to a job – may in time show some concrete results. So far, both the feedback report of the Government's survey support (*Statskontoret*)<sup>63</sup> and the Employment Office's (*ArbetsFörmedlingen*) 2011 Report after the first

<sup>60</sup> Replacing the old Aliens Act (1989:529).

<sup>61</sup> Based on Act on Establishment Measures (2010:197) /*Lag om etableringsinsatser*, enacted on 1 December 2010.

<sup>62</sup> See for instance the earlier “Introduction programme” (*Introduktionsprogrammet*).

<sup>63</sup> Statskontoret 2012:22 (2012) “Establishment of newcomers – A Follow up of the authorities' application of the Establishment Reform” /*Etableringen av nyanlända – En uppföljning av myndigheternas genomförande av etableringsreformen*.

enforcement year<sup>64</sup>, indicate rather moderate results and a number of challenges, not rendering as yet the expected effects as far as impacting on the concerned group's establishment on the Swedish labour market.

Today, around 20 per cent of Sweden's population has an immigrant background. The issue of whether, how and to what extent the professional competence and skills of immigrants are being used has gradually become a recurring issue in the public debate.

## 2. Recognition of formal, non-formal and informal qualifications of third-country nationals in Sweden

As early as 1984, the University and Higher Education Board – *Universitets- och Högskoleämbetet*, UHÄ, was assigned to initiate an *equivalence* service, which became permanent in 1988. The UHÄ was reorganized in 1991, and starting in 1993, the new National Agency for Higher Education – *Verket för Högskoleservice*, VHS – assumed the responsibility for evaluating foreign higher education degrees. In 1995, this responsibility was taken over by the newly established Higher Education Authority – *Högskoleverket*, HSV.

In 1996, *Kunskapslyftskommittén*/the Adult Education Initiative Committee (see below) used in its first report<sup>65</sup> the term *validation*, defined<sup>66</sup> as: “a process that involves a structured assessment, evaluation, documentation and recognition of the knowledge and skills a person possesses, regardless of how they were acquired”. Thus, for the first time, such an assessment does not only refer to competence based on formal education achievements, but also to experience-based professional competence and skills. Unlike previous forms of assessment, this does not refer to highly educated persons, but a much wider context beyond formal education, ultimately referring to the labour market and the value of “personal, general or social competence”. More practically speaking, “to have knowledge, experience and ability to perform a certain task” or even consider the “transferability” of such knowledge and skills “between different fields of application in education and employment”, also with a view to incorporating future competence needs, where *basic skills*, *social skills*, *intercultural skills*, *analytical skills*, *leadership skills* and *entrepreneurial skills* are considered.

<sup>64</sup> Arbetsförmedlingen (2012) ”The Employment Office's feedback report 2011 – The Newcomers' establishment, the first year of the reform, regards December 2010–December 2011, presented on 22 February 2012” /*Arbetsförmedlingens återsrapportering 2011- Nyanländas etablering, reformens första år, avser december 2010–december 2011, inlämnad den 22 februari 2012.*

<sup>65</sup> SOU 1996:27 (1996) *En strategi för kunskapslyft och livslångt lärande*/A Strategy for a knowledge-lift [adult education initiative] and lifelong learning.

<sup>66</sup> See also Ds 2003:23 *Validering m.m.– fortsatt utveckling av vuxnas lärande*/ Validation a.o. – a continued development of adult education, where the definition was established, and Ds 2007:4 (2007) *Arbetsutbud och sysselsättning bland personer med utländsk bakgrund. En kunskapsöversikt*/ Labour supply and employment for people with foreign backgrounds. a knowledge overview, that confirmed the 2003 definition's wording as accepted.

However, in both the departmental report (Ds, 2002: 23) and the Validation committee's final report, it is stated that there is a difference between *validering*/validation and *prövning*/test-based assessment (testing). "Validation", with a holistic approach, involves getting existing knowledge recognized and assessed while "testing" can be viewed as *a phase in the validation process*, wherein it is only a matter of measuring specific knowledge towards specific course objectives, and where the result is pass or fail. Validation can never lead to a result of failure. Thus, validation becomes more of an overarching policy issue, reflecting various perspectives that affect the individual and the society at large, and is supposed to cover everything from basic education levels to academic level within the education sector (even those under transformation at present, such as "the new high school, the apprenticeship [*lärlingsutbildningen*], independent adult education activities, higher vocational education", and so on), and should also be handled in cooperation with representatives of the labour market field, using legitimate quality-assured methods. It will also be possible to implement validations on local, regional and/or central levels – and at no cost to the individual<sup>67</sup> – thus conferring more independence, but in a manner that is both gainful and economical for the society.

Traditionally, formal education was considered the only ascertainable criterion of qualification. Recently, increasing attention has been devoted to the value of informal/non-formal education forms and ways of validating them, and specific methodologies have been developed for this purpose. Thus, adult education – indeed, lifelong learning – also became a specific issue for assessment and validation. "The rhetoric of validation is built upon the idea that the individual, through validation, achieves a higher and more generalized level of education in order to become more attractive in the labour market. A person's level of employability is increased by more visibly evidencing their level of knowledge, and thus they are in a better position to negotiate employment and pay. Therefore, the benefits of validation are closely connected to the individual, and that being so, the main responsibility for further and supplementary education lies with the individual" (Abramsson, 2009).

### *The Adult Education Initiative (Kunskapslyftet)*

The Adult Education Initiative (*Kunskapslyftet*) that took place during the period 1997–2002 was the first to occur in that direction, followed by a number of successive framework programmes and initiatives. The Commission on Validation, appointed in 2003, should further develop appropriate validation methods. Since then, there have been a number of updates.

<sup>67</sup> From case to case, with individuals' needs as starting point, and for example study support for those studying, unemployment benefit if unemployed, and so on, enabling one to get or return to a job more quickly, or continue an education leading to one.

### 3. Qualifications, competences, skills, types of learning and recognition

Reference to *qualifications* is made primarily in connection with educational and professional qualifications, that is, essentially regarding specific formal qualifications – even though informal achievements contributing to one's overall competence may play a role in the labour market. It may imply formal qualifications for a specific profession – confirming a legal entitlement to profess, or fulfilling a particular job's requirements in terms of knowledge, skills, or capacity to perform specific tasks.

*Competence* is mostly described as the possession of “knowledge, experience and capacity to perform a certain task”<sup>68</sup>. In a working-life context, there are a number of references to various kinds of competence from an employer's point of view: basic competence, social competence, intercultural competence, analytical competence, leadership competence, entrepreneurial competence, and so forth<sup>69</sup>. Competence implies the ability to apply learning outcomes adequately in a defined context (education, work, personal or professional development). It is not limited to cognitive elements (involving the use of theory, concepts or tacit knowledge); it also encompasses functional aspects (involving technical skills) as well as interpersonal attributes (such as social or organizational skills) and ethical values.

A report presented to the Ministry of Education in 1998 recommended that “Sweden should establish an organization for the validation of professional skills, irrespective of where and how they are acquired. This should make it easier to find employment, especially for workers from other countries”<sup>70</sup> – and in line with the European development in the field, now increasingly established in the practice of recognition, especially in connection to specific profession-related skills that can be assessed by, for example, professional organizations, and are contextually defined. The Lisbon Agenda for Europe set a 2010 goal of achieving a “... greatest knowledge society with highly skilled and flexible workforce” while “new skills for new jobs” already became a motto of a number of European documents<sup>71</sup>. When qualifications and competence are discussed, a multitude of skills are mentioned in various contexts: basic skills/social integration (such as minimal communication skills, literacy); occupational skills (profession-specific, on various levels).

All adults, irrespective of their formal level of education, have accumulated *experience*, *knowledge* and *competence* acquired in a variety of ways, either through *education*, through their *practical working experience*, *at home* or through *social participation in interest groups*, *associations*, or otherwise. When looking to continue one's education,

<sup>68</sup> Valideringsdelegationen slutrapport – Mot en nationell struktur. Valideringsdelagationen (2007), Edita, Västerås, 2008, online version, p. 15. Accessed online in May 2012 from <http://www.skolverket.se/>.

<sup>69</sup> Ibid.; see also in: “Företagens kompetensbehov – en utmaning för Sverige”. Svenskt Näringsliv och KK-stiftelsen (2006); Spak, Gisela och Wahlström, Bengt (2007), “Till er tjänst – tjänsteföretagen, kompetensen och framtiden”, Almega.

<sup>70</sup> See: <http://www.eurofound.europa.eu/eiro/1999/01/inbrief/se9901136n.htm>, citing Valideringsdelegationen.

<sup>71</sup> The 2007 Council Resolution, “New skills for new jobs”, DG Education & DG Employment's Communication (2008): “New Skills for New Jobs”. See also the New Skills Network project.

enter the labour market, or attempt to ascertain one's professional position in the labour market according to professional qualifications (as a summing-up of both formal and informal educational achievements, skills and transferrable and flexible knowledge), it is important to consider the actual *competence* that a(n adult) person already has (no matter in what form), to enable the continuation of his/her professional life as efficiently as possible. *Validation* can be a way to make this latent competence visible and use it as a starting point. *Validation* and *recognition* is about *identifying, describing and assessing* a person's knowledge and level of competence, no matter where, when or how the learning occurred. If the assessment requires grading, formal testing or assessment may be necessary, according to pre-established rules. Validation, and the respective recognition of various levels of education, follow the structure of the national education system, whether the purpose of evaluation is to continue studies or access the labour market. The methodology and circumstances in performing the validation may thus differ. The Swedish Model has traditionally had its own lifelong learning model, vocational and on-the-job-training, supported by legal provisions. Even the unemployed are recommended training programmes that are designed to better their status on the labour market, as active labour market policy (ALMP) measures.

At present, there are basically two different (but converging) perspectives in Sweden with regard to the recognition of qualifications, whether educational, professional, or practical/professional-skills related. One is *(formal) educational achievement levels* – involving *recognition of diplomas or degrees, or generally completed forms of education, formal assessment of levels of competence achieved through formal channels of education*. The other, which has gained momentum over the last decade, refers to the *assessment of alternative credentials, knowledge and competence achieved through informal education, professional experience, and so forth, that can also be linked to the lifelong learning concept: non-traditional, contextual learning, learning-by-doing, learning in the workplace, through informal instruction, and so on*, requires a different, more adaptive kind of practical assessment of skills and capabilities, and non-traditional assessment methods.

Formal learning occurs in an organized and structured environment (such as in an education or training institution or on the job), and is explicitly designated as educational and intentional from the learner's point of view. It typically leads to validation and certification.

Informal learning results from daily activities related to work, family or leisure. It is not organized or structured in terms of objectives, time or learning support. Informal learning is in most cases unintentional from the learner's perspective.

Non-formal learning is embedded in planned activities not explicitly designated as learning (as learning objectives, learning time or support). Non-formal learning is intentional from the learner's point of view<sup>72</sup>.

<sup>72</sup> See for example: Ds 2003: 23 (2003) *Validering m.m. – fortsatt utveckling av vuxnas lärande*/Validation a.o. – continued development of adult education, Stockholm: Regeringskansliet, Utbildningsdepartementet.



## 4. Recognition of formal education forms

In Sweden, the conceptual reasoning on the validation process has changed spectacularly over the last few decades. The evaluation methodology and formulations evolved from *equivalence* during the 1980s to various forms of *recognition* during the 1990s — a relatively flexible form of acknowledgement, and further on to *acceptance* at the beginning of the 2000s. At the end of 2001, new rules established an even more flexible *acknowledgement of professional competence*, respectively *recognition of professional qualifications* applying the European outlines recommended with regard to regulated professions. These require being granted a local licence, according to Directive 89/48/EEC on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (A-levels or equivalent plus three years), or Directive 92/51/EEC on a second general system that covers diplomas, certificates and other vocational training titles at a lower level than those covered by Directive 89/48/EEC, and other field-specific Community documents. The right to work within regulated professions within the EEA-area or Switzerland is regulated in the EU Directive 2005/36/EC on the recognition of professional qualifications, and the Commission Regulation (EC) No 1430/2007 Commission Regulation (EC) No 1430/2007 on the recognition of professional qualifications, amending Annexes II and III to Directive 2005/36/EC.

**Table 5.4: Various types of basic concepts used for validation of higher education degrees in Sweden**

Concept:	Nostrification	Equivalence	Recognition	Acceptance
	<i>Low flexibility</i>		<i>High flexibility</i>	
	<i>Totally corresponding</i>		<i>Basically corresponding</i>	
Similarity:*	<b>Identical</b>	<b>Similar</b>	<b>Comparable</b>	<b>Equal</b>

Source: HSV Rapport 1998c: 15 R, p. 37. Cited in Dingu-Kyrklund 2005, p. 130.

\* Degree of similarity considering minimal requirements regarding main level, content, quantity, quality and aim.

According to the Swedish Centre for Terminology, TNC, *nostrification* implies acceptance of a foreign degree education as being totally equivalent to its Swedish counterpart, thus granting the same title and professional rights as if the person had completed his/her degree in Sweden. The term was largely used during the 1980s and is rather obsolete today, as other terms have emerged, such as: a valuation report (*värderingsutlåtande*) confirming the *equivalence*. Foreign studies or degrees are considered *equivalent* when their content is deemed sufficiently similar to the comparable Swedish education type or programme, not requiring supplementation or additional completion. If there are similarities between the compared educational programmes, but there are components considered to be missing or too different to be considered similar, the education is *comparable*, but may require completion with “local” components.

In Sweden, credential evaluation – conducted by national authorities – began on an experimental basis in 1985 at the National Swedish Board of Universities and



Colleges and became a permanent task in 1987. The Swedish National Agency for Higher Education (*Högskoleverket* – HSV), established in 1995, is the public agency responsible for the recognition (*erkännande*) of higher education qualifications from abroad, for purposes of employment in Sweden – through ENIC-NARIC Sweden, its Department of Qualifications Recognition (since 2000, when a separate department for credential evaluations was created). Only higher education programmes that lasted a minimum of two years at undergraduate level – ISCED 5 or one year at postgraduate level – are assessed, for persons seeking employment in Sweden. Methodologically, the recognition process is based on an assessment of the comparability of qualifications and criteria, regarding: duration of the study programme, level of difficulty, degree project/dissertation, purpose of study (employment/future studies), and the competence of the issuing institution (the degree must be awarded by a recognized higher education institution – that is, acknowledged by a competent authority. Recognition means that the respective qualification was deemed and recognized as equivalent, but does not imply having been awarded a Swedish degree. If accreditation is sought for continuing studies in Sweden, the recognition is done by the respective higher education institutions themselves, in compliance with the regulations on accreditation in chapter 6, sections 6–8 of the Higher Education Ordinance, and the Lisbon Recognition Convention (ratified by Sweden in 2001, when HSV also became the Swedish ENIC Information Centre), along with the accreditation principles compiled by the Association of Swedish Higher Education Institutions, SUHF. An *acceptance* of professional qualifications practically implies the highest degree of recognition of one's professional competence as being (sufficiently) similar to the local equivalent.

Qualifications for licensed (regulated) professions are, however, not assessed by the HSV, but by the relevant competent authority (public agency) responsible in Sweden for the right to pursue that respective regulated profession in Sweden – usually the same agency that has the right to issue the licence for that profession, according to the Directive 2005/36/EC. The Swedish National Agency for Higher Vocational Education – *Myndigheten för Yrkehögskolan* is responsible for the assessment of foreign higher vocational education (HVE) and for coordinating the national framework for prior learning and validation, as well as serving as the national coordinator for the EQF – the European Qualifications Framework.

## 5. Institutions and methodology of evaluation of foreign secondary and higher education credentials

The Swedish National Agency for Higher Education (*Högskoleverket* – HSV) is the public agency responsible for recognizing higher education qualifications from abroad through ENIC-NARIC Sweden, Department of Qualifications Recognition (see above), except for the regulated professions that need to be licensed by competent authorities/institutions. Since 1 July 2011, teachers and pre-school teachers are required to be registered with the Swedish National Agency for Education (*Skolverket*), who can issue a qualified teacher status (QTS) certification. Previous applications are still handled by the HSV. The Swedish National Agency for Higher Vocational

Education (*Myndigheten för yrkeshögskolan*, YH) is the authority responsible for the validation of vocational profession credentials (according to most recent guidelines, meant to take into consideration both formal education and “real competence” acquired during working life). The Swedish Agency for Higher Education Services (*Verket för högskoleservice* – VHS) is the institution in charge of the recognition of foreign upper-secondary diplomas. Their methods are comparable, considering the task’s specificity.

The *quantitative method* of evaluation implies a comparison of the length of the studies in the systems under comparison. Even the length of pre-university level education can play a role. The *qualitative method* implies comparing the content and quality of the education systems in Sweden and the country of origin. Comparing curricula and assessing the relevance of courses included in the programme is another issue. The most sensitive question is whether some courses are too country-specific or ideological (for example courses in Socialism in former Eastern Europe or Islamic law when not a part of a humanistic study programme), to be taken into consideration. This may render the entire education programme a relatively low value when converted. The overall validated duration of the education is (proportionally) shortened, with all subsequent implications. HSV (and VHS) utilizes materials on forms of education from all over the world, which are periodically updated.

Recognition of higher education credentials is made in observance of the standards and guidelines for quality assurance in the European Higher Education Area, according to ENQA standards<sup>73</sup>, and according to the applicable local legislation: The Higher Education Act, *Högskolelagen* (1992:1434), The Higher Education Ordinance, Ordinance for the Swedish National Defence College (which contains the provisions that apply to the Swedish National Defence College), and the Ordinance for the Swedish University of Agricultural Sciences (which contains the provisions that apply to the Swedish University of Agricultural Sciences). Students have only recently been permitted to work concurrently with their studies and – provided they find employment, even “overstay” their student status and remain in the country for work. The conditions of their presence in the country is still regulated by the conditions of issuance of their permit, but they have the option to find employment and work if they so desire, which they did not have previously. There is another aspect to this approach, forming part of the more pragmatic perspective of the present Swedish government, which is the fact that third-country citizens are now expected to pay for their studies in Sweden (as of 1 July 2011).

## 6. Validation of non-formal and informal learning

The concept of *validation* (in Swedish: *validering*) was introduced in Sweden in 1996–1997, as a first initiative of validating informal and non-formal learning, initially related to the *Adult Education Initiative* (AEI), *Kunskapslyftet*<sup>4</sup> (1997–2002), which

<sup>73</sup> See for instance: Standards and Guidelines for Quality Assurance in the European Higher Education Area, European Association for Quality Assurance in Higher Education, 2005, Helsinki, Finland. [http://www.bologna-bergen2005.no/Docs/00-Main\\_doc/050221\\_ENQA\\_report.pdf](http://www.bologna-bergen2005.no/Docs/00-Main_doc/050221_ENQA_report.pdf).

included a number of pilot projects focusing on the development of new forms of *accreditation* of prior learning and validation, primarily for high-school level education (Andersson, Sjösten and Ahn, 2003, p.15, Dingu-Kyrklund, 2001 and 2005). The next step was the Bill on Adult Learning and the Future Development of Adult Education (*Vuxnas lärande och utvecklingen av vuxenutbildningen*) (2000/2001:72), which emphasized the fact that any resident in Sweden should be able to have his/her knowledge and competences validated within the framework of municipal adult education, and that this validation should be documented. In 2003, the Bill on Validation (Ds 2003:23) (*Validering m.m. – fortsatt utveckling av vuxnas lärande*) stated that more time should be given to pilot projects and to further discussion before any decisions are taken on regulations or any acts are passed. As a result, in December 2003, the Swedish government appointed the “Swedish National Commission on Validation” (*Valideringsdelegationen*) for the period 2004–2007 to promote and further develop validation methods and enhance (regional) cooperation. The legal context or framework regarding differentiating the validation of prior learning is on the whole consistent with the 2007 update. The most widely accepted is the validation definition proposed by the Swedish National Commission on Validation (*Valideringsdelegationen*) in Ds 2003:23: “validation is a process that implies a structured assessment, evaluation, documentation and recognition of knowledge and competence that a person possesses irrespective of how they have been achieved”<sup>74</sup>. With regard to the same term, The Swedish National Encyclopedia states its own more explicative definition of the same notion, as follows: “Since the end of the 1990s the [validation] concept has been used especially with regard to the assessment and evaluation of a person’s knowledge and competence, no matter how these were achieved. Consideration shall be given to both studies and working life experience. Validation can be used [...] to establish the [achieved] knowledge level, to adapt the content (of an education) for the individual or to document knowledge and skills before an employment or in connection to further education of staff members.” This type of evaluation leads to *de facto* professional recognition, not specifically regulated by any laws except with reference to a specified set of rules applicable to regulated professions. Licensed professions, requiring a special licence to practise, such as the medical or pharmaceutical professions or certain fields of technology, are validated by specialized competent authorities who are able to authorize a so-called *de jure* professional recognition (see above).

## 7. Methodology of evaluation of prior learning (non-formal/informal learning)

Validation can be used as a way to gain entry to different educational pathways, usually following upper secondary education. These are mostly alternative paths to an admission process for the next educational level sought (usually higher education). Some examples are given below:

<sup>74</sup> Bill on Validation (Ds 2003:23) (*Validering m.m. – fortsatt utveckling av vuxnas lärande*)/(Validation and others – continued development of adult’s learning).

1. *Särskild prövning/special assessment* is a validation process in which an individual's real competence is examined in order to receive credits and qualifications used within the elementary and secondary level of the education system. This type of validation is primarily used to meet general or specific entry requirements to further/higher education;
2. *Validation* is often used by *Folkhögskolor*/Folk high schools providing non-formal education and who determine their own entrance requirements, to determine the individual's ability to complete their education;
3. The so-called *25:4 rule* was presented in the 2007 update. This rule automatically gave adults aged 25 or over, who had a minimum of four years of work experience and knowledge of Swedish and English corresponding to that acquired in upper secondary school education, general eligibility to higher education. Universities and university colleges could decide upon their own selection criteria to be used for up to one third of their places. This rule has now been replaced by an amendment in the Higher Education Ordinance, *Högskoleförordningen*, which gives applicants the option to apply for higher education on the basis of real competence. Since 1977, one option has been to take *Högskoleprovet*, a national suitability test for higher education, which gives alternative/complementary admission grounds (in a particular admission category), initially to persons over 25 with at least four to five years' working experience but insufficient high-school competence, but since 1991 the test has been accessible to everyone.

None of these are yet particularly relevant for third-country nationals. In the above context, validation is meant primarily as an opportunity to increase an individual's employability, or alternatively the possibility to pursue a form of higher education. During recent years, particularly in connection with the progressive EU integration within the field of education, both formal and informal education forms can be better validated through the EQF and ECVET framework systems, which, combined with the established national validation system, NQF, can be applied to non-European migrants.

Recognition of prior learning – usually, recognition for courses or study programmes shorter than two years (undergraduate studies) or one year (postgraduate studies) is carried out by higher education institutions that have the right to award degrees in the respective field and on an appropriate level. A number of authorities/professional institutions are entitled to issue licences and recognize credentials<sup>75</sup>.

As an example, to work within the health sector, either as a nurse or as a physician, an applicant needs to both fulfil strict professional demands in terms of education, and obtain a licence enabling him/her to have the right to work in Sweden. The authority in charge is *Socialstyrelsen* (National Board of Health and Welfare), who will validate the applicant's education after careful consideration of its content and

<sup>75</sup> See <http://www.hsv.se/>.

requisite details, after which the candidate will have to prove sufficient language knowledge in the field (in this case, Swedish for medical purposes), which will most probably imply several tests of both general knowledge and professional skills, as well as an appropriate language test.

## **8. 2012: A new national structure for validation of real competence – based on proposed national criteria and guidelines for validation of real competence; assessment of foreign vocational education – making skills visible**

A Committee Directive (1998:23) was the basis of an investigation intended to lead to the establishment of a new organ in charge of validations of foreign vocational education on high-school level and foreign working-life skills, which gave rise to the formation of The Swedish National Agency for Higher Vocational Education [*Myndigheten för yrkeshögskolan*]. Three subsequent Directives (1998:23, completed by 2000:84 and 2001:47) were the bases for three pilot projects intended to develop methods and models of validation of vocational education relating to the need to integrate migrants – newcomers and otherwise – in the Swedish labour market. A key change compared to earlier assessment of formal education practices is the basic idea of validating professional competence and general skills on the whole, including language skills.

While the Swedish Agency for Higher Education Services, VHS (*Verket för högskoleservice*), provides a validation of formal secondary education, either in view of continuing on to a higher level of education, or for enabling migrants' insertion in the labour market itself, The Swedish National Agency for Higher Vocational Education, [*Myndigheten för yrkeshögskolan*, YH] assesses completed foreign post-secondary vocational education, which is not academic, based on the Act (2009:128) concerning the National Agency for Higher Vocational Education (*YH-Lagen* in short). These changes are at the forefront of an extensive reform process not only of the validation system, but also of the Swedish education system per se, with the aim of more closely connecting the Swedish education system to the labour market issues and needs that characterize our times. That is also why the new Education Act (*Skollagen*), enacted in 2012, includes a definition of the validation of basic education.

In 2012 there came about a proposal to establish a national structure for the validation of real competence, based on National Criteria and Guidelines for the validation of real competence. In November 2009 there materialized the Government's Law Proposal 2009/10:60 regarding "Newcomer migrants' establishment in the Swedish labour market – individual responsibility with professional support" (*Nyanlända invandrarars arbetsmarknadsetablering – egenansvar med professionellt stöd*), designed to create an accelerated system for the inclusion of migrant workers in the Swedish labour market. Here is a schematic description of this system.

**Table 5.5: Roles and responsibilities within a national structure for validation**

Validation of real competence		Assessment of foreign education	
Within the education system for formal competence and credit transfer	For the labour market ahead of recruitment, self-employment and others	For continued studies	For the labour market ahead of recruitment, self-employment and others
<b>Municipal adult education</b> Validation against course objectives on secondary level; inscribed in the Education Act 2012; to be implemented by municipalities.	<b>Employment Office(s)/The Swedish Public Employment Service</b> Negotiates with external actors performing the task; it is mainly a purchaser organization (of this service).	<b>The Swedish Agency for Higher Education Services</b> Assessment of completed foreign secondary education for meeting general admission criteria.	<b>Swedish National Agency for Higher Education</b> Assessment of tertiary (university) education.
<b>Higher vocational education</b> Validation for competence and crediting (credits transfer) & Right Providers: the education providers.	<b>Professional organizations</b> Model owner/ developer; Appoints providers/is a provider.		<b>The Swedish National Agency for Higher Vocational Education</b> Assessment of completed foreign post-secondary vocational education, which is not academic.
<b>Higher (academic) education</b> Validation for (achieving formal) competence and credit transfer (recognition). Right Providers: Universities/Higher (academic) education institutions.	<b>Regulated professions</b> Competent authority is responsible for the assessment of regulated professions.		<b>Regulated professions</b> Competent authority is responsible for the assessment of regulated professions.
<b>Adult education,</b> both educational associations and Folk High Schools (Nordic open college/adult education form), (often integrated in education forms/ courses). Providers: Folk High Schools (often integrated in education/courses).			

Possibilities of validation within the national validation structure.

*Source: Nationella kriterier och riktlinjer för validering av reell kompetens/National criteria and guidelines for validation of real competence, Myndigheten för Yrkehögskola 2012, p.19.*



To date, the system has only been implemented for a relatively short time, and the first assessments of its efficiency were less conclusive than expected – however, it is too early to draw any conclusions.

## 9. Recognition of qualifications of third-country nationals and their access to the Swedish labour market in practice

There is no distinction made among migrants applying for recognition, irrespective of the reason for their presence in Sweden, whether they arrived for family reasons, for employment or as refugees. As long as they are in possession of a valid residence permit, which today implies a work permit as well (except for exempted categories), they are entitled to have their qualifications validated. Differentiations occur with regard to other aspects.

The only thing that is critical, irrespective of the immigration category one belongs to, is that one has valid permission to reside. In Sweden, that implies also being assigned a unique social security number (*personnummer*), the existence of which proves in all situations that one is entitled to whatever services applied for. The structure of the personal number assigned indicates one's entitlement status: normally, a personal number is formed of the applicant's birthdate plus four random numbers. The presence or absence of these last four numbers reveals to the authorities the level of one's entitlements.

Once in possession of a clear official status in Sweden as a resident, access to services is also open – and validation or recognition of one's foreign qualifications forms part of this, in accordance with duly accepted procedures as described above. There is no difference in approach on the part of the authorities performing the recognition with regard to consideration of the immigration situation of the applicant.

As for vocational occupations, there are instances when companies – (potential) employers – may play a specific part in the process (see below), but that is usually in a company-specific context.

For the processes of validation and recognition, see the procedures outlined above. In terms of labour market access and practice, actual situations may be much more complex and not always as clear-cut as the theory suggests, but, *formally*, the main condition that needs to be fulfilled is the possession of a valid residence permit or (if they are EU/EEA citizens or dependent on a EU/EEA citizen, regardless of their citizenship) a registered right of residence, in order to have theoretical access to the local labour market. However, *informally*, that may be a prerequisite, but it is no guarantee that one actually is accepted and/or finds a job – this is also the case, even more strikingly, with regard to one's actual qualifications, especially if highly educated. Apart from the policy measures and their implementation regarding primarily labour-market policies, with various institutional levels of implementation, there is no direct involvement of either the national nor the regional government with regard to the recognition of qualifications or related procedures, or their impact on

the labour market. Only those organisms with explicit responsibility and authority with regard to the process of validation or recognition of foreign qualifications and competences are involved in the process. These include the VHS and HSV through its specialized ENIC-NARIC department (the national contact point), and the special professional licensing institutions and bodies, such as *Socialstyrelsen* for the medical professions, *Jordbruksverket* for agricultural professions, and *Elsäkerhetsverket* for electricians. Auditors (*revisorer*) are especially regulated by *Revisorsnämnden*, while maritime and flight-related professions are regulated by *Transportstyrelsen*. As mentioned above, in order to be allowed to work in a regulated profession, one needs to be accredited by the competent board or institution that is responsible for the respective field/branch. Accreditation of vocational profession credentials is the responsibility of the Swedish National Agency for Higher Vocational Education (*Myndigheten för yrkeshögskolan*, YH), as for all matters concerning higher vocational education (HVE)<sup>76</sup>. The only involvement of the countries of origin in the recognition of qualifications of their nationals is through eventual translations and the issuing of more detailed information regarding the documentation of the education programme to be evaluated, and through participation in the ENIC-NARIC network<sup>77</sup>. This entails the provision of country-specific information regarding the education system and detailed information on various institutions, providers of (higher) education/education bodies, their programmes, accreditation on a local plane, ranking, qualification frameworks, quality assurance, supplementary diploma information, as well as international legislation – agreements, conventions, and so forth, bilateral or involving international organizations that are in a position to contribute to the correctness of the process (e.g. UNESCO, OECD, International Association of Universities, Association of Commonwealth Universities, *Agence universitaire de la Francophonie*/AUF, Association of African Universities, Association of Arab Universities, Association of Universities of Asia and the Pacific (AUAP), and so forth).

## 10. Competence, employers and employment on the Swedish labour market

In a report regarding the validation of education, published in 2003<sup>78</sup> (prior to the latest developments), the authors describe “two main validation models: *system-adapted*, with a starting point in the existent structure within the education system and in the labour

<sup>76</sup> See also: *Myndigheten för yrkeshögskolans förslag till Nationella kriterier och riktlinjer för validering av reell kompetens* / The Swedish National Agency for Higher Vocational Education’s proposal for national criteria and guidelines for validation of real competence; *Myndigheten för Yrkeshögskolan*, YH 2012/428; <http://www.valideringsinfo.se/Documents/Valideringsinfo/Dokument/Nationell%20struktur%20för%20validering/Förslag%20till%20Nationella%20kriterier%20och%20riktlinjer%20för%20validering%20av%20reell%20kompetens.pdf>.

<sup>77</sup> <http://www.enic-naric.net/>.

<sup>78</sup> Per Andersson, Nils-Åke Sjösten and Song-Ee Ahn: “Att värdera kunskap, erfarenhet och kompetens – Perspektiv på validering”/To evaluate knowledge, experience and competence – Perspective on Validation, Myndigheten för skolutveckling, Lenanders grafiska AB, Kalmar, 2003.



market, and *system-altering*, characterized by the quest to seize the knowledge and experience that evaluated persons have, and to [attempt] (to a greater or lesser extent) to change the system” (p.10). A 2010 CEDEFOP update on Sweden<sup>79</sup> mentions a four-step procedural approach to validation developed in close cooperation with business sector organizations as a “generic approach” where: *the “procedure for validation has been established and generally accepted at a national level. The responsibility for adapting the validation methods to the specific needs of a certain industry has been allocated to the business sector organizations themselves. The development of these methods has been funded partly by the government, but many business sector organizations have also contributed resources to develop methods and procedures for validation”* (p.3-4). The four steps are: 1. General competence mapping; 2. In-depth competence mapping; 3. Competence assessment – statement of attainment; and 4. Competence assessment by formal means – certificate, authorization, examination, and so on. A positive example of successful validation practices is referred to: Botkyrka municipality in Sweden (Stockholm County), where after an initial project-basis validation programme in the period 2001–2005, the system became permanent in 2006.

According to the study, even though there are no databases or registers of individuals having passed through the validation process and thus “no solid evidence on the benefits of validation to individuals has been established”, there are “several ‘success stories’ available, in which individuals who have gone through validation testify to the benefits they have experienced both on a private and professional level”. However, there is evidence in other studies that it is difficult to attribute that effect to validation per se, without equally considering other possible factors that may have influenced the situation. There is a virtual consensus among researchers and other stakeholders that complementing one’s foreign education with some adequate Swedish form of education (such as undertaking a Masters degree at a Swedish university), is also an implicit confirmation of the intrinsic value of one’s previous education from abroad, proved in practice to be one of the most successful attempts in gaining employers’ trust in one’s professional competence.

In an overall consideration of the Swedish approach and practices, there are a few elements that should be considered “good practice” in the field:

- extensive possibilities to learn the local language/Swedish, free of charge, including professional terminology;
- the gradual shift of approach towards a more pragmatic recognition of merits, beyond specific educational knowledge (programme-specific), preferably involving potential employers in the process (an element that needs to be developed even in Sweden, where the involvement of companies in need of specific competencies still calls for much improvement);

<sup>79</sup> Ida Thomson (2010) European Inventory on Validation of Non-formal and Informal Learning 2010 – Country Report: Sweden. European Commission, DG Education and Culture in cooperation with The European Centre for Development of Vocational Training (CEDEFOP), Project management by GHK Consulting.

- maintaining standards of protection of the labour market from eventual “dumping” effects by formulating the legislation for labour market immigration access in a way that enables trade unions to prevent abuse of the possibility to “import” cheaper labour force at the expense of local workers (even though at this moment the effect is highly theoretical and there is no opportunity to assess if and to what extent that is really more than a purely hypothetical achievement).

The most problematic area lies in transcending the apparently (still) inherent a priori distrust of companies (both public and private – with due exceptions) in the factual professional competence of migrants, irrespective of their origin and/or the origin of their education, at least to the extent of daring to test their capabilities as a minimum, before rejecting their job applications. This still requires a paradigm shift in perception.

**Table 5.6: Sweden’s population of working age (15–74) Swedish and foreign-born – a comparison with regard to occupation [intensity], unemployment by age, 2011**

Age/ Both genders	Occupational degree <sup>1</sup>			Relative unemployment <sup>2</sup>			Relative labour force <sup>3</sup>		
	Sweden born	Foreign- born	Total	Sweden born	Foreign- born	Total	Sweden born	Foreign- born	Total
15–24	41.6	31.4	40.4	21.1	37.0	22.9	52.8	49.9	52.4
25–54	90.1	70.0	86.0	3.4	14.7	5.5	93.3	82.0	91.0
55–74	46.9	35.7	45.2	3.7	9.1	4.4	48.7	39.3	47.2
15–74	67.6	56.2	65.6	5.9	15.8	7.5	71.8	66.8	71.0
Of which									
16–64	77.9	63.2	75.3	5.9	15.9	7.6	82.9	75.1	81.5
20–64	83.3	65.5	80.0	4.8	15.3	6.6	87.6	77.3	85.6

<sup>1</sup> Percentage of persons in employment in the population.

<sup>2</sup> Percentage of unemployed persons within the labour force.

<sup>3</sup> Percentage of the population within the labour force.

## 11. Labour market analysis in relation to recognition procedures

A 2008 study on the recognition of prior learning<sup>80</sup> analysed “how recognition of prior learning acts as a dividing practice and a technique for the inclusion/exclusion of immigrants in their vocations in Swedish working life”. Methodologies and practical approaches are closely described (with a rather detailed account of the moments and components included in an evaluation, the nature and duration of the

<sup>80</sup> Andersson, P. and Osman, A. (2008), “Recognition of Prior Learning as a Practice for Differential Inclusion and Exclusion of Immigrants in Sweden”, published in a preliminary version by Linköping University and in definitive version as: Andersson, P. and Osman, A., Recognition of Prior Learning as a Practice for Differential Inclusion and Exclusion of Immigrants in Sweden in: *Adult Education Quarterly*, (59), 1, 42–60, 2008.

testing period, and so forth). Employing considerable documentation in the field, the authors concluded (as also confirmed through their own empirical material regarding pilot validation projects on recognition of prior learning, RPL) that this type of recognition has the paradoxical result of acting as a “dividing practice and a technique for the inclusion and exclusion of immigrants in their vocations in Swedish working life” (ibid.). Divergent evaluation processes, based on linguistic competence – often insufficient – rather than actual professional competence, led to results that rather involved an actual “de-grading of competence” and phenomena of exclusion<sup>81</sup>. The acceptance of professionals with foreign credentials is subject to power relationships, with branch organizations functioning as “gatekeepers”, “to maintain the status quo by excluding immigrants from competing with the “insider” – members of these organizations” (ibid. p.30). Andersson et al. (2004) cited (Andersson and Oman, 2008, ibid. p.16), distinguishing two types of validation: “divergent (more open) and convergent (more pre-determined norms and criteria)”. Ibid. (p.16), comes to the conclusion that the public employment offices (PEO)<sup>82</sup>, with “key roles in the labour market policy [...], expected to match the individual needs (skills) to the needs of the labour market” and using validation as one part of integration projects and labour market training, have in practice a paradoxical result of rather excluding “a substantial group of professional immigrants from practising their trade in Sweden” (ibid. same page), as their competence is directly or indirectly questioned. This can be related to Lappalainen’s conclusion that a major source of structural discrimination on the Swedish labour market is due to a “normative” view on competence – with Swedish qualifications or “Swedishness” as a norm. This can also explain why adding a Swedish education form to an initial foreign degree, for instance, is more likely to lead to success in the labour market. A phenomenon not in the least due to the fact that Swedish qualifications can not only confirm previous qualifications and/or knowledge, but also are likely to result in reducing distrust in potential employers, who may see it as a confirmation of appropriateness – not only in terms of skills and professional qualifications, but also as concerns social and cultural skills – indirectly confirming a capacity of adaptation to Swedish standards. This result is rather illustrative for a number of studies and reports that come to comparable or similar conclusions, among others the fact that unless there is a clear shortage in fields of activity, immigrant professionals in that field have few chances of being accepted as professionals on a local level. This might help to explain the clear paradox that followed in the Swedish policy soon afterwards, of allowing labour market migration, while the levels of unemployment on a national level are higher than the national economy is expected to stand, and in order to preserve a welfare system still worthy of its name.

<sup>81</sup> Ibid. P 20; see also: Jones and Martyn (1997) identified as Procrustean RPL (with reference to the Greek mythological character Proustes, with his “one size fits all” bed to the size of which everyone could be adjusted – by physical elongation if too short, or by chopping them short if too long).

<sup>82</sup> *Arbetsförmedlingen*, AF.

According to an official report<sup>83</sup>, foreign-born had (and still have – *author's note*) a much poorer situation in the labour market than persons born in Sweden. Qualifications are an important part of the conditions for success in the labour market – including the importance of language skills (in Swedish) and other “Sweden-specific” knowledge, which is considered explanatory for the “group’s weak position on the labour market” (p.49). In this context, it should be noted that employers often, almost “traditionally”, have encouraged early exclusion of migrant applicants from recruitment processes due to, among others, doubts regarding their difficult-to-assess *social* (and sometimes even cultural) competence and hence difficult-to-acknowledge capacity of integrating in a Swedish company’s socio-cultural environment<sup>84</sup>. The question of whether (direct or indirect – and sometimes subconscious) discrimination takes place is a recurring issue – as is that of the suspected degrees of discrimination on various grounds, from ethnicity and religion to gender, disabilities, sexual orientation and age. Informal rankings of suspected discrimination would place immigrant women of certain ethnic/national origin in potentially the worst position in the labour market<sup>85</sup>.

About a third of the foreign-born population of Sweden has an academic education. Informally, Swedes may sometimes mention that they have the best educated bus- and taxi-drivers in the world, knowing unofficially that quite a number of migrants with an academic background, facing long-lasting rejection as professionals in their field of specialization, perhaps after several hundreds of unsuccessful applications, accept almost whatever alternative is eventually offered – which often turned out to be the alternative of becoming a driver.

**Table 5.7: Highest education level for local-born (Swedes) and foreign-born, 25–64 years old, 2005**

Group	Gender	Lower secondary education – ISCED 2	Secondary education – ISCED 3	Tertiary education – ISCED 4 (< 3 years)	Tertiary education – ISCED 4/ 5 (> 3 years)	Missing data
Total general	Total	17%	48%	14%	20%	1%
	Men	15%	46%	15%	23%	1%
	Women	19%	49%	13%	18%	1%
Swedish-born	Total	16%	49%	15%	20%	0%
	Men	13%	48%	16%	23%	0%
	Women	18%	50%	14%	18%	0%
Foreign-born	Total	22%	39%	13%	20%	6%
	Men	23%	38%	13%	21%	5%
	Women	22%	41%	12%	19%	6%

Source: SCB/Statistics Sweden (2006d), in: *Ds 2007:4 Utrikesföddas arbetsutbud*, p.51.

<sup>83</sup> Ds 2007:4 *Utrikesföddas arbetsutbud* /The working supply of the foreign-born, 2007.

<sup>84</sup> See among others: Andersson, 1998, 2001, 2006, Berggren 2000, Berggren and Omarsson 2001, Behtoui 2005, 2006, Dingu-Kyrklund 2001 & 2005, Hjerm 2002, Knocke 2003, Knocke and Hertenberg 2000, Rooth 2001, 2006, 2007, and so on.

<sup>85</sup> See for example Lemaître’s OECD study (2007): The integration of immigrants into the labour market. The case of Sweden. OECD Social, Employment and Migration Working Papers No. 48.

Despite the constant discourse underlining the need for a highly qualified labour force, foreign-born academics have consistently experienced a lower employment rate than Swedish-born. Presently, after years of crisis, even the local-born academics found themselves unemployed to a certain extent (essentially from the beginning of the 1990s). In international terms, Sweden is placed in the middle with regard to the comparative employment grade of persons with higher education (according to OECD figures – see for example Lemaître (2007), note 38). However, the difference increases rather spectacularly when considering the situation of foreign-born academics living in Sweden, whose employment level is much poorer (about 10% higher unemployment than amongst local-born). If we consider the actual vocations of persons with tertiary education compared to what they are actually working as, the difference is even more striking, given to what extent highly qualified persons work in menial occupations, and jobs far below their level of qualification. This, however, concerns long-term residents living in Sweden, many of whom are chronically overqualified with regard to their actual status as either unemployed or employed in different fields – often far removed from their actual qualifications. For the time being, this remains an issue of primary importance, a long way from the discovery of an actual practical solution. Even though poor language skills and lack of “Sweden-specific” (socio-cultural) knowledge is often invoked, even when this is the case, it is not enough to explain the disparities of status in the labour market (besides, many immigrants actually learn Swedish very well in time). The nature and reasoning around the differential treatment applied, based on origin, demands intensive reflexion and a change of attitude, beyond the standard discourse on appropriateness. It is not so much a matter of the evaluation or even recognition of qualifications as such, but an overall assessment of individual competence without discriminatory bias or prejudice, even on a subconscious level.

Currently, there is also a growing category of highly skilled persons that are internationally coveted on the labour market. Considering EU regulations, these people should essentially be the elite of skilled migration, eligible for blue cards providing them, in practice, with a preferential status.

A strong opinion supports the idea that, if newcomers were assisted in entering the labour market quickly enough, a practical outcome would be the avoidance of a gap of competence that, unless used, gets lost or outdated. In 2009, the Swedish National Agency for Higher Vocational Education (Yh) received a special budget for an extensive number of validations to be carried out for newcomers to Sweden – in cooperation with *Arbetsförmedlingen* /Employment offices, for validations comprised within 16 branches of activity. The so-called VINN-project was recently evaluated in a final report<sup>86</sup>. Since 2011, when the project actually started, more than 160 validations have been performed – in most cases in a limited manner. Certain branches showed clear interest for validations, others not at all, and as a general conclusion, the interest in utilizing validation as a recruitment instrument did not match expectations for

<sup>86</sup> Yh/ Myndigheten för yrkeshogskolan (2012) Slutrapport – Validering av nyanländas yrkeskompetens (VINN-projektet)/Final report – Validation of the professional competence of newly arrived.

the target group. The most evident conclusion was the difficulty experienced, also considering the reduced linguistic competence of those concerned.

The 2012 follow-up reports regarding Newcomers' Establishment Reform, enacted on 1 December 2010 from both *Statskontoret* and *Arbetsförmedlingen*, indicate that there is still a rather long distance between theoretical prerequisites and expected achievements. The actual goals are at most partially achieved, and the expected improvement in matching working capacity and qualifications with the need for labour is at most modest, despite the extensive cooperation between several actors – intended to cover personal and family needs (dwelling, child-care/school access, possibility of self-sustenance, and so on) and requiring a functional, even more goal-centered approach. Even the current “matching” of other categories of migrants with labour market needs is still in need of improvement.

## 12. Conclusion

The issue of the evaluation of foreign credentials is only one of several aspects pertaining to a reasonable utilization of competence, whatever its origins – and whether it is strictly related to education, or a complex result of professional and life experience outside of education and other professional credentials per se. At the moment, Sweden has a specific theoretical approach with regard to linking available competence to the requirements of a new and evolving labour market – and the importance of validation is still postulated, with the expectation that a certain refinement in the execution of the task will make a difference. In the meantime, what can be observed is the development of a diversity of models of circular and temporary migration that either concern highly skilled professionals – whose credentials place them beyond the need of valuation – or indeed rather low-skilled workers (often in menial jobs: constructions, cleaning, and so on), who eventually manage to make a living, at least to some extent, with minimal qualifications but a lot of effort<sup>87</sup>.

Living in an extended global village implies a better use of common resources (competence included), which is a prerequisite for the reasonable continuation of coexistence. The case of Sweden, and its approach in matters of assessment of foreign credentials, has potential for transferability, provided that due adaptation to local conditions is applied. At the same time, it should be duly noted that within the Swedish system, there are a lot of recent and impending changes, the outcomes of which it is still too early to assess. The common EU integration in the field also leaves room for a number of improvements, yet to be evaluated.

The basic prerequisites of a system of validation of competence are also a reflection of a certain adaptation to the evolving requirements related to transnational migration, and from this point of view, the Swedish model (or rather, successive models applied) has gone through a progressive phase that is likely to lead to better results. A major

<sup>87</sup> At this stage, this point of view is based, among other things, on as yet unofficial interviews by the author with some migrants in these categories, and observations made by other researchers studying the phenomenon.



problem continues to lie in the inadequate engagement of (potential) employers in the process of evaluation, or validation of competencies – which is difficult to understand, when the same employers complain about the lack of proper competence as a major hindrance of their activity. Efficient cooperation between the education system and the labour market, with its representatives, is key to benefitting from the potential of migrants.

A closer analysis of the Swedish context indicates that the theory is often better than the practice. Despite the very carefully formulated legal provisions allowing labour migration, it is still too early to assess the actual impact of permitting a potentially extensive employer-driven labour migration, and to what extent the mandatory cooperation with the trade unions actually fulfils its controlling functions. Making better use of the inherent cultural competence that migrant workers have may prove to be a step forward not only for individuals concerned, but also for the society at large, which should enable itself to function and take reasonable care of all those living, even temporarily, within its realm – as a measure of civilization. The exchange of good practices and experience is also desirable – whether within or outside national, or even European, borders. It may at least help to avoid wasting more time and lives in the inertia of repeated mistakes or inappropriate practices.

Even though the methodologies of evaluation of competence and skills have visibly improved – and some results are even beginning to be noticed in the labour market – there are still obvious discrepancies between the level of qualifications of foreign nationals and the extent to which they manage to make use of them in the labour market. More efforts are needed to optimize the use of competence and skills in the Swedish labour market. It is also true that the global crisis may have an additional influence upon these aspects – and the easiest argument for that is the very existence of many Swedes, of all ages, currently confronted with the challenges of unemployment. However, this is bound to be a temporary situation, especially considering the inverted demographic pyramid that characterizes Swedish society at this point, where an aged population is going to necessitate an even more augmented segment of new participants in the labour market. Perfecting the validation system in good time may in this context be a necessary step in the right direction, provided it is done in such a way that better satisfies the needs of individuals and society alike. Whichever the situation, we are at a turning point.

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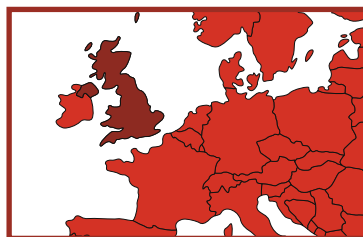
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# UNITED KINGDOM



Lucie Cerna<sup>88</sup>

## 1. Introduction

The United Kingdom (UK) has been a frontrunner in the recognition of qualifications (formal, non-formal and informal) in Europe. Since the 1980s, attempts have been made to facilitate recognition in different forms and the system has improved gradually. The country is composed of four devolved regions (England, Northern Ireland, Scotland and Wales), which often apply different practices to the recognition of qualifications and have varying agencies tasked in this process. The report will distinguish different regional practices as much as possible, though qualifications recognized in one region are also recognized in other regions for the purpose of the access to the labour market of third-country nationals (TCNs). While most of the recognition processes are general in nature, they seek to widen participation in education and work for disadvantaged groups in society, including immigrants.

The UK is relatively unusual in international terms as it has a large number of organizations that award qualifications within its publicly-funded education sector in competition with one another. The NVQ framework was developed to establish some order and classify qualifications in line with their level and occupational sector (Lester, 2011: 206). There is a difference according to whether an occupation is regulated or non-regulated. If it is regulated, there are different procedures in place because particular associations/bodies are tasked with recognition in order to protect the profession. In comparison with other countries, the UK does not have a large number of regulated occupations.

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Due to many unregulated occupations, employers and respective bodies have looked for more flexible ways for recognizing all types of learning. A number of sectors, such as the learning professions and nursing, have their own systems for recognition of informal and non-formal learning. In addition, since the early 1990s, regional schemes for credit and recognition have existed in areas including London and eastern England, but without a national scheme developing for England (Leney and Ponton, 2007: 41). The Sector Skills Development Agency (SSDA) was formerly responsible for funding, supporting and monitoring Sector Skills Councils (SSCs). The SSCs take part in developing occupational standards used for vocational training in the UK. For instance, they can support awarding organizations and approved centres, identify market needs of the workforce and sector, as well as groups of employees with a priority for recognition. In addition, they can support employers within sectors to meet skills needs and develop tools for employees to record their skills (Hawley, 2010: 13). As of April 2008, the SSDA was replaced by the UK Commission for Employment and Skills (UKCES) and the Alliance of Sector Skills Councils comprising all 25 SSCs. In 1986, National and Scottish Vocational Qualifications (NVQs and SVQs) were introduced, which helped to promote accreditation of prior experiential learning (APEL) in the further education (now learning and skills) sector but shifted to the use of prior experience in assessment for formal qualifications (so the preferred term is Accreditation of Prior Learning - APL). NVQs are work-related, competence or outcomes-based qualifications which reflect the skills and knowledge needed to do a job effectively. They emphasize the recognition of prior learning as a means of generating evidence and there are about 1,300 NVQs (Hawley, 2010). Applicants do not have to finish learning in a specified amount of time or learning institution. To assess non-formal learning, the evidence of competence could be learner logbooks, observation by assessor, reports from supervisors and reports produced by the candidate, which demonstrate possession of the required skills or knowledge (Leney and Ponton, 2007: 36). To develop NVQs and decide on their content, structure and assessment requirements, SSCs work together with industry sector bodies and organizations (Hawley, 2010). In the early 2000s, researchers recognized that too much emphasis was placed on formal learning, which led to a development of research on informal learning in particular in the workplace (see Eraut, 2004, Fuller et al., 2005). This work has influenced the policy community and the Department of Trade and Industry's Skills Research Programme (see Fuller et al., 2003), including the development of a policy for a 'staged process' for recognizing and recording progress and achievement in non-accredited learning. There is a great impetus to establish credit frameworks across national qualifications systems in the UK, which is mostly based on interest regarding the recognition of the outcomes of informal and non-formal learning (Leney and Ponton, 2007: 38).

The UK government endorsed the importance of informal and non-formal learning and the recognition thereof in the statement of intent at the G8 Summit in Moscow in July 2006 (Leney and Ponton, 2007: 39). There has been support for policy development, initiatives and funding from ministries which include

the Department for Education and Skills and the Department of Trade and Industry (after restructuring in 2007, responsibilities have been transferred to the Department of Children, Schools and Families, and the Department for Innovation, Universities and Skills). The latter has placed importance on the impact of informal learning at work and on business productivity, whereas the Department for Work and Pensions has identified the recognition of formal, informal and non-formal learning of economic migrants as an important economic and social priority. Similar strong support for recognition is visible in Scotland and Wales (Leney and Ponton, 2007: 39).

The UK National Recognition Information Centre (NARIC) is the main body dealing with the (formal) recognition of qualifications, and serves both individuals and companies (such as universities, ministries and employers). It is a private company that specializes in comparing overseas qualifications to UK academic levels. While the UK has no single national scheme for the recognition of informal and non-formal learning, there has been related work on the development of credit frameworks (such as Qualifications and Credit Framework for England, Wales and Northern Ireland, and the Scottish Credit and Qualifications Framework) and projects on the recognition of informal and non-formal learning in order to harmonize the different regional schemes (Leney and Ponton, 2007: 39).

The process of recognition of qualifications goes hand in hand with immigration policy. The current government has implemented a number of changes since it came to power in 2010. The government's goal was to decrease net migration from hundreds of thousands to the tens of thousands by the end of this Parliament (Migration Observatory, 2011). Changes have affected all types of immigration policy towards TCNs. For instance, Tier 1 visa for highly skilled immigrants (both general route and post-study route from April 2012) was discontinued, except for investors and entrepreneurs (this was part of a points system where immigrants with a certain number of points could come to the UK without a job offer). Instead, a new 'exceptional talent' visa was implemented which allows four competent bodies to nominate 1,000 qualified migrants per year (Salt, 2011). The four bodies can recommend a certain number of talented migrants for this visa per year. They include the Royal Society (300 places per year), the Arts Council England (300 places), the Royal Academy of Engineering (200 places) and the British Academy (200 places). If highly skilled immigrants do not qualify for this 'exceptional talent' category, they can still receive a work permit to the UK through Tier 2, but they need to have a job offer. Other tiers have been similarly overhauled.

While these policies were part of an overall restrictive strategy, which closed down some routes and imposed annual limits on immigrant numbers, it was also based on claims of abuse of the system. In addition, some studies showed that a considerable percentage of highly skilled migrants worked in lesser skilled occupations – this means they were overqualified for the job. A number of reasons were listed for this situation, ranging from problems with the recognition of their qualifications, to discrimination. For instance, research published by the Home Office suggested that about 30 per

cent of Tier 1 immigrants ended up in low-skilled jobs (such as shop assistants, security guards and supermarket cashiers) (Home Office, 2010)<sup>89</sup>.

## 2. Identification of recognition practices in place

### 2.1. Definitions of relevant terms

To establish a basis for this evaluation, some definitions are needed. Qualification is “a formally recognized academic award, such as a degree, diploma or certificate, granted on successful completion of a programme of study” (QAA, 2012). Recognition (of learning) is “any process that acknowledges and establishes publicly that some reasonably substantial and significant element of learning has taken place and can be assessed to have done so” (QAA, 2004: 17).

Competency and competencies may be defined as “the behaviours (and, where appropriate, technical attributes) that individuals must have, or must acquire, to perform effectively at work” – the terms focus on the personal attributes or inputs of the individual. ‘Competence’ and ‘competences’ are broader concepts that encompass demonstrable performance outputs as well as behaviour inputs, and may relate to a system or set of minimum standards required for effective performance at work (CIPD, 2012).

As Leney and Ponton (2007) argue, the distinction between formal, informal and non-formal learning is often blurred in the UK context. This has created a system where “in-house training, computer skills, literacy, numeracy and business skills are recognized within the same national system as qualifications traditionally associated with more formal setting” (Leney and Ponton, 2007: 51). The focus on achievement of learning outcomes is noteworthy.

The qualifications system does not differentiate between “achievements undertaken through a formal programme in a college or university, incremental skills development in the workplace or self-managed distance learning so long as the learning outcomes defined in the unit or qualification have been met” (Leney and Ponton, 2007: 51). The UK system thus attempts to be more inclusive of a wider range of achievements. The current focus on credit accumulation and transfer allows individuals to accumulate or transfer credit toward or between qualifications – no matter what the approach to learning has been to receive this credit. Achievement of learning outcomes is more important than the matter of learning recognition.

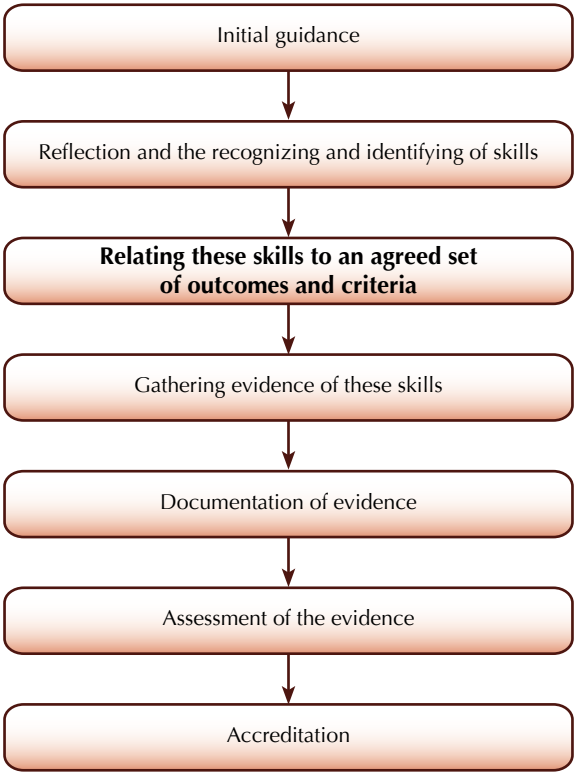
Due to the blurring between terms, there are a number of additional definitions that are important to mention for this discussion, for example: Accreditation of prior learning (APL) is “the identification, assessment and formal acknowledgement of learning and achievement that occurred at some time in the past (perhaps as the result

<sup>89</sup> The report has been challenged by some pro-migration groups because it was based on a small sample of migrants (Boxell, 2010). Therefore, the recognition of qualifications is important both for migrants and countries of destination – qualifications should match the skill level of the occupation in order to maximize benefits for all stakeholders involved.

of a previous course, self-directed study, or active experience), which is taken into account when admitting a student to a course of study” (QAA, 2012). Accreditation of prior experiential learning (APEL) is “the identification, assessment and formal acknowledgement of learning and achievement that occurred at some time in the past prior to entry to a course of study, but not in the context of formal education or training” (QAA, 2012). This could have been experiential learning acquired in paid work, experiential learning acquired in unpaid or voluntary work, experiential learning acquired from leisure activities or uncertificated learning from self-directed study.

There is no national-level budget for the validation of non-formal and informal learning. The application of validation is devolved to the learning provider or to departments. Therefore, there is a great variety of approaches between and within different providers (Hawly, 2010). The APEL process has been identified as costly in terms of staff and resources, and thus the question remains how often it is used (exact data is not available). This process can have seven stages (illustrated below), ranging from initial guidance, reflection and the recognizing and identifying of skills, to assessment of evidence and accreditation. Nonetheless, organizations might use fewer of them.

**Figure 6.1: Accreditation of prior experiential learning (APEL) process**



Source: Hawley 2010.



Besides APEL, there is also accreditation of prior certificated learning (APCL) which is “the identification, assessment and formal acknowledgement of learning and achievement that occurred at some time in the past prior to entry to a course of study, and for which the learner was awarded some form of official recognition” (QAA, 2012). Examples of such recognition include: certificated learning from UK educational institutions, certificated learning from abroad and certificated work-based learning. This procedure usually occurs when an individual would like to gain access to a course of study and would like to have different type of learning recognized.

Recognition of prior learning (RPL) means “taking account of previous learning that has occurred in any of a range of contexts including school, college and university, and/or through life and work experiences. Once recognized through this process, prior learning can be used to gain credit or exemption for qualifications and/or personal and career development” (QAA, 2012).

## ***2.2. Methodologies for assessing, validating and recognizing learning***

Most initiatives have not specifically targeted migrants (though some exceptions apply, especially for refugees), but migrants are included in widening participation programmes to lifelong learning which also target ethnic minorities, women, the elderly, the young and disabled groups.

The NVQ framework was set up to classify qualifications according to their level and occupational sector (Lester, 2011). NVQs are assessed on practical assignments and a portfolio of evidence. Usually the applicant is observed and questioned about work by a qualified assessor. This tests the applicant’s knowledge and understanding, besides actual performance. When the required standard is reached, the assessor signs off individual units within NVQ. Applicants can go up to the last level, or if they have studied at level 3, they can go to a higher education course in a related vocational area (such as Higher National Certificate) (Directgov, 2012).

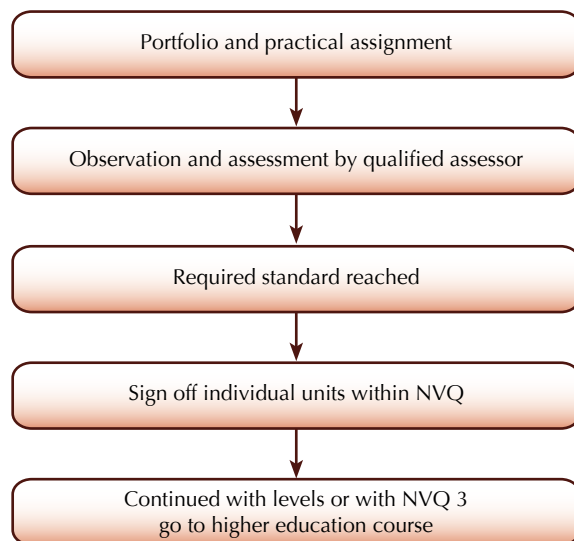
The aforementioned NVQ is a ‘competence-based’ qualification, which means that individuals learn practical, work-related tasks designed to develop the skills and knowledge to do a job effectively. NVQs are based on national standards for various occupations. The standards say what a competent person in a job could be expected to do. Taking an NVQ could be appropriate if an individual already has skills and wants to improve them, or if s/he is starting out. NVQs can be at levels one to five on the National Qualifications Framework (NQF) and the Qualifications and Credit Framework (QCF). The frameworks show how different types of qualifications compare, in terms of the demands they place on learners (for more information on developments and comparisons also with FHEQ, see Appendices A and B).

The National Qualifications Framework (NQF) sets out the level at which a qualification can be recognized in England, Northern Ireland and Wales. Only qualifications that have been accredited by the three regulators for England, Wales and Northern Ireland can be included in the NQF. This ensures that all qualifications



within the framework are of high quality, and meet the needs of learners and employers (Directgov, 2012). The Qualifications and Credit Framework (QCF) contains vocational (or work-related) qualifications, available in England, Wales and Northern Ireland. These qualifications are made up of units that are worth credits. Individuals can study units at their pace and build these up to full qualifications of different sizes over time. Units and qualifications also range in difficulty, from entry level to level 8 (similar to the levels in the NQF) (Directgov, 2012).

**Figure 6.2: National Vocational Qualification (NVQ) framework**



The QCF is a third-generation successor to the NVQ framework which came into operation in 2008 for vocational qualifications in England, Wales and Northern Ireland (Lester, 2011: 206). The QCF recognizes skills and qualifications by awarding credit for qualifications and units. It is supposed to enable people to gain qualifications at their own pace along flexible routes. The QCF is made up of nine levels from entry level (sub-divided into entry level 1–3) to achievement at level 8 (CEDEFOP, 2012: 257–259). The English and Northern Irish qualifications system are based on learning-outcome approach, which has been promoted since 1970s (CEDEFOP, 2012). The Framework for Higher Education Qualifications (FHEQ) has a significantly different purpose – it is a voluntarily agreed set of benchmarks for promoting common standards between universities and providing a language for communicating the positioning of the various higher education qualifications (Lester, 2011: 209).

The QCF distinguishes between organizations authorized to submit units to the framework, those able to specify rules for combining units into qualifications, and those responsible for awarding credits and qualifications (Lester, 2011: 208). This has allowed ‘organizations that would not want to award qualifications to specify their content’, and this role was usually given to few large employers and industry and professional associations (Lester, 2011: 208). It has also enabled SSCs to directly

submit units rather than through awarding bodies. The QCF thus has a range of awards, such as industry and user certification which were not included before in UK frameworks (Lester, 2011). For the QCF, each credit value is about 10 hours of learning. Units are assessed individually but enable cross-referencing of evidence so that work can be assessed for more than one unit at the same time. There are three different qualifications: Award (1 to 12 credits, 10 to 120 hours of learning), Certificate (13 to 36 credits, 130-360 hours of learning) and Diploma (37 or more credits, 370 or more hours of learning) (RTS, 2012).

There is a separate framework in Scotland (the SCQF), which was agreed in 2001 around 12 levels. The fairly comprehensive coverage includes higher education qualifications and secondary education certificates as well as vocational and basic skills qualifications. In Northern Ireland, a credit framework that embraces further and higher education has been in use since the late 1990s. Nonetheless, officially the situation is the same as in England with the QCF and the FHEQ operating independently of one another (Lester, 2011: 208).

The Credit and Qualifications Framework for Wales (CQFW) has been developed since 2002 to include all types of learning and qualifications (such as learning in the workplace, community, at school, college or university). It is composed of three pillars, namely frameworks for regulated general and vocational learning, the Framework for Higher Education Qualifications (FHEQ) and Quality Assured Lifelong Learning. The latter focuses on the recognition outside regulated qualifications framework and higher education qualifications and can include adult and community learning, company training, non-formal and informal learning (Hawley, 2010: 5).

In terms of formal learning, UK NARIC provides information, advice and expert opinion on vocational, academic and professional skills and qualifications from over 190 countries worldwide. As the National Agency, managed on behalf of the UK Government, it is the only official source of information on international qualifications to organizations recruiting from overseas and to individuals wishing to work or study in the UK (UK NARIC, 2012a).

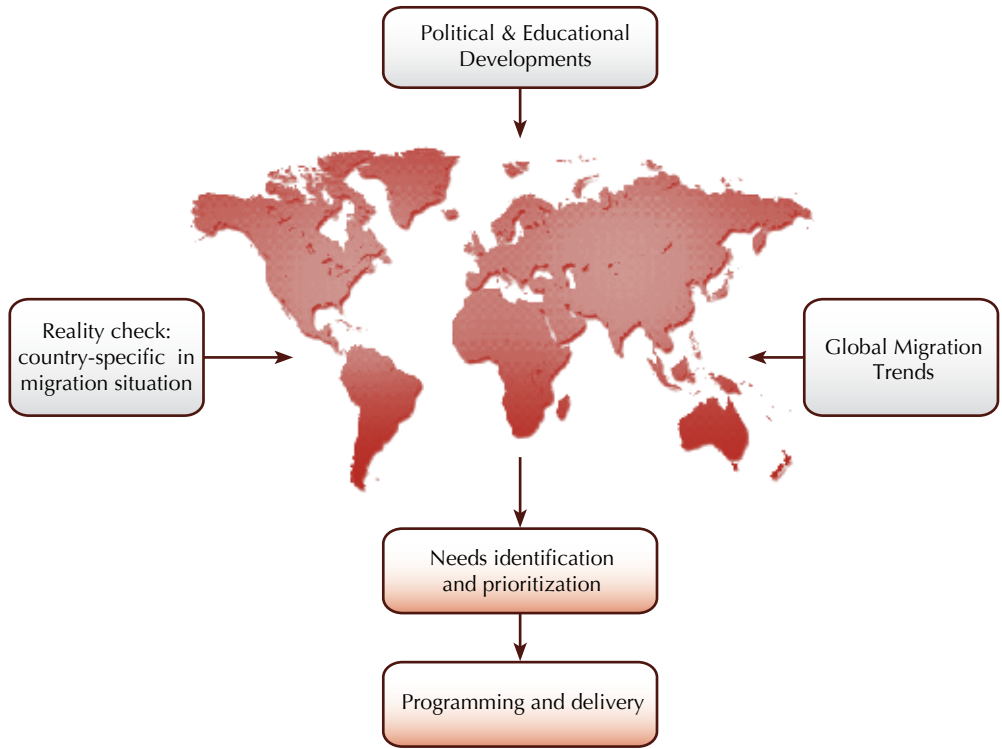
For its members (such as universities and employers), it offers six databases – the main one is *International Comparisons* which covers academic, vocational and professional qualifications from around the world. Four other databases concentrate on more occupational areas; *Vocational Comparisons*, *Teaching Comparisons*, *Childcare Comparisons* and *Social Care Comparisons*. The final database, *Grade Comparisons*, compares grading systems from across Europe to one another (UK NARIC, 2012a).

UK NARIC's model for recognition of formal qualifications emphasizes the evaluation of learning outcomes achieved through all paths and progression routes, which applies to both national and international qualifications. The outcome-based approach to recognition means a gradual but also important shift from traditional qualifications towards recognition of all lifelong learning and transnational education provision. The model identifies and redefines the main components which are important to recognize qualifications and result in broad mechanisms to bring together a variety of different processes. Three core elements form the model

(namely Information Management System, Evaluation Criteria and Methodology, and Application Procedures), which mutually reinforce each other and provide a basis for an accurate assessment of international qualifications (UK NARIC, 2011a). A recognition process that focuses on learning outcomes allows for the use of the same system for recognizing formal as well as informal and non-formal learning. Therefore, it is adapted to the needs of a knowledge society (recognizing lifelong learning) and reducing the fragmentation of the system (simplification).

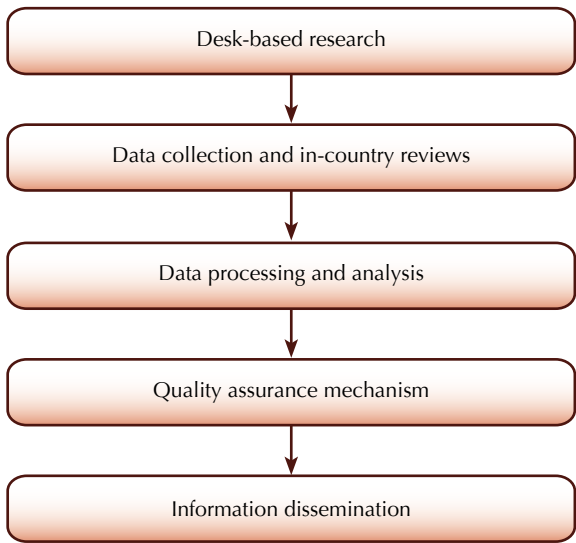
First, the Information Management System is a process to organize and handle data in order to achieve a fair recognition of qualifications. There are two parts: system-specific information (scheduled country updates) and qualification-specific information (research into individual qualifications) (UK NARIC, 2012a). For the first part, UK NARIC has several databases with more than 190 country files in order to provide information on each education system, as well as to compare recommendations and lists of recognized higher education institutions. The information includes a number of components, such as country description, higher education, school education, grading systems, teacher education, quality assurance, technical and vocational education, lists of qualifications and how they are compared to the UK education system, and lists of recognized higher education institutions. Besides priority countries identified each year, updates are undertaken on a rolling basis (UK NARIC, 2012a).

**Figure 6.3: Influencing factors for system-specific information needs**



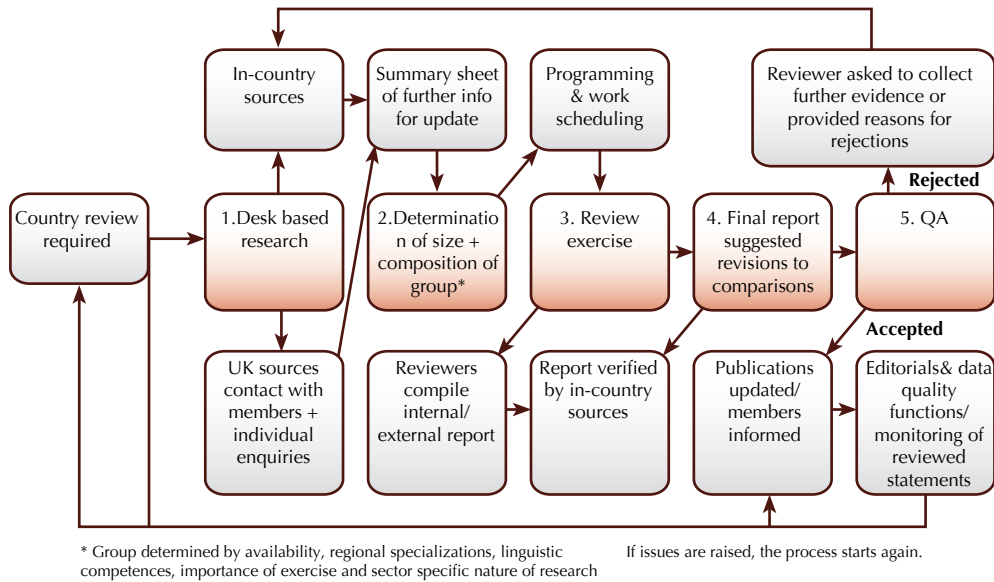
Source: UK NARIC 2012e.

**Figure 6.4: Five stages of the research/assessment process of individual qualifications<sup>90</sup>**



Source: UK NARIC, 2012e.

**Figure 6.5: Flow chart of information updating process**

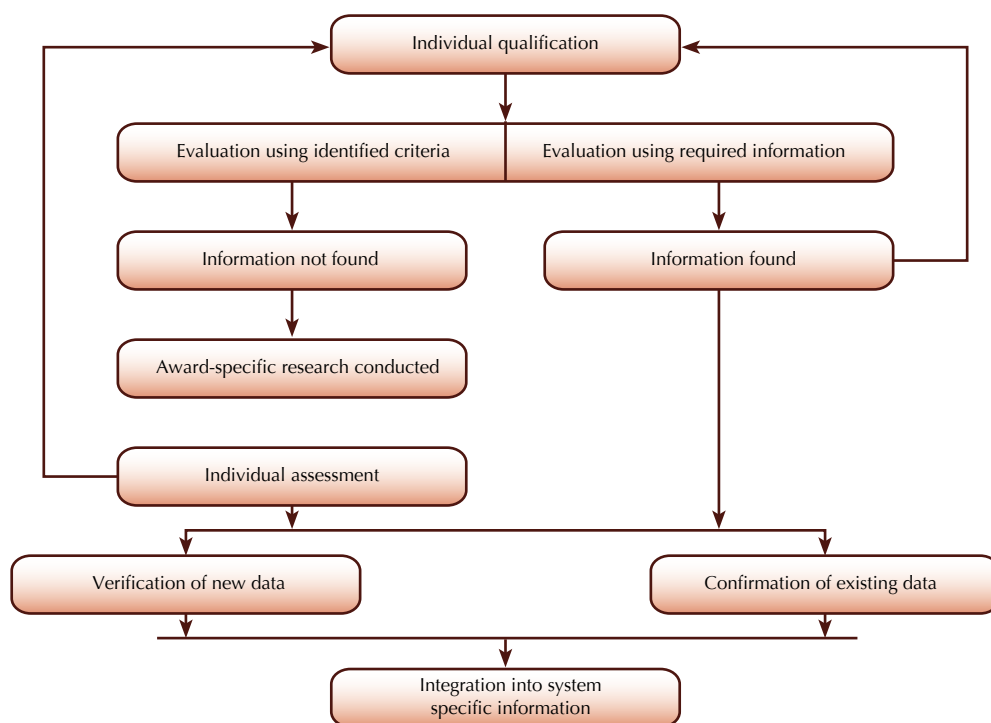


Source: UK NARIC, 2012e.

<sup>90</sup> For quality assurance measures (Stage 4), there is first an internal process (updates need managerial approval) and external process (critical comments from member organizations and country experts).

Qualification-specific information: UK NARIC also researches and assesses individual qualifications for which there is no existing comparability statement or where it is clear that the existing statement needs to be reviewed. Information is obtained and qualification is assessed using established evaluation criteria. For instance, the information includes ‘what and how’ elements, such as title of the award, content, structure, provider and expected learning outcomes. Recognition of an award might conform to established, generic comparability statements accorded to a type and range of qualifications. It might also challenge established recommendations and lead to the need for revision of information (UK NARIC, 2012a). Figure 6.6 summarizes this process.

**Figure 6.6: Relationship between qualification-specific information and the information management process**



Source: UK NARIC, 2012e.

Second, *evaluation criteria and methodology* constitute an important part of UK NARIC’s recognition of qualifications. They are based on a Band Framework which should ensure accuracy and consistency of comparability statements accorded to international qualifications (more on this below). A band is to reflect a broad grouping of international qualifications that may be categorized.

The evaluation process is composed of three stages. First, the identification of overseas qualifications is made in the context of the native education system. Criteria include an assessment of the status of the awarding institution (whether it is recognized in

the country of origin), an examination of the standing of the qualification within the country's education system (if it constitutes a national standard and/or forms part of the national qualifications framework/national education system), a valuation of the level to which the qualification has been benchmarked in the country of origin, an inspection of entrance requirements in the country of origin and in the UK, a consideration of the duration of a course of study, a review of the course structure, and analyses of the course content, the method of study and the method of examination.

The second step in the evaluation process is the identification of comparable qualification within the UK. UK NARIC examines whether any identified similarities are sufficient for comparability. If an overseas qualification meets these criteria it will be recognized by the issuing of a NARIC Statement of Comparability (SoC) and a NARIC Certificate (UK NARIC, 2012a).<sup>91</sup> To maintain quality and improvement, UK NARIC has three advisory councils, which are composed of relevant representatives from education, business and recognition agencies. These are UK NARIC Advisory Council, Quality Standards Group and Core Service Monitoring Group.

Non-European professional qualifications are considered for registration in the UK by the Competent Authority in the appropriate field. In the UK NARIC context, professional qualification applies to an award of a professional association/chartered institute. UK NARIC's work does not intend to be (a) a form of professional recognition (this is done by competent authorities/professional bodies), or (b) an equivalence of professional qualifications to specific academic qualifications (Bai-Yun, 2008: 20-21).

The focus of UK NARIC lies on outcome-based approaches for the assessment of qualifications. The Band Framework is a hierarchical structure of educational outcomes. Bands should enable stakeholders to distinguish different types of international awards to a reasonably fine level of differentiation and thus facilitate more informed decisions. They seek to provide a mechanism within which it is possible to categorize the wide variety of international qualifications and further differentiate between them in a coherent and accurate fashion. The UK NARIC Band Framework is composed of 16 bands, from entry level to Band 15.

In the Band Framework, qualifications are hierarchically ordered so that staff and stakeholders are able to differentiate different types and levels of awards. The 16 bands span basic entry levels to post-doctoral qualifications. The review process started in 2009 and focused on analysis, consultation and editing of the three main features of the framework (namely descriptors at each band level, comparison statements relating to English, Northern Irish, Welsh and Scottish qualifications; and comparable international qualifications). The task included discussion and collaboration between Core Services and Business Development Group within UK NARIC (UK NARIC, 2011b).

<sup>91</sup> Where a SoC and a Certificate are provided by UK NARIC, they are non-binding as UK higher and further education institutions and professional bodies (as independent organizations) decide on their own on admission since qualifications are only one factor out of many.

The UK NARIC Quality Standards Group provided external consultation and supervision of the process. The group is comprised of representatives from important educational stakeholders and sectors in the UK, and offers advice and recommendations throughout the lifetime of the work on Band Framework. The review process finished at the end of 2010. Changes included a reduction of bands from 18 to 16, revisions of the wording for many comparability statements, a merger of the comparability statements between the British taught Master's degree and the British Master's degree standard (Band 12) and an inclusion of a new comparability statement "is considered comparable to Graduate Certificate/Graduate Diploma standard" in Band 10 (UK NARIC, 2011b).

Third, application procedures include that all international qualifications are considered in the same manner in order to ensure fair and efficient treatment. The process unfolds as follows: the UK NARIC information officer/s determine(s) whether correct or required information has been provided based on the documentation submitted. Next, an initial decision is made as to whether assessment can be provided. Qualifications are then evaluated in accordance with NARIC guidelines. The information officer considers the validity of certificates and drafts a response. All responses and evaluations are verified and checked for quality (UK NARIC, 2011a). There might be further steps involved in case more information is required (such as in case of a new award and/or discontinued qualifications). If individuals are not satisfied with the evaluation, they can first request clarification, second request reassessment and third appeal the decision (UK NARIC, 2011a).

### ***2.3. Processes for different types of migration***

There are no particular recognition processes for different types of migration. Many regulated occupations take care of international recognition through multinational and bilateral agreements. There are also EU programmes to accentuate sectoral collaboration. For example, under the provisions of the Recognition of Professional Qualifications Directive, individuals have rights of recognition and licence to practise in other European countries. This applies to a number of occupations, such as engineers, doctors and actuaries (the latter through Groupe Consultatif Agreement). Family migrants have to undergo the same procedures as other types of migrants.

However, there are a number of audits and initiatives to help different groups of refugees to get their qualifications recognized and help them to integrate into the labour market. For instance, RETAS (Refugee Education and Training Advisory Service) assists refugees with the recognition of qualifications – with a particular emphasis on women. Some audits have led to new initiatives, such as the Department of Work and Pensions refugee employment strategy, there is also the Refugee Health Professional Steering Group which aims to recruit and integrate health-care professionals from overseas. The Council for Assisting Refugee Academics provides help to teachers and lecturers, and Scotland has the Refugee



into Teaching in Scotland scheme – which should help refugees to smooth the transition into employment (APL plays an important part) (Leney and Ponton, 2007: 12).

The UK has accreditation of prior learning (APL), which is a long-standing mechanism to recognize prior informal and non-formal learning, for higher education admission and for credit towards higher education degrees and other awards. Nonetheless, it is not clear what ‘prior’ means (Leney and Ponton, 2007: 8). This is not targeted in particular towards immigrants. The non-formal and informal learning of refugees and other migrants may be recognized through the same APL process as for UK applicants. Nonetheless, it is possible that migrants have a greater difficulty in providing sufficient evidence of their learning (Leney and Ponton, 2007: 13). APL is part of the government’s strategy to widen participation in higher education by different groups, such as those with lower socio-economic groupings, ethnic groups, older students, but also immigrants.

## ***2.4. Role of different institutions and their integration***

The UK does not have a single policy on the recognition of qualifications of migrants. But there are some instances where it has occurred at the sectoral level, such as the SSCs mentioned earlier or some sectoral agreements such as for engineers and doctors (Leney and Ponton, 2007: 11). Some regulated professions have harmonization of basic training in all EU member states. For instance, this exists for dental practitioners, doctors and general practitioners, midwives, general care nurses, pharmacists, veterinary surgeons and architects. The automatic recognition of qualifications is granted through specific professional associations (such as General Dental Council, General Medical Council and Architects Registration Board) (UK NCPa, 2012).

Due to the UK’s devolution, the four regions (England, Northern Ireland, Scotland and Wales) have developed recognition processes differently and varying bodies are in charge of the process. Responsibilities for regulating the QCF in England, Wales and Northern Ireland lie with the following qualifications regulators: in England, the qualifications regulator for all external qualifications is the Office of the Qualifications and Examinations Regulator (OfQual). In Wales, the qualification regulator is the Welsh Minister and the work is delegated to the Department for Children, Education Lifelong Learning and Skills. In Northern Ireland, the qualifications regulator is the Council for Curriculum, Examinations and Assessment (CCEA), which regulates external qualifications other than NVQs. In addition, the FHEQ has been set up for England, Northern Ireland and Wales.

The Scottish Credit and Qualifications Framework (SCQF) promotes lifelong learning in Scotland and has been gradually revised and refined. The governance is organized as a company (unusual in Europe) and a charity was founded in 2006. The framework is maintained by the Scottish Credit and Qualifications Framework Partnership, and is made up of the Scottish Qualifications Authority, Universities



Scotland, Quality Assurance Agency, Association of Scotland's Colleges and Scottish Ministers (CEDEFOP, 2012: 261).

UK NARIC is the main body dealing with the recognition of (formal) qualifications, and serves both individuals (receiving over 70,000 inquiries yearly) and organizations (such as universities, government departments, professional bodies and employers). It is part of a wider network of information centres across Europe, but also in Australia, Canada, New Zealand and the United States. In fact, it is a private limited company owned by shareholders with ECCTIS Limited (UK NARIC, 2012a).

UK NARIC works closely with the Department for Business, Innovation and Skills (BIS), which is the main ministry responsible for skills and education. It supports sustained growth and higher skills in the economy. Cooperation is also extensive with regulatory bodies, such as professional associations. While the SoC of UK NARIC establishes a comparison of qualifications, it is up to professional bodies to validate them. Universities have considerable flexibility in skills assessment. Since UK higher education institutions are relatively autonomous, practices between institutions vary (Leney and Ponton, 2007). They conduct most of the recognition of qualifications themselves, though they rely on information and databases provided by UK NARIC. Employers often have to compare and recognize qualifications, especially related to non-formal and informal learning. Overall, there is a variety of actors involved in the process.

## ***2.5. Sectoral examples for recognition procedures***

Mutual recognition agreements are quite developed at the sectoral level. For instance in the health sector, the General Medical Council (GMC) ensures proper standards in the practice of medicine in order to protect, promote and maintain the health and safety of the public (GMC, 2012). To apply for a registration with a licence to practise, all international medical graduates must hold an acceptable primary medical qualification. In addition, they are required to demonstrate their medical knowledge and skills, knowledge of English and fitness to practise before they are registered with a licence to practise. The GMC defines an acceptable overseas qualification as one which meets the following criteria: it must be a primary medical qualification that has been: awarded by an institution listed on the Avicenna Directory<sup>92</sup> for Medicine, or is otherwise acceptable to the GMC, and is currently acceptable to the GMC (General Medical Council, 2012).

The engineering sector also has a number of mutual agreements on recognition of qualifications. For instance, the Engineering Council participates in Washington, Sydney and Dublin Accords.<sup>93</sup> Through these agreements, academic qualifications

<sup>92</sup> <http://avicenna.ku.dk/objectives/>.

<sup>93</sup> Washington Accord – engineering education accreditation processes at Chartered/Professional Engineer level; Sydney Accord – engineering education accreditation processes at Incorporated Engineer/Engineering Technologist level; Dublin Accord – qualifications that underpin the granting of Engineering Technician titles (Engineering Council 2012).

accredited by the Engineering Council at Chartered, Incorporated and Engineering Technician grade will be accepted as meeting academic requirements for national registration (and vice versa) (Engineering Council, 2012).

However, other sectors with professional associations exist that have mutual recognition agreements – such as actuarial qualifications. For instance, the Institute of Actuaries (now Faculty of Actuaries) has mutual recognition agreements with a number of organizations, such as the Actuarial Society of India, Actuarial Society of South Africa, Institute of Actuaries of Japan and Canadian institute of Actuaries and Institute of Actuaries of Australia (Actuarial Profession, 2012).

## ***2.6. Regulated and non-regulated occupations***

The UK only has 102 professions that are regulated (most of them concentrated in teaching, medical and legal sectors). Regulated professions include architecture, teachers in publicly regulated schools, doctors, midwives and nurses. If individuals wish to practise in these professions they are legally required to fulfil specific conditions and present specified qualifications so that they can legally practise in the UK. Protected professional titles with designatory letters (such as Chartered Engineer) are usually voluntary (unless the profession is listed as regulated) and individuals do not need to get a title to practise their profession (though titles can be sought to advance status) (UK NCPb, 2012). The majority of professions in the UK are not regulated, meaning that anyone can practise these professions and no particular qualifications or training is required. Employers will determine which qualifications are needed for the adequate performance of an individual's job duties (UK NCPb, 2012).

## ***2.7. Local, regional, national and international initiatives***

There is no single comprehensive national qualifications framework covering all levels and types of qualification in England and Northern Ireland (CEDEFOP, 2012). However, Leney and Ponton (2007: 44-45) argue that local, regional and sectoral organizations possess experience and autonomy to develop suitable schemes (a bottom-up pressure) without strong enough drivers at the national level, which would lead to the development of a single framework. The Investors in People (IiP)<sup>94</sup> scheme (a national standard) is one example of the robustness of a localized approach for focusing on and recognizing informal and non-formal approaches (besides formal ones) to training.

The IiP Standard was introduced in 1991 in order to promote training and development practice in work organizations. The goal is to give public credit to organizations that 'invest in their people' through training and development programmes and worker involvement in decision-making. Organizations that meet given assessment criteria are awarded with recognition by the lead body – IiP UK, and can use the

<sup>94</sup> In April 2010, strategic ownership of IiP transferred to the UK Commission for Employment and Skills, which is now responsible for developing and maintaining its integrity.

IiP laurel wreath logo. The framework is regularly revised to maintain integrity and effectiveness, and involves consultations with customers, employees and people management organizations (Investors in People, 2012a).

To give an example from the health-care sector, IiP has developed a Health and Wellbeing framework, together with Department of Health and employer groups. The IiP principles include 'plan', 'do' and 'review'. Through the understanding of weaknesses and the introduction of preventive measures, the health and wellbeing of an organization can be improved. This framework also includes other workplace issues, such as supportive management, supportive culture and work-life balance. IiP is cooperating with Skills for Health (SSC for the UK health sector) (Investors in People, 2012b). Several initiatives exist at the European level (such as Bologna process which applies for formal qualifications). For non-formal and informal learning, European Qualifications framework (EQF) has been developing, even though there is no formal link with the UK system so far (CEDEFOP, 2012). Nonetheless, the QCF has been mapped to the EQF and the FHEQ to the framework of the European Higher Education Area, with upper levels of the two European frameworks regarded as parallel (Lester, 2011).

## ***2.8. Involvement of countries of origin***

The UK has a number of partnerships with other countries in order to exchange practices and discuss the comparability of qualifications (such as with China). Countries of origin are often involved in information-seeking about qualifications in the country and establishment of databases of UK NARIC, but not in the recognition of qualifications. The migrant has to undergo the recognition process in the country of destination, which means the UK. This procedure might already have to take place when the migrant is still in the country of origin since recognition might allow him/her to come to the UK in the first place – for instance, to take up work or study. Nonetheless, refugees apply for recognition in the country of destination.

## ***2.9. Consultations and employers***

In the area of non-formal and informal learning, Nilsson argues that employers (and trade unions) are significantly involved in APEL which relates to work-based learning and vocational qualifications. The role of employers is significant for offering the physical base for training, with the possibility to lead to the accreditation for work-based learning through the N(S)VQ system, in addition to “contributing to the setting of the occupational competences, which enable individuals to have their work-based and broader experiential learning accredited” (Storan, 2003: 6). Consultations with different stakeholders are part of the governance style, but the question remains how effective they are and whether/how policies take these consultations into account.

In a recent Scottish study, it appears that many employers do not even know the existence and/or role of UK NARIC (Martinez Lucio et al., 2007). However, the UK NARIC Advisory Council includes one employer representative from AGR (which

has around 700 business members), besides representatives from UK NARIC, some government ministries, universities and sector bodies. One concern is that there is a bias towards large companies who might be more involved in consultations (since many have in-house training and skills recognition) and have more influence than small and medium-sized enterprises.

## ***2.10. Good practice and problematic areas***

One good practice is that UK NARIC compares and recognizes qualifications, whether they are academic, vocational or professional. The focus on clear methodology and outcome-based process (and achievement) is also noteworthy since it allows for flexibility on how this achievement of learning is acquired. The methodology and processes are constantly updated and evaluated, which allows for the system to be responsive to changing needs. For recognition of non-formal and informal learning, some advantages of existing APEL systems include that it is a rigorous, transparent assessment process and considered part of widening access to lifelong learning opportunities (Storan, 2003: i).

Nevertheless, some problematic areas include the fragmentation of the system since there is no national qualifications framework. England, Scotland, Wales and Northern Ireland have their own systems, which makes a coherent policy difficult. There have been some attempts to streamline policies but no clear results so far. In addition, a number of actors are involved in the recognition process – while UK NARIC is the main body for (formal) recognition, it is often up to professional bodies, employers and universities to validate the results. These organizations decide on their own admission since qualifications are only one factor out of many. So while they use UK NARIC's assessment of qualifications to compare candidates, admission into a programme of study or a job is not automatic. Non-formal and informal learning recognition is much more fragmented in terms of variety of actors and thus more problematic to compare and validate.

It is difficult to find the right balance between too-narrow and too-broad procedures for recognition, especially when relating to informal and non-formal learning. Particular frameworks and systems have received criticism, including that the existing APEL system is considered too bureaucratic, resource hungry, time consuming and lacks some credibility (Storan, 2003: 8). The focus on competence-based assessment also has some difficulties since assessor judgement can vary. The assessment process is complicated and judgemental, despite great focus on clearly specified criteria (Wolf, 2001).

The new QCF has also been exposed to some critical comments. Even though it has introduced some innovations such as enabling credit for smaller achievements and allowing employers and practitioner communities to contribute content into the framework, QCF is mostly limited to vocational qualifications outside of universities. In addition, it is poorly integrated with higher education, professional and school sectors, and it lacks responsiveness to innovations in qualifications design (Lester, 2011: 205).

### 3. Labour market analysis in relation to recognition procedures

#### 3.1. *Type of migration flows towards the country*

Available statistics on migrant inflows are provided by the Office for National Statistics (ONS), but also the International Passenger Survey (IPS).<sup>95</sup> Each source covers different people, the Long-Term International Migration (LTIM) only includes those intending to stay at least 12 months, while other sources might contain short-term immigrants. LTIM estimates cover all nationalities, whereas other sources only cover immigrants of specific nationalities (Office for National Statistics, 2012: 13).

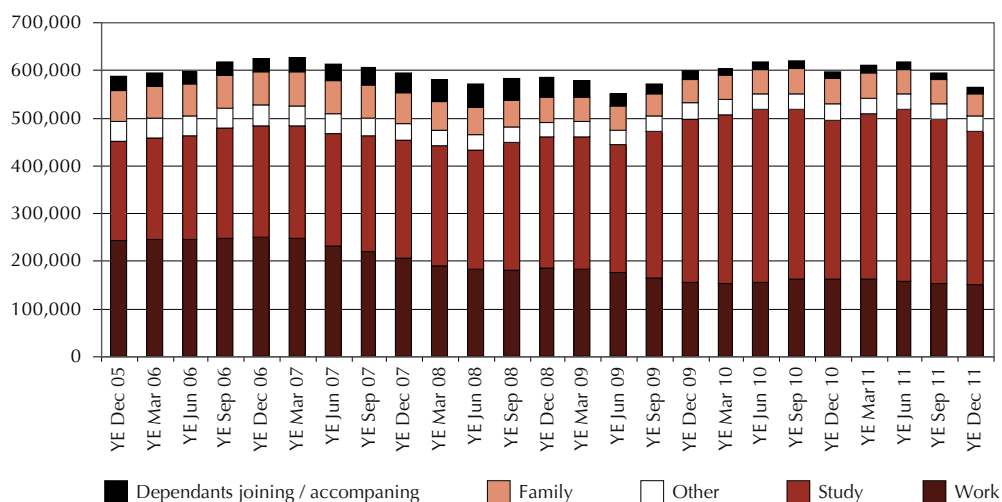
The UK's migrants have a diverse educational attainment: around 37 per cent have high educational levels, 43 per cent have medium education and 20 per cent have low educational levels (LFS, 2008 in Eurostat, 2011). Without proper recognition of their qualifications, they can end up in lesser-skilled occupations.

The activity rate foreign-born in the UK was 79 per cent, in contrast to 86 per cent for the native-born. When differentiated by country of origin, the rate was 87 per cent for EU migrants and 76 per cent for non-EU migrants (LFS, 2008 in Eurostat, 2011). There is some gap in activity rates between EU and non-EU migrants, which could be due to lack of recognition of qualifications, mismatch between skills and jobs, discrimination or language barriers. Similar discrepancy exists when considering unemployment rates, which is 4 per cent for EU-born migrants and 7 per cent for non-EU born migrants. In addition, employment rates are 83 per cent for EU migrants and 71 per cent for non-EU migrants (LFS, 2008 in Eurostat, 2011). It is also interesting to point out that in the latter category, 83 per cent of men are employed, while only 59 per cent of non-EU women. This is a considerable gap which could be due to different gender roles, lack of recognition of qualifications or work in informal economy which is not registered in statistics.

The next Figure shows entry clearance visas by reason. Considering the time period between December 2005 and December 2011, it is evident that work-related visas decreased, while study-related visas increased over this period. Family, Dependants and other categories stayed roughly the same. This could reflect the government's new restrictive policy which started in 2011 but also the worsened economic situation in the UK, since fewer jobs have been available. The focus on study and work-related visas is important since these are the two categories of individuals that most seek the recognition of their qualifications. In certain time periods, up to 500,000 visas per year were issued for these two groups, which could potentially mean a considerable need for recognition of qualifications.

<sup>95</sup> IPS is a survey of a random sample of passengers entering and leaving the UK by air, sea or the Channel Tunnel. Over a quarter of a million face-to-face interviews are carried out each year. The IPS is carried out by ONS (Office for National Statistics, 2012b: 10).

**Figure 6.7: Entry clearance visas issued to the UK, including dependants, by reason (excluding visitors and transit), 2005–2011**

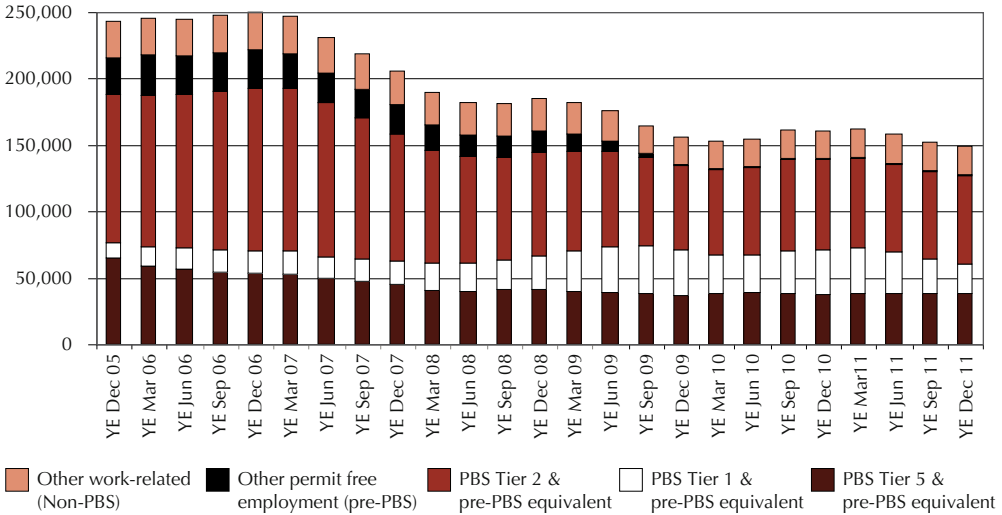


Source: Home Office, *Immigration Statistics October–December 2011*.

Figure 6.8 shows entry clearance visas for work purposes – these visas only apply to TCNs. The greatest number was issued at the end of 2010, but numbers have gradually decreased until the end of 2011 (a drop by almost 100,000 visas). Among the visas in December 2011, most of them were issued for Tier 2 (skilled workers), followed by Tier 5 (holiday-makers and other categories), and then a similar amount of Tier 1 and other work-related categories. Most of the applicants for the points-based system categories will need to have their qualifications recognized in order to qualify for a permit based on points (such as Tier 1), or for a work visa if they have a job offer (such as Tier 2).

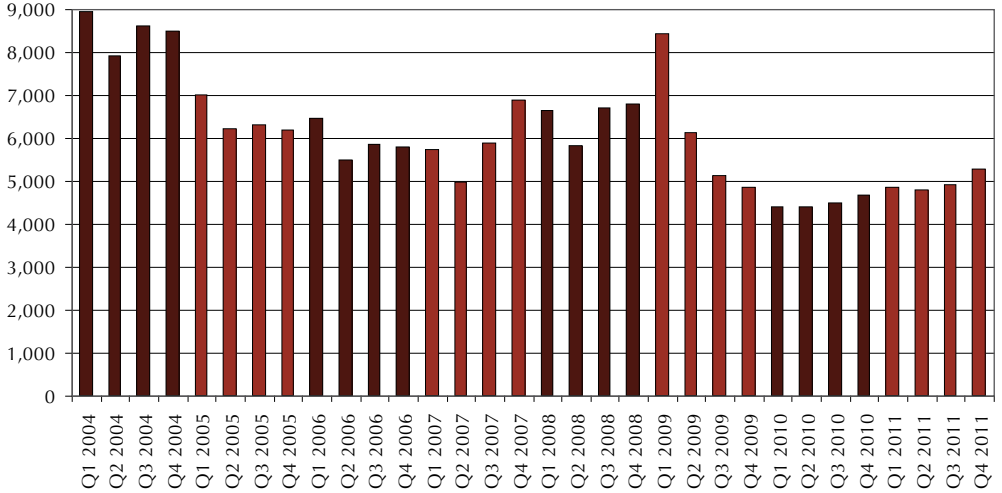
Figure 6.9 above demonstrates that the number of asylum applications increased by 13 per cent from the fourth quarter of 2010 (4,659) to the fourth quarter of 2011 (5,261) (Home Office, 2011). But it is still much lower than at its peak in Q1 2004, where the number was almost 9,000 applications. Asylum-seekers and then refugees would also have the need to have their qualifications recognized in order to be able to work in the UK. The complications associated with the recognition of qualifications of refugees are described further below.

**Figure 6.8: Entry clearance visas issued to the UK, including dependants, for work purposes, 2005–2011**



*Source: Home Office, Immigration Statistics October–December 2011.*  
 Note: Figures relate to visas instead of actual arrivals (this means intentions to come to the UK). Tier 1 applies to high-skilled workers (general route, entrepreneurs), Tier 2 refers to skilled workers (with job offer), and Tier 5 to holidaymakers, youth mobility and temporary permits. The Points Based System (PBS) was implemented from 2008 onwards. Even though not listed in this figure, Tier 4 applies to students, while Tier 3 (for low-skilled workers) is currently not used. Other permit-free employment (pre-PBS) refers to visas superseded by PBS Tier and cannot be allocated to an equivalent category. These categories only apply to TCNs.

**Figure 6.9: Applications for asylum in the UK, excluding dependants, Q1 2004 – Q4 2011**



*Source: Home Office, Immigration Statistics October–December 2011.*  
 Note: Asylum figures refer to individual quarter, rather than rolling years used in other figures.



### 3.2. *Extent of overqualification of TCNs*

Overqualification “refers to the situation where a person has a level of skill or education higher than is required for his or her job”. To measure this, the overqualification rate is defined by Eurostat as “the proportion of the population with a high education level (having completed tertiary education, ISCED 5 or 6) and having low- or medium-skilled jobs (ISCO occupation level 4 to 0) among employed persons having attained a high educational level” (Eurostat, 2011: 51). In 2008, the foreign-born had overqualification rates of 24 per cent, as compared to 20 per cent for the native-born (in both groups, women had higher rates). The UK falls in the group with the lowest differences between the foreign- and native-born groups – the EU-27 average is 15 per cent (Eurostat, 2011: 52).

Considering EU and non-EU born migrants, the rates were 25 and 24 per cent respectively (Eurostat, 2011: 55). It is a bit surprising that the rate was slightly higher for EU-born migrants but this could be due to the high inflow of immigrants from the new EU member states (since 2004) who often took on lesser-skilled jobs. For the non-EU born group, recent migrants (up to eight years of residence) had higher overqualification rates than settled migrants (30 and 21%, respectively), which we might expect. The longer migrants stay, the more time they have to have their qualifications recognized, find a job corresponding to their qualifications and integrate better into the labour market of the host country (Eurostat, 2011: 56).

### 3.3. *Recognition rates*

Unfortunately, data on recognition rates is difficult to find. UK NARIC data on the number of requests per country for each month show that, over the last four years, there was a peak in requests in 2010, but there was a considerable decline the year after<sup>96</sup>. This is for requests for Statement of Comparability, which means recognition of qualifications through formal routes. From the data available, it is not evident how many and why requests are turned down as they are not recorded in the system. UK NARIC would not accept applications regarding qualifications that they cannot provide comparability for.<sup>97</sup> In addition, data on differences by candidate results in recognition processes by variables including country of training, length of stay in country of destination, first compared to subsequent attempts is also not available.

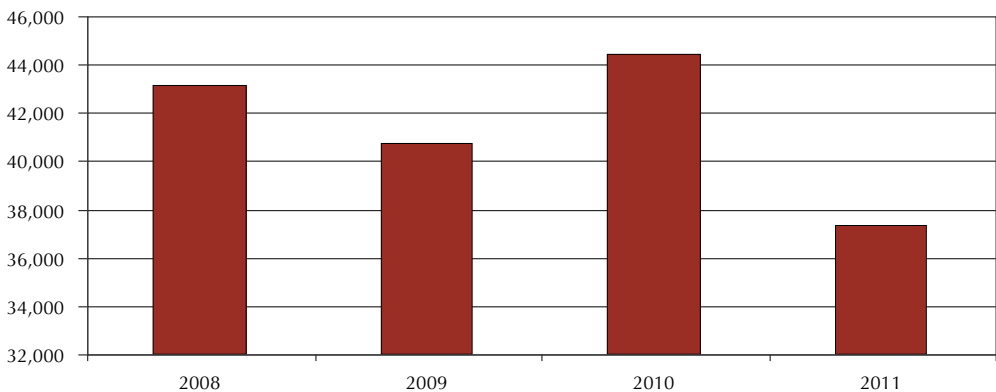
Disaggregating by reason, we observe that most requests are for professional employment, followed by further education. Undergraduate education is the smaller percentage of requests. This would indicate that recognition of professional employment (besides formal academic qualifications) will remain important and thus updating and revising methods of recognition will be key.

<sup>96</sup> The reason for this might be the government’s restrictive policy towards Tier 4 migrants (mostly students). However, requests seem to have increased again in 2012. Personal communication with UK NARIC.

<sup>97</sup> Personal communication with UK NARIC.

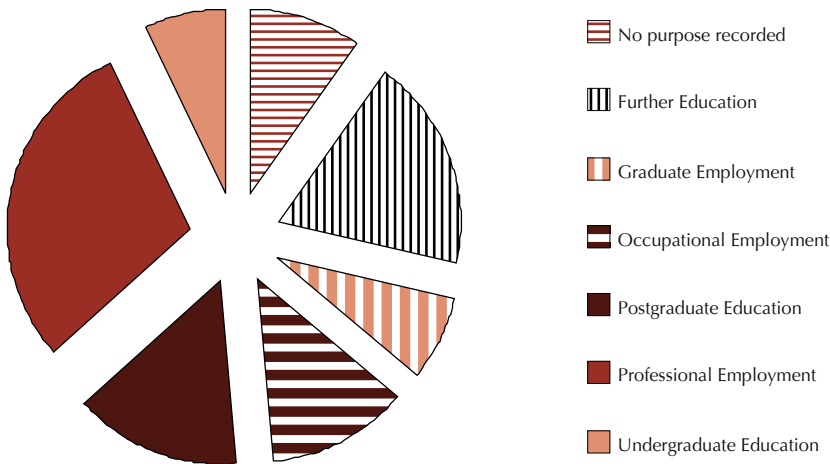


**Figure 6.10: SoC requests by TCNs (non-EU and non-EEA)**



Source: UK NARIC data.

**Figure 6.11: SoC requests by reason, 2011<sup>98</sup>**



Source: UK NARIC data.

Using 2010 and 2011 data from three sources – UK NARIC online database page views, enquiries from members and individual assessments – a significant increase in interest is evident for countries in Africa and the Middle East. However, there has been a drop in the proportion associated with countries in Southern Asia. It is clear that many individuals and members use UK NARIC’s services – there is great interest in recognition of qualifications.

<sup>98</sup> Unfortunately, this data does not distinguish between the countries of origin of individuals requesting a SoC.

**Table 6.1: Comparison of interest<sup>99</sup> in UK NARIC services, 2010 versus 2011**

	Database views	Member enquiries	Individual assessments
	Change in Proportion of Overall Total (2011 vs. 2010)	Change in Proportion of Overall Total (2011 vs. 2010)	Change in Proportion of Overall Total (2011 vs. 2010)
Africa	1.5%	1.6%	0.1%
Russia and Central Asia	-0.3%	1.1%	-0.3%
European Union (EU)	-0.2%	-0.6%	4.3%
Europe (ex. EU)	0.0%	0.2%	1.0%
Far East	-0.2%	0.1%	0.0%
Middle East	0.5%	1.6%	0.7%
North America	0.1%	0.3%	-0.8%
Oceania	0.2%	0.3%	-0.8%
South-East Asia	0.4%	-0.7%	-0.7%
South America	0.1%	-0.2%	0.1%
Southern Asia	-2.2%	-3.7%	-3.4%
Total number of views / enquiries / assessments	855,225	13,721	37,333

Source: UK NARIC, 2012c.

Note: Members are universities, colleges, companies, HR consultants, ministries and professional bodies.

Table 6.2 below shows the range of reasons behind applications for Statement of Comparability<sup>100</sup>. A SoC is an officially recognized document that confirms the recognition of overseas academic, vocational and/or professional qualifications and the comparable level in the UK. It is used by universities, colleges, employers and Government departments and agencies forming part of their decision-making processes. Tens of thousands of individuals use UK NARIC to obtain SoCs – requests come from all over the world. The table below shows the top ten countries over the past year.

**Table 6.2: SoC requests by country**

Rank	Country	Rank	Country
1	India	6	Nigeria
2	Pakistan	7	South Africa
3	Philippines	8	USA
4	Poland	9	Australia
5	Romania	10	France

Source: UK NARIC, 2012d.

<sup>99</sup> This refers to the number of applications (i.e. individual assessments), member enquiries (asking for clarifications) and database views by members (where they compare qualifications themselves).

<sup>100</sup> The charge for a standard service SoC is £55.20 (including VAT) (EUR 68.40) if by post or fax, and £48.00 (including VAT) (EUR 59.50) if applied and paid online. Service usually takes 15 working days from the date of receipt of all required documentation and payment.

In terms of non-formal and informal learning, data is not collected at the national level, but at the level of the provider, apart from in relation to NVQs. Even within institutions, data is usually collected within departments. There are estimates that by 2006 about six million NVQs have been awarded in the UK since 1980s. In addition, there seems to be an increase in the number of APEL applicants in the higher education sector, although actual numbers are missing. Health and social work are popular subjects for APEL candidates (Hawley, 2010: 10).

Based on a 2002 study (Bloch, 2002: 47), it seems that the recognition rate for refugees (through a survey with 212 people) is relatively high (71%), but only a small percentage of refugees (with qualifications) have tried to get them recognized (about 15%). Various reasons were cited for this outcome, such as lack of English (16%), did not have certificates with them, probably due to the circumstances of their exile which might result in them leaving home quickly (16%), did not need to get them recognized (16%), did not know how to (12%), no time or too busy to do so, including with family (10%) and did not think to (7%).

Among those who had not tried to get their qualifications recognized, there was a lack of knowledge about whether they would be successful if they tried. Thirty-seven per cent did not know whether they would be recognized. A greater proportion of men than women were unsure about the status of their qualifications (46% and 29% respectively). As 16 per cent of respondents did not have their certificates with them, this shows some of the difficulties that refugees encounter when they try to gain access to education and employment that corresponds with their skills and experience, which is the lack of evidence of past achievements (Bloch, 2002: 47). These results would indicate that more information on how to obtain recognition of qualifications and greater focus of governmental and non-governmental organizations to inform and assist refugees in this process would be a step in the right direction.

Other studies have analysed the recognition of qualifications for migrants, for instance in Scotland. They confirmed a need for a common approach to the recognition of the skills, learning and qualifications of migrant workers and refugees. One study confirmed that there were three barriers for migrant workers and refugees, namely the recognition of skills and qualifications, often negative employer attitudes and (a perceived) lack of language ability (Guest and Vecchia, 2010: 3).

Further surveys from Scotland show that about one half of migrants have “either a degree or undergraduate qualification but most don’t make any use of these in their current job and over 70 per cent make no use of their qualifications or skills in their current job, while 45 per cent said employers in the UK did not recognize their qualifications at all” (Ballingall, 2007). One reason for the limited assistance for migrants is that organizations and governments have limited financial resources. There is also a “lack of consistent joined-up thinking between regulatory actors and agents” who deal with issues of recognition (Martinez Lucio et al., 2007: 1).

## 4. Conclusions and recommendations

The UK can be seen as a frontrunner for recognition of all types of qualifications. The UK NARIC's methodology has been developed to recognize (formal) qualifications, whether they are academic, vocational or professional, which allows for great flexibility. The methodology and approach to recognition of qualifications, and its extensive databases have served as examples for other countries (such as Finland).<sup>101</sup> In addition, UK NARIC regularly hosts representatives from national information centres to see how the agency operates and processes enquiries (examples include Armenia, Bosnia, Croatia and Georgia) (UK NARIC, 2012a). It also organizes different workshops in participating countries of the ENIC/NARIC network.

Even for non-formal and informal learning, since the 1980s the UK has developed a number of measures for skills assessment. This started with National Vocational Qualifications (NVQ), which was then revised in 1990s through National Qualifications Framework (NQF) and since 2008 with Qualifications and Credit Framework (QCF). Bilateral and multilateral frameworks are prominent at the sectoral level through professional regulatory bodies. The influence of European and international initiatives on the UK has been limited so far (including the EQF).

Good practices of the system are the flexibility of the recognition approach and methods, which allows for the recognition of academic, vocational and professional qualifications. Its strong focus on methodology, and constant evaluation and improvement is another plus. The emphasis on learning outcomes is also noteworthy. UK NARIC's division into bands and comparisons between all types of qualifications is consistent and transparent.

Nonetheless, there are some problem areas in APEL, mainly the close balance between too narrow and too broad frameworks. The most recent framework – QCF – offers some advantages compared to the previous ones, but is limited in its focus and does not include some educational sectors. FHEQ does focus on higher education but is non-binding. The fragmented nature of the process (apart from the formal procedure through UK NARIC), including many different actors, and the lack of a common national policy are also challenges.

The UK policy on recognition (if we consider it as one) can be transferred to other countries, at least in parts. It is important to clearly define key terms and consider the scope of a framework – whether it applies to vocational, professional and higher education sectors or only to some parts. The flexibility of the system is upheld by the limited number of regulated occupations in the UK – which might not be the case in other countries.

<sup>101</sup> NVQs have influenced many outcomes and approaches to vocational qualifications in Europe and in other countries. For example, Finland's Ministry of Education observed the development of NVQs and adapted the ideas to develop the NOSTE system – now widely used for recognizing informally and non-formally acquired vocation skills in the workplace.

The practices of recognizing qualifications meet the needs of the changing labour market and various types of migrants as they are flexible and apply to all types of individuals, including migrants. This allows for constantly evaluating and revising qualification frameworks and updating UK NARIC's databases to reflect changing qualifications and exchange of information with other countries. Nonetheless, the recognition of formal learning is easier to administer – especially when an individual possesses a diploma/degree – than informal and non-formal learning. The informal and non-formal recognition takes place through various methods, such as observation, assessment and portfolio. For example, individuals are observed and assessed at their workplaces or they have to compile a portfolio of their work including reflective essays, which are then assessed. They can gain credit for their learning. However, the question remains whether it really recognizes the equivalence of formal qualifications.

Considering the large inflow of immigrants into the UK – especially work- and study-related – it is evident that recognition of qualifications will continue to play a significant role. In order for these individuals to be able to work in occupations corresponding with their qualifications, the recognition system has to be clear and easily accessible. In particular, it is important that refugees receive assistance in finding out more about the process and benefits that recognition can bring for their professional life. Complications arise when refugees cannot document qualifications because they have lost them or had to leave them behind. Refugees might also lack testimonials in their countries of origin. In this instance, a more flexible way of recognizing qualifications (perhaps through practical assessment such as work-related experience and observation) would be key. Otherwise, many immigrants and refugees might not be able to work or will be overqualified for their job – which in the end will have negative implications for these individuals themselves as well as for the host country.

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## COUNTRY STUDIES

Edited by  
Anke Schuster, Maria Vincenza Desiderio  
and Giuliana Urso

## **PART II** GOOD PRACTICES AND RECOMMENDATIONS FROM NON-EU SETTLEMENT COUNTRIES



# AUSTRALIA

Lesleyanne Hawthorne<sup>102</sup>



## 1. Introduction

### *1.1. Labour migration of third-country nationals*

In the past decade, Australia has placed unprecedented emphasis on the recruitment of skilled migrants, constituting up to 60 per cent of permanent intakes. In 2006 the country had the world's highest percentage of foreign-born residents (23% of the permanent population), followed by Switzerland, New Zealand, Canada, and the USA (11%) (Hawthorne, 2012). By 2009 Australia's population stood at 21,875,000, following the largest annual growth in 20 years (a net gain of 443,100 people). Immigration and international student enrolments were the primary cause, despite domestic fertility rates rising to 2 per cent (Department of Immigration and Multicultural Affairs, 2010a). From 2010 to 2011, 213,409 additional permanent settlers were approved (a 2% increase on the previous year). The majority (107,656) were admitted as General Skilled Migrants, along with 54,708 in the Family and 13,976 in the Humanitarian categories (see Table 7.1). According to the 2011 Census, over a quarter of Australia's population is now overseas-born, in the context of rapid demographic transition. In the city of Melbourne, for instance, a third of all residents are migrants, with one in five of Asian ancestry (primarily Chinese or Indian). In Sydney, the Chinese are about to replace the English as the dominant immigrant group (Colebatch, 2012; Megalogenis and Nadin, 2012). Two key outcomes are sought from Australia's migration and humanitarian programmes, supported by substantial public investment:

**Outcome 1:** Contributing to Australia's society and its economic advancement through the lawful and orderly entry and stay of people.

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**Outcome 2:** A society which values Australian citizenship and social cohesion, and enables migrants and refugees to participate equitably (Department of Immigration and Citizenship, 2010a, 29).

**Table 7.1: Permanent immigration intakes to Australia by major category (1996–1997 to 2010–2011)**

Programme Stream	1996-97	1998-99	2001-02	2006-07	2007-08	2008-09	2009-10	2010-11
Skilled	27,550	35,000	53,520	97,920	108,500	115,000	108,100	107,656
Family	44,580	32,040	38,090	50,080	49,870	56,500	60,300	54,708
Special Elig.	1,730	890	1,480	200	220	300	300	653
Humanitarian	11,900	11,356	12,349	13,017	13,000	13,500	13,750	13,976

*Source: Adapted from data in Department of Immigration and Citizenship, “Reform of Australia’s skilled Migration Program and Key Inflows: We’ve Checked Our Policy Settings – Now What?”, May–June 2010, Canberra; and Department of Immigration and Citizenship, ‘Immigration Update 2010–2011’, 2011, Canberra.*

In addition to migration flows, 36,416 New Zealanders gained permanent resident status in Australia in the period 2010–2011, enjoying unrestricted entry and work rights under the Trans-Tasman Travel Arrangement (a 41% annual increase). New Zealand represents a major labour resource for Australia, in a context where 521,223 New Zealanders were resident by 2009 (a tenth of its population), and just 69,884 had permanently left in the previous decade (Department of Immigration and Citizenship, 2009b).

Within the recent period the impact of migration on Australian professions has become profound. From 2001 to 2006, 596,201 migrants holding post-school qualifications arrived (compared to 217,477 in the 1996–2000 period) (Hawthorne, 2008a). By 2006, 57 per cent of all degree-qualified information technology professionals were overseas-born, along with 53 per cent of dentists, 52 per cent of engineers, 45 per cent of doctors, 44 per cent of accountants and 24 per cent of nurses. Disproportionate numbers of qualified migrants had reached Australia in the previous five years, including 36 per cent of Australia’s total professional IT workforce, 32 per cent of accountants, 28 per cent of engineers, and 25 per cent of physicians (see Table 7.2).

Supplementing this scale of permanent arrivals, temporary labour migration has risen dramatically in recent years, reflecting the marked privatization of Australia’s skilled migration programme. An additional 100,000–135,000 sponsored migrants are admitted annually, bypassing points-based selection criteria (Australia’s previous labour migration norm). Workers in high-demand fields are fast-tracked through the 457 temporary visa – an uncapped employer-driven category allowing work rights of up to four years. Successive governments have markedly deregulated this programme since 1996, with a reduced emphasis on transparency and labour market testing. By 2009, 70 per cent of labour migrants were sponsored to Australia, on a permanent

or temporary resident basis (Cully, 2009; Khoo, et al., 2007). The attractions of this strategy are clear. Sponsored workers:

- are filtered in advance for human capital attributes by employers;
- arrive to pre-arranged work;
- can be directed to “areas of need” as a condition of visa entry;
- by definition enjoy stellar early employment outcomes (99% working at six months compared to 83 per cent of ‘independent’ skilled migrants).

**Table 7.2: Australian professional workforce (2006) by qualification level and field, birthplace and year of arrival (%)**

Qualification level and field	Australia -born	Overseas-born				Number (a)
		All overseas-born	By year of arrival			
			Pre-1996	1996–2000	2001–2006	
Degree/Higher degree						
Information technology	42.8	57.2	43.9	20.5	35.6	116,523
Engineering	48.4	51.6	57.6	14.1	28.3	159,940
Medicine	54.6	45.4	62.6	12.8	24.6	72,068
Nursing	75.0	25.0	72.6	9.2	18.2	162,372
Accounting/Business/Commerce	58.8	41.2	52.3	16.2	31.6	456,062
Teaching	75.3	24.7	69.5	11.0	19.4	443,231
Law	74.4	25.6	68.6	11.0	20.4	84,515
Other	67.0	33.0	61.1	13.6	25.4	820,210
S/Total	64.9	35.1	59.1	14.2	26.7	2,314,921

*Source: Analysis of 2006 Census, data accessed from the Australian Bureau of Statistics.*

**Notes:** Excludes those for whom birthplace or year of arrival is unknown.

From 2010 to 2011, 131,341 temporary migrants entered Australia via the 457 visa category, compared to 34,000 seven years earlier (Department of Immigration and Citizenship, 2011a). The top 10 source countries that year were the UK (23%), India (12%), the Philippines (8%), South Africa (6%) and Ireland (6%), followed by the USA, China, Japan, Canada, and Germany. Sponsored selection demonstrates marked Australian employer preference for migrants characterized by advanced English language ability, recognized qualifications, and training directly comparable to that of Australian workers (Hawthorne, 2011a). Despite this, employers play only an indirect role in relation to formal accreditation, through membership of the professional bodies, rather than direct policy formation.

Since 1999 a growing proportion of permanent and temporary migrants have been former international students qualified in Australia. By definition they experience

no qualification recognition problems. As early as 1994 an Australia-wide survey found 78 per cent of students from China, 64 per cent from Hong Kong, China, 46 per cent from Fiji, and 43 per cent from Malaysia and Singapore planned to migrate, despite the then existence of a three-year eligibility bar (Nesdale et al., 1995). Once the hurdle to migration was removed international student enrolments soared. Within five years, they constituted 52 per cent of Australia's skilled migration category, with an extraordinary 66 per cent of students from India and 38 per cent from China electing to stay (Birrell et al., 2006). Australia is currently the OECD country with the highest proportion of international students (18% in 2009 compared to the 5% OECD average), and the highest level of student retention. From 2009 to 2010 international students constituted a third of the General Skilled Migration category, a year in which 630,000 international students were enrolled in Australian courses. (Please note immigration data are reported by financial year, while student enrolments and Census data are reported by calendar year.) Former students can secure immediate permanent resident status – accounting, by the year 2009–2010 in the GSM category, for four fifths of engineers, two thirds of accountants, and half of all nursing and IT professionals (Hawthorne, 2011a).

A number of problematic issues have been addressed in relation to the study-migration pathway – most notably the emergence of perverse study-migration incentives (primarily in the private vocational sector), oversupply in select fields (most notably business, accounting and some trades), poor quality English, and inadequate vocational experience (Arkoudis et al., 2009; Department of Immigration and Citizenship, 2010c, 2010d). Despite this, outcomes are exceptional in former international students in some fields, a recent study finding 99 per cent of international students qualified in medicine to be fully employed within four months, compared to 53 per cent of international medical graduates within five years (the latter entering across all immigration categories) (Hawthorne and To, 2012). From 2012 tertiary-qualified international students will be allowed generous rights to temporary stay – four years for those with PhDs, three years for those with Masters degrees and two years for those qualifying with Bachelor degrees. Many will seek the opportunity to transition to permanent resident pathways.

The Australian government affirms skilled migration to remain a national priority in the coming period (spanning professional and trade fields). Long-term workforce demand will be met through expanded domestic training, medium-term demand through the General Skilled Migration programme, and short-term demand through employer- or state-sponsored temporary migration (Government of Australia, 2008; Rudd et al., 2007). These measures are deemed essential to offset the scale of out-migration. In the period 2010–2011, 88,461 people permanently left Australia – half natives and half born overseas (a 3% annual increase). These emigrants were disproportionately skilled, with 42 per cent professionals, 21 per cent managers, and 7 per cent technicians or tradeworkers (Department of Immigration and Citizenship, 2011e).

## 2. Identification of recognition processes in place

### 2.1. *Level of demand for credential recognition – four trends*

Beyond Australia's level of reliance on labour migrants, four trends should be noted of relevance to foreign credential recognition.

First, skilled migration source countries have become highly diverse in the recent period. Between the periods 2004–2005 and 2008–2009, as established, 358,151 General Skilled Migration category migrants were selected (including dependents), constituting up to 60 per cent of permanent intakes. Just three English-speaking background countries featured in the top 20 sources (contributing 17% of the total). Fourteen were located in Asia – countries characterized by highly variable English and tertiary education standards (with India, China, Malaysia, Indonesia and Sri Lanka predominating). The challenge of foreign credential recognition is compounding with globalization (Hawthorne, 2011a). Assessment may require evaluation of any course, studied at any institution, at any recent historical point in time. Key issues include the extent to which quality assurance mechanisms exist; their governance and operational mode; their voluntary versus mandatory nature; their application to private- compared to public-sector institutions; and the specific assessment focus (whether on institutional quality or an actual course).

Second, Australia's engagement with “two-step migration” is accelerating – like sponsorship constituting the new labour migration norm. The majority of skilled migrants first enter Australia on short-term study or work visas. Many convert status to stay, applying onshore on the basis of their performance and human capital attributes. As noted, credential recognition is not an issue for international students, given they possess Australian qualifications, advanced English language ability and significant acculturation. Former 457 visa workers, by contrast, can confront significant recognition barriers. In the year 2010–2011 62 per cent of Australia's 107,656 General Skilled migrants were selected onshore. In fields such as health, the majority had first been admitted on 457 temporary visas (including 17,190 international medical graduates from 2005–06 to 2010–11, compared to just 2,790 as permanent GSM migrants) (Hawthorne, 2011b). Large numbers had completed four years employment in their field, typically holding “conditional” or “limited” registration to work in public hospitals or regional “areas of need”. The challenge of achieving full recognition had been deferred rather than resolved, leaving many in an invidious professional situation (the subject of an Australian 2011–12 Parliamentary inquiry in relation to medicine) (House Standing Committee on Health and Ageing, 2011, 2012).

Third, growing numbers of immigrants selected by Australia are qualified in regulated fields – a pattern applying across all immigration categories. In the year 2010–2011, 56 per cent of GSM migrants were professionally qualified, 13 per cent were technicians/trade workers and 12 per cent managers (Department of Immigration and Citizenship, 2011a, 2011f). From 2004–05 to 2008–09 the top five professions for GSM primary applicants were accounting (32%), computing (23%), architecture/building (9%), engineering (9%), and nursing (5%). Tradespeople were

principally qualified as chefs/bakers (30%), engineer technicians (14%), builders (14%), electrical workers (12%), and hairdressers (12%). These patterns are replicated by temporary labour migrants. From 2004–05 to 2008–09, 58 per cent of the 457 visa category were professionals, 17 per cent were trades workers and 10 per cent managers. The primary fields for such sponsored professionals were nursing (25%), computing (13%), business (10%), engineering (10%) and sales and marketing (8%) (Hawthorne, 2011a).

Fourth, and most importantly, in contrast to skilled temporary and permanent applicants who are screened, little is known in advance of migrants admitted by Australia through the family, humanitarian and labour spouse categories (many of the latter being highly skilled). By 2010–11 Australia's top 10 offshore sources for "settler arrivals" included China, India, the Philippines, Viet Nam, Sri Lanka, Iraq and Malaysia. Refugees were primarily originating from Iraq, Afghanistan, Myanmar, Bhutan and Ethiopia (Department of Immigration and Citizenship, 2011a). Non-Commonwealth countries such as these are associated with exceedingly low levels of skills recognition. Despite this, in 2010–11, 19 per cent of all 54,708 family category migrants were professionals, in addition to 7 per cent of those admitted as refugees. The majority are at risk of severe skills discounting and occupational displacement, ensuring that qualifications recognition remains a persistent national policy issue.

In 2006 55 per cent of South African, 52 per cent of UK/Ireland and 51 per cent Malaysian degree-qualified migrants who had arrived a decade earlier were professionally employed (including all fields and immigration categories). This reduced to 42 per cent for migrants from Eastern Europe, 34 per cent from India, 29 per cent from the Philippines, 27 per cent from China and 28 per cent from Indonesia. Outcomes were infinitely worse for many migrants in the first five years. "Overqualification" may be defined as occurring when migrants gain employment outcomes well below their formal qualification level, in this paper operationalized as qualified migrants employed in sub-professional work (in associate professions, sales, clerical, or manual jobs). This problem is common across Australia, with some birthplace groups at severe risk of de-skilling in their first five years (most notably those from China, the Philippines, Indonesia, India, Sri Lanka/Bangladesh, North Africa and the Middle East – a serious challenge, given the recent prominence of these groups in migration).

While outcomes vary from field to field, those for migrants from China and India in the period 2001–2006 are reported as examples below, noting that results for India-qualified professionals were by no means the worst in the 2006 Census analysis (in a context where Commonwealth-Asian migrants<sup>103</sup> are relatively advantaged):

<sup>103</sup> This includes the following countries as defined in the 2006 Census analysis reported: Malaysia; Singapore; Hong Kong, China; India; Sri Lanka and Bangladesh.



**China:** 67 per cent of recently arrived degree-qualified information technology (IT) professionals by 2006 employed in sub-professional work, along with 86 per cent of lawyers, 82 per cent of educators, 80 per cent of business/commerce graduates, 69 per cent of engineers, 64 per cent of doctors, 64 per cent of accountants, and 23 per cent of nurses.

**India:** 65 per cent of recently arrived degree-qualified IT professionals employed in sub-professional work by 2006, along with 85 per cent of lawyers, 80 per cent of business/commerce graduates, 68 per cent of accountants, 60 per cent of engineers, 59 per cent of educators, 16 per cent of nurses, and 11 per cent of doctors (Hawthorne, 2008a).

These patterns were replicated in multiple fields. As demonstrated in Table 7.3, from 2001 to 2006 Australia accepted 22,296 migrant engineers, with India, the UK/Ireland, North Africa/Middle East and the Philippines predominating. While the federal government controlled selection at this time, employers maintained the power to offer or withhold work. (Private- rather than public-sector employment was growing at this time.) Within this context, catastrophic levels of overqualification prevailed for some degree-qualified migrants in their first five years – just 8 per cent of Vietnamese, 13 per cent of Indonesian, 14 per cent of Indian, 22 per cent of East European and 25 per cent of Central and South American migrants securing professional engineering employment. This stood in marked contrast to engineers from English speaking and North-West European countries.

**Table 7.3: Labour market outcomes (2006) for degree-qualified migrant engineers (2001–2006) by select birthplace (%)**

Arrival Date	Birth Country	Employed				Other		Pct. (b)	Nr.
		Own Prof	Other Prof	Other Work	Sub-Total	Unemp.	NFL		
2001–2006	UK/Eire (Ireland)	45.2	16.8	27.2	89.2	1.9	8.8	100.0	2,936
	Northern Europe	39.3	18.8	26.2	84.3	1.6	14.1	100.0	191
	Western Europe	36.4	14.2	29.1	79.7	4.0	16.3	100.0	783
	South Eastern Europe	28.4	20.5	36.3	85.1	4.2	10.7	100.0	430
	Eastern Europe	21.8	13.1	34.3	69.2	8.0	22.9	100.0	490
	Viet Nam	8.5	15.3	30.7	54.5	6.3	39.2	100.0	176
	Indonesia	13.5	7.4	38.1	59.0	7.4	33.6	100.0	598
	Malaysia	32.1	10.4	29.3	71.7	5.6	22.7	100.0	926
	Philippines	14.8	12.9	54.1	81.8	6.0	12.2	100.0	1,267
	Singapore	29.7	11.8	27.5	69.0	5.2	25.8	100.0	364
	China*	10.9	9.7	34.8	55.3	11.2	33.4	100.0	2,528

Hong Kong/ Macau, China	22.7	15.3	22.1	60.1	12.9	27.0	100.0	163
Japan/South Korea	10.7	9.3	37.3	57.3	7.1	35.6	100.0	635
Other Southern and Central Asia	22.7	11.0	34.1	67.8	7.7	24.5	100.0	481
India	14.1	20.5	42.1	76.7	7.3	16.0	100.0	4,534
Sri Lanka/ Bangladesh	32.1	13.6	33.1	78.8	6.8	14.5	100.0	947
Canada/USA	42.0	12.7	32.2	86.9	1.2	11.9	100.0	733
Central/South America	25.2	15.3	38.7	79.1	5.8	15.1	100.0	675
Other Sub- Sahara Africa	42.1	13.1	28.5	83.6	5.6	10.7	100.0	428
South Africa	49.9	16.7	25.4	91.9	0.8	7.2	100.0	732
North Africa/ Middle East	17.9	11.0	28.4	57.3	10.5	32.2	100.0	1,292
Other	21.4	10.6	32.6	64.6	8.3	27.1	100.0	987
Total migrants	24.7	14.5	34.9	74.1	6.4	19.6	100.1	22,296

Source: Hawthorne (2008a), based on analysis of 2006 Census (Australia).

\*China, not including the Special Administrative Regions or Taiwan Province of China.

Notes: Excludes those for whom birthplace or year of arrival is unknown.

a= Many of the cells are based on very small numbers, therefore the results should be regarded as indicative only.

b= Due to missing data, imputation on aggregation, numbers may not add up to 100%.

## 2.2. How are different types of migration taken into account?

### 2.2.1. Screening skilled migrants

Since 1999, Australia has transformed skilled migrants' selection and employment outcomes, "selecting for success" by utilizing the research evidence. Key policy measures have included:

- mandatory pre-migration screening of credentials (undertaken on a fee for service basis by national or state/territory regulatory and other bodies);
- mandatory pre-migration English language assessment (with defined threshold standards required for speaking, listening, reading and writing);
- allocation of bonus points for migrants qualified in high-demand fields;
- immediate eligibility for international students to apply for skilled migration.

These policy changes have demonstrably enhanced skilled migrants' early employment outcomes. As early as 2001 these rose from 31 per cent to 79 per cent for Eastern Europeans, and from 45 per cent to 61 per cent for migrants from China (see Table

7.4.). In the year 2006–2007 83 per cent of independent primary applicants were employed at six months (compared to 99% of sponsored migrants). Two thirds could immediately use their qualifications in work, with salary rates growing strongly.

As demonstrated by Table 7.5, by 2006 the study-migration pathway also conferred significant “protection” on relatively disadvantaged groups. Seventy-four per cent of Chinese who had applied onshore were employed at six months (the great majority former international students), compared to 53 per cent selected in China. Work rates rose to 87 per cent and 77 per cent respectively at 18 months, with clear benefits also for onshore immigrants derived from North Africa/Middle East, Other Africa (excluding South Africa) and Commonwealth Asia (for example Singapore and Malaysia). At 18 months post-arrival General Skilled Migrants’ unemployment rates stood below Australia’s national average at 4 per cent (this figure combining migrants selected on- and offshore). Outcomes at this time were exceptional for immigrants from Europe and the major English-speaking background countries (defined as the United Kingdom, Ireland, USA, Canada and South Africa). Australia’s human capital use had clearly improved within the previous decade.

**Table 7.4: Impact of improved economic migration screening (1999+) on employment outcomes at six months for select General Skilled Migration birthplace groups, Australia (1993–95 and 1999–2000)**

Birthplace of Select Economic Principal Applicants	Employment Within 6 Months (1993–95 Arrivals)	Employment Within 6 Months (1999–2000 Arrivals)
UK/Ireland	85%	86%
South Africa	76%	89%
North West Europe	73%	83%
Eastern Europe	31%	79%
Philippines	57%	76%
India	56%	73%
Hong Kong, China/Malaysia/Singapore	53%	68%
China	45%	61%
Middle East/ North Africa	42%	72%
North, South East & Central Asia	40%	77%

*Source: Longitudinal Survey on Immigrants to Australia; Table derived from Hawthorne, L (2008), ‘The Impact of Economic Selection Policy on Labour Market Outcomes for Degree-Qualified Migrants in Canada and Australia’, Institute for Research on Public Policy Choices, Vol 14 No 5, May, ISSN 0711-0677 [www.irpp.org](http://www.irpp.org), Ottawa.*

This filtering of skilled applicants has intensified since 2010, with the Department of Immigration and Citizenship explicitly seeking “migrants with a better balance of skills and attributes... delivering a skilled migration programme that will select migrants with the high-value, nation-building skills that are needed by the Australian

economy and labour market” (Department of Immigration and Citizenship, 2010d, 1-2). Employer- and state-sponsored applicants are guaranteed priority processing, if qualified in one of “192 high-value occupations” on Australia’s annually revised Skilled Occupation List (a list heavily weighted towards university degrees and classic trade occupations, with no regard for informal learning). Applicants with native or near-native English ability are awarded the highest bonus points (20 of the 65 total required), with the possession of “vocational competence” (International English Language Testing System Band 6 or equivalent) deemed a threshold requirement. Comparable bonus points are awarded for doctoral degrees (20 compared to 15 for a bachelor/masters degree and 10 for a trade award), while a maximum of 15 points reward international or Australian vocational experience (weighted towards the latter).

**Table 7.5: Impact of improved economic migration screening (1999+) on employment outcomes at 6 months and 18 months for select General Skilled Migration birthplace groups, Australia, 2006**

Birthplace of Select Economic Principal Applicants	Employment Within 6 Months (2005–06 Arrivals)	Employment Within 18 Months (2005–06 Arrivals)
<b>English speaking background:</b>		
Offshore	93%	94%
Onshore	97%	91%
<b>Europe:</b>		
Offshore	92%	97%
Onshore	93%	95%
<b>India:</b>		
Offshore	90%	92%
Onshore	93%	95%
<b>Other Commonwealth-Asia:</b>		
Offshore	79%	91%
Onshore	85%	96%
<b>Other Africa:</b>		
Offshore	79%	94%
Onshore	89%	94%
<b>North Africa/ Middle East:</b>		
Offshore	69%	50%
Onshore	89%	100%
<b>China:</b>		
Offshore	53%	77%
Onshore	74%	87%

*Source: Longitudinal Survey on Immigrants to Australia; Table derived from Hawthorne, L (2011), ‘Competing for Skills – Migration Policy Trends and Outcomes in New Zealand and Australia’, Department of Labour, New Zealand Government, Ottawa, Tables 38 and 41 (pp.94–97).*

Most significantly, from July 2012 pre-migration English and qualifications screening will be applied to *all* skilled applicants (including those seeking a 457 temporary labour visa). Australia’s new “SkillSelect” protocol is based on New

Zealand's model, one which has achieved exceptional outcomes in global terms. Ninety-three per cent of New Zealand skilled migrants are employed at six months, reflecting a highly skewed selection process. Some 46 per cent of those approved are native English speakers, while an extraordinary 83–88 per cent are sourced onshore, already employed or with a New Zealand job offer (Hawthorne, 2011a).

Australia in future will require all prospective labour migrants to apply online – submitting an “Expression of Interest” supported by personal information, proof of English ability, a recognized skills assessment (by the relevant regulatory body), and affirmation that their qualification field is on Australia's Skilled Occupation List (where required). Following ranking, a stage two “Invitation” to migrate will be issued to successful applicants, with numerical caps imposed on fields at risk of oversupply. Applicants lacking sufficient points can stay in the pool up to two years – upgrading their skills if desired, while screened for potential sponsorship by labour-hungry states and employers.




### ***2.2.2. Minimal human capital screening – family and humanitarian migrants***

While significant efficiencies are anticipated to flow from such measures, SkillSelect will not apply to family or humanitarian applicants. For these migrants credential recognition will continue to take place onshore (see Table 7.6). Within this policy environment Australia confronts six major policy challenges:

1. the level of resourcing required to ensure fair and accurate qualification assessments;
2. the imperative for many 457 visa temporary workers to transition to unconditional registration status;
3. the impact of poor English language ability on migrants' access to vocational registration (in particular in the family and humanitarian categories);
4. the extended economic and social support needs of such migrants;
5. the perceived relevance of prior training and professional experience for applicants educated in poorly resourced non-OECD systems;
6. the risk of labour market segmentation in terms of ultimate employment.

In terms of the latter, for instance, the major Australian study to date of migrant nurses found those qualified in non-Commonwealth Asia and East European countries had an 840 per cent greater risk of concentration in the aged care sector, even once they had secured full registration. This outcome reflected the length of time taken to secure recognition, which had greatly exacerbated their original disadvantage, with many deemed unfit to work in the acute care sector (Hawthorne, 2001).

**Table 7.6: Australian credential assessment requirements by immigration category to 30 June 2012**

Immigration Category	Pre-Migration	Post-Migration
<b>Skilled Applicants</b>		
<b>Permanent:</b> General Skills Migration	<b>Mandatory:</b> <ul style="list-style-type: none"> <li>• Qualifications assessment by professional, government or other bodies</li> <li>• English assessment</li> <li>• Additional points-based assessment (including age, place of qualification, work experience related to qualification field etc.)</li> </ul>	<b>Mandatory:</b> <ul style="list-style-type: none"> <li>• Completion of qualifications recognition process to secure unconditional registration (in fields where completion required onshore, eg. health, teaching)</li> <li>• Applies to former 457 visa migrants following conversion to permanent resident status</li> </ul>  <b>Employment</b>
<b>Temporary:</b> 457 Visa	<b>Mandatory:</b> <ul style="list-style-type: none"> <li>• Qualifications assessment by professional, government or other bodies</li> <li>• English assessment (lower threshold generally required, except in health)</li> <li>• Job offer by employer or state/ territory government</li> </ul>	 <b>Employment</b>
<b>Skilled category spouses:</b> General Skills Migration 457 Visa	<b>No mandatory screening:</b> <ul style="list-style-type: none"> <li>• Voluntary qualifications and English assessment only</li> <li>• Screening advised for information/planning purposes</li> </ul>	<b>Mandatory in regulated fields:</b> <ul style="list-style-type: none"> <li>• English language assessment for vocational registration in key fields</li> <li>• Qualifications assessment</li> <li>• Bridging training where required</li> </ul>  <b>Employment (skilled or de-skilled)</b>
<b>Non-Skilled Categories</b>		
<b>Family</b>	<b>No mandatory screening:</b> <ul style="list-style-type: none"> <li>• Advice as above</li> </ul>	<b>As above</b>
<b>Humanitarian</b>	<b>No mandatory screening/ advice</b>	<b>As above</b>

### **2.2.3. Mapping skills – the Australian Qualifications Framework**

Thirty-four assessment authorities span 450 occupations, with peak national bodies established to facilitate recognition in major migration fields (for example medicine, nursing, engineering and accounting). Two trade assessment authorities have also been created (Trades Recognition Australia [TRA] and VETASSESS). In the pre- and post-migration accreditation process, foreign credentials and experience are mapped against domestic training standards as expressed in the Australian Qualifications Framework (AQF), a unified national qualifications system designed to connect all education sectors within a single coherent framework, from Level 1 (Certificate 1) to Level 10 (a PhD degree). The AQF is underpinned by a set of agreed national standards, to assess and ensure the quality of vocational training on either a paper or a competency base (depending on jurisdictional requirements).

Assessment processes remain challenging however. The Immigration Department states that “the skill level of each occupation is consistent with the Australian and New Zealand Standard Classification of Occupations but may differ from the requirements set by the assessing authorities”. Further, pre-migration approval for skilled migration purposes “does not necessarily mean you can practise or be employed in your occupation in a particular state or territory of Australia”. Indeed there is “no single authority which assesses or recognizes all foreign qualifications. Many professional, government and other organizations are involved, depending on the type of qualification or occupation and whether the assessment is for the purpose of migration or employment in a particular state or territory” (Department of Immigration and Citizenship, 2012a).

## **2.3. How are qualifications, competences, skills, types of learning and recognition defined for policy purposes? Select Australian best practice initiatives**

Despite these barriers, Australia remains committed to a federally driven reform agenda, engaging multiple stakeholders<sup>104</sup>.

### **2.3.1. The qualifications recognition research base – NOOSR “Country Profiles”**

Exceptional national investment has been made in creating and updating a knowledge base to inform the process of assessment. In the past two decades 119 “Country Education Profiles” have been developed – a highly informative series defining the quality and scope of multiple qualification systems, which is both valued and used globally (National Office of Overseas Skills Recognition, 2008, 1-5). The Profiles’ design principles include:

- easy to use

<sup>104</sup> The following section draws on Australian case studies prepared by Hawthorne for the Public Policy Forum of Canada (Hawthorne and Wong, 2011) and UNESCO (Hawthorne, 2008a).

- covers higher education, technical and vocational and post-secondary qualifications
- includes lists of recognized educational institutions
- describes the education systems and qualifications in each country
- updated regularly
- supports consistent, quality decision-making
- flexible subscription options for the world set, regional set or individual CEPs for organizations and individuals
- no licensing fees: one subscription allows access for your whole organization.

### ***2.3.2. The role of regulatory bodies – the professions***

Within this context General Skilled Migration applicants send their qualifications to the relevant assessing body, pay fees of several hundred dollars and wait one to four months (with “unrecognized” primary applicants deemed ineligible to proceed with skilled migration). Current fees in engineering, for example, are AUD 600, in accounting AUD 475, and in nursing AUD 380 (Department of Immigration and Citizenship, 2012b). As early as 2008, the Department of Immigration and Citizenship (DIAC) was outsourcing pre-migration screening to 27 approved regulatory and professional bodies, many operating at the sub-national level with government oversight, and employers having no direct input.

High levels of immediate recognition prevail in select professions (for example an estimated 73 per cent of engineering and 60–70 per cent of trade applicants recognized by 2006 – outcomes which are very generous in world terms). Far lower recognition rates persist in other fields, with major impact on unscreened migrants applying onshore. Negative judgments may reflect differential training levels, the limits to Australia’s research base, and/or serious barriers to securing adequate data. Between 2007 and 2010, for instance, the Australian Nursing and Midwifery Accreditation Council received 11,051 applications from nurses seeking GSM assessments. Principal source countries at this time were India (2,437), the United Kingdom (2,358), China (1,316), the Philippines (957) and Zimbabwe (471). A further 1,970 applications were received in 2011. Substantial numbers were deemed suitable for migration purposes (90%). However few of these secured full recognition (Australian Nursing and Midwifery Council, 2012). Large numbers were “approved” for migration, but would need to complete registration requirements onshore in Australia (a common situation in clinical fields).

### ***2.3.3. Assessment in the trades***

Major gains have been made by Australia in relation to trade assessment. Trades Recognition Australia (located in Australia’s federal employment department) assesses onshore and offshore applications in 180 vocational-sector fields. VETASSESS,



an innovative private body under the auspices of the government, has major responsibility for trade qualification screening offshore. Described as “Australia’s leading assessment and workforce skills developments organization” VETASSESS has representation in over 20 countries (including Canada, Chile, China, Ethiopia, India, Indonesia, the Philippines, South Africa, Sri Lanka, the United Kingdom and the United States of America), with a further capacity to screen generic professions (such as economics). Most notably VETASSESS can deliver recognized Australian credentials through onshore and offshore short course training – in the case of trade-qualified migrants, to ensure they arrive with full rather than partial recognition for employment. Key strategies include skills gap analysis, assessment of qualifications for the GSM and temporary 457 visa programmes, testing of language, literacy and numeracy skills for employment, and provision of training resources.

In terms of the electrical trades, for instance, VETASSESS since 2007 has been able to deliver “gap training” courses at the Certificate 111 level (basic vocational training) to Australian standards, in line with the Electrician, Air-Conditioning and Refrigeration Action Group National Training package based on competency requirements for electricians, line workers, cable jointers and refrigeration and air-conditioning mechanics. Where training gaps are identified, the requisite study can be undertaken in select offshore sites (such as the United Kingdom) or following arrival in Australia (EE-Oz, 2011). VETASSESS has a significant further role in relation to document verification – including as the first organization outside China authorized by their Ministry of Education “to verify the authenticity and recognition status of Chinese education qualifications” (VETASSESS, 2011, 1-6).

#### ***2.3.4. English language training to secure registration and employment***

English language ability is critical to securing vocational registration in the knowledge economy. Possession of intermediate to advanced levels is mandatory in a range of Australian professions including all health fields, engineering, teaching, the law and select trades. In the health professions, as demonstrated by a recent study, language testing represents the most formidable pre-accreditation hurdle (Hawthorne, 2011b). Just 17 per cent of nurses passed the Occupational English Test in 2011, compared to 32 per cent of physiotherapists, 38 per cent of pharmacists, 52 per cent of physicians and 62 per cent of dentists. For migrants arriving with poor English ability the process of acquiring the requisite level may take years.

Within this context the Australian government has made significant investment in English language training for settlement and employment purposes, focused on the first five years post-arrival (Galbally, 1978). As early as 1991 the Adult Migrant English Program (AMEP) was the largest government-funded adult English language teaching programme in the world, managed by the Immigration Department. “Learner pathways” were designed at first point of contact, to map migrants’ progression from the acquisition of basic English to ultimate employment and/or formal study goals. By the year 2010–2011 the AMEP was providing tuition

and associated services to more than 55,000 clients from 191 countries, studying in 250 locations (typically through sub-national non-profit organizations). The programme annually reaches around 60 per cent of eligible migrants, ranging from 41 per cent of the skilled stream to 55 of family migrants and 90 per cent of humanitarian entrants. Migrants lacking functional English are entitled to receive up to 510 hours of English tuition or “the number of hours it takes to reach functional English (whatever comes first)” – the average client receiving around 370 hours of teaching (Department of Immigration and Citizenship, 2011b).

Additional financial arrangements had been introduced to provide English training related to qualifications recognition, through the federally funded Assessment Subsidy for Overseas Trained Professionals Program. Targeting permanent residents and citizens only, this initiative by 2011 provided funding for migrants qualified in the following fields: architect, chiropractor, dentist, dietician, general medical practitioner, medical specialist, medical scientist, nurse, occupational therapist, optometrist, pharmacist, physiotherapist, podiatrist, radiographer, veterinarian (Australian Education International, 2011). The programme supports preparation for pre-accreditation exams, targeting the English language skills essential to health professionals’ success in the Multiple Choice Question, Clinical, and other field-specific tests. Preparation such as this in Australia is associated with markedly improved examination outcomes.

### ***2.3.5. Employment bridging programmes***

English language training is a pre-requisite for entry to professional upgrade programmes, typically offered on an accredited basis by the university and college sectors. Australia is a world leader in the development of field-specific bridging programmes designed to bridge migrant workers into full recognition and employment. By the mid-1990s the New South Wales Migrant Employment and Qualifications Board was publishing a biennial directory of migrant bridging programmes in that state, running to over 140 pages. Ten federally funded bridging programmes for migrant engineers existed in Melbourne and Sydney at that time, with models ranging from examination preparation for credential recognition, to English for Engineers, advanced IT training (for example, in computer-aided design for mechanical engineers), engineering employment preparation, and extended field-specific industrial placements (Hawthorne, 1994, 2005). There is strong employer support for these processes, primarily through provision of mentoring, guest lectures, and extended internship placements. The federal government has made sustained investment, while state governments contribute funds in the context of their ethnic affairs policy frameworks, and maintain Overseas Qualification Units.

As early as the late 1980s, for example, three-month competency-based bridging programmes had been introduced by State Nursing Boards Australia-wide, with immediate registration outcomes ranging from 60 to 95 per cent. These courses offered:

- a clearly defined pathway into professional registration (once candidates had satisfied defined English language and training standards);
- systematic revision of core nursing content, including anatomy, physiology and pharmaceuticals;
- training in essential equipment use, orientation to Australian nursing practice, terminology, the health system, and jargon;
- information on initially ‘alien’ concepts such as duty of care, informed consent, the nature and style of Australian hospital hierarchies (and so forth);
- ease of access to supervised clinical training places in hospitals (typically constituting around half of the course);
- scope for extension or reduction in length, in the light of participants’ demonstrated work readiness;
- formally structured and defined skills assessment procedures in situ (Hawthorne, 2002).

Focus and fee levels varied considerably, reflecting local priorities. Waitlists were long, and there were not enough places. Despite these limitations entry to practice courses facilitated strong labour integration rates for migrant nurses in Australia, including for relatively stigmatized groups such as those who had qualified in non-Commonwealth Asian countries or Eastern Europe. Comparable options existed in other fields (for example teaching, medicine and accounting). The availability of interest-free government loans facilitates such course engagement. For example through Australia’s “Fee-Help” scheme, substantial loans are available for permanent residents and former international students (repaid once migrants have achieved full-time salary status) (Department of Employment Education and Workplace Relations, 2008).

### ***2.3.6. Field-specific innovation – the Australian Health Practitioner Regulation Agency***

Many credential recognition reforms have a health focus, in a context where Australia currently imports around 50,000 foreign health professionals every five years (with the fields of nursing, medicine and pharmacy predominating). To secure uniform registration and practice standards, in 2010 the Council of Australian Governments established the Australian Health Practitioner Regulation Agency (AHPRA) based now on 14 national boards (commencing with medicine, nursing and midwifery, dentistry, pharmacy, physiotherapy, optometry, podiatry, psychology, chiropractice and osteopathy). AHPRA’s establishment represents a radical federally driven innovation. Assessment and registration powers have been ceded by once-autonomous state boards committing to “agreed national standards” (Australian Health Practitioner Regulation Agency, 2011). The aim is to streamline assessment recognition processes, to ensure these are empirically based, reduce “the maze”, and eliminate state-specific anomalies.

### ***2.3.7. Multiple pathways to recognition – the Competent Authority pathway in medicine***

Australian “entry to practice” pathways have diversified in recent years, reflecting further Commonwealth of Australian Government reforms (McLean and Bennett, 2008). The Competent Authority (CA) pathway (introduced in 2007) is a fast-track option developed by the Australian Medical Council in association with the Queensland Department of Health. It caters to what might be termed the elite of Australia’s recent medical migration programme. Within the Competent Authority model, international medical graduates’ country of original qualification is deemed less important than comparable accreditation. Based on the research evidence, the CA model recognizes that there are “a number of established international screening examinations for the purposes of medical licensure that represent a “competent” assessment of applied medical knowledge and basic clinical skills” to a standard consistent with Australian requirements. Four examination and two accreditation systems have been reviewed and approved by the AMC for the CA model of assessment, namely:

- the Professional and Linguistic Assessments Board Examination of the United Kingdom
- the Medical Council of Canada Licensing Examination
- the United States Medical Licensing Exam
- the New Zealand Registration Exam for Overseas Doctors
- General Medical Council accredited medical schools in the United Kingdom
- medical schools in Ireland accredited by the Medical Council of Ireland.

Doctors fully accredited in one of the six systems, supported by a minimum of a year’s “Foundation Year/residency/rotations or not less than 12 months post-examination practice in a designated CA country” are eligible to undertake the Competent Authority pathway without further assessment of medical knowledge or clinical skills (Australian Medical Council, 2011). Following 12 months of Australian experience supported by ‘light touch’ clinical supervision they can achieve full certification – a designated English language pass being their sole examination requirement. Comparable developments are underway in other professions, for example the new Certificate of Equivalence through the Australian Physiotherapy Council (with the support of the Australian Health Practitioner Regulation Agency).

Global response to the Competent Authority pathway has been positive and immediate, associated with what might be termed transformational recruitment outcomes. To address ethical issues (for countries wishing to curb outmigration) nations can opt in or opt out of the Competent Authority pathway – South Africa and Singapore choosing to opt out in the preliminary period, based on government-to-government consultation. From July 2007 to December 2010 4,955 CA applications were received, with 3,327 Certificates of Advanced Standing issued. A total of 1,990 applicants from 56 countries of training had successfully completed the process by

December 2010, a year in which 1,281 applications for assessment were received. The CA pathway has also greatly enhanced Australia's global competitiveness. From 2007 to 2010 the Competent Authority pathway attracted relatively young applicants. United Kingdom-trained applicants were the major beneficiaries (1,019), followed by IMG's qualified in India (422) and Ireland (176). Massive recent growth in UK/Ireland-qualified arrivals has occurred, surging to around 3,000 in the period 2007–2010, compared to a few hundred per year previously (Frank, 2011).

## **2.4. To what extent are countries of origin involved in the recognition of qualifications of their nationals and where do measures take place in countries of origin, either pre- or post-migration?**

### **2.4.1. Bilateral and multilateral agreements**

As demonstrated above, source country governments are consulted in relation to a range of qualification recognition initiatives. Important additional steps have been taken in relation to bilateral recognition in recent years – driven by peak regulatory bodies as much as by governments. In 2006, when the Australian Parliament conducted the Review of Arrangements for Overseas Skills Recognition, Upgrading and Licensing, a wide range of multiple bilateral and multilateral agreements were in place, most notably:

- *the Trans-Tasman Mutual Recognition Agreement* – a non-treaty arrangement between the Commonwealth, state and territory governments of Australia and the government of New Zealand, signed in 1996 and allowing full qualification recognition for citizens qualified in registered occupations;
- *the Asia-Pacific Regional Convention* – ratified by Australia in 1985, to facilitate the recognition of regional qualifications from contracting states for access to further education;
- *the Lisbon Recognition Convention on the Recognition of Qualifications Concerning Higher Education in the European Region* – ratified by Australia in 2002, focused on the recognition of qualifications to facilitate the global mobility of students and professionals;
- *ASEAN-Australian Development Cooperation Program* – developed in 1998 to “establish a network of professional accreditation bodies to promote regional mobility and mutual recognition of technical professional credentials and skills standards” (Joint Standing Committee on Immigration, 2006).

In 2002, when Australia became a signatory to the Lisbon Recognition Convention, Australian Education International-NOOSR (a section within the Federal Education and Employment Department International Cooperation Branch) became the official National Information Centre. In this capacity it provides information about the Australian higher education system to promote the recognition of

Australian qualifications overseas to a wide range of government and regulatory body stakeholders. Simultaneously it secures advice about international education systems to facilitate Australian recognition. The International Cooperation Branch also coordinates bilateral and multilateral agreements.

### **2.4.2. The role of regulatory bodies in regional recognition – engineering**

The Washington Accord is an exemplar of field-specific multilateral agreements. Australia was a foundation signatory of the Accord when it was established in 1989 to facilitate “the recognition or equivalency of accredited engineering education programmes leading to the engineering degree”. The agreement is limited to recognition of undergraduate degrees, excludes consideration of specialist qualifications, and does not cover the specific licensing requirements imposed by signatory countries (for example in the case of Canada a year of Canada-based professional engineering experience). There were 13 Washington Accord member countries by 2011 (compared to 9 in 2008): the United States, the United Kingdom, Australia, Canada, Taiwan Province of China, Hong Kong China, Ireland, Japan, South Korea, Malaysia, New Zealand, Singapore and South Africa, with India set to become a member. The Sydney Accord was signed in June 2001, designed to establish a comparable system for recognition of the training of engineering technologists (first involving Australia, Hong Kong, China, Ireland, South Africa and the United Kingdom) (Washington Accord, 2011). In 2011 there were three additional members: Canada, New Zealand and the United States. Engineers Australia, the peak regulatory body in Australia, strongly endorsed these processes. As noted previously, Australia provides immediate recognition to around three quarters of migrant engineers – a generous outcome by world standards. According to an executive informant,

The Washington Accord is essentially about two things. It’s about standards, and it’s also about the accreditation practices. The way the Accord works is that each country produces a list of accredited courses, and it’s *only* those courses that are covered by the Washington Accord. So in India or Russia only the best universities would be covered, and if you should happen to come from a non-accredited course you would have to come through the full accreditation process (after migration). So there is a possibility for China, with a good raft of excellent universities, to have those universities accredited and play a full part in the Washington Accord. But those engineers who have qualified in other universities will need to have to have their qualifications examined when they go to another country (Hawthorne, 2011c, 12).

Under the terms of the Accord applicants must be licensed practising engineers in their home country, pass any required examinations or interviews to ensure they satisfy practice requirements in their new host country (for example understanding codes, professional standards not related to the technical competence of the applicant), and complete defined periods of industrial practice if required (not



generally the case in Australia). Member countries and regulatory bodies thus maintain significant powers. The other professional engineering accord in place is the APEC Register – an Asia-Pacific initiative which reflects the growing scale of regional flows, but is inherently more problematic given the scale of regional resource and training differences. In 1996, the APEC Engineer “Towards Mutual Recognition of Qualifications” initiative was adopted to “streamline recognition procedures to access work opportunities across the APEC region”. With 15 of the 21 regional members partially or fully engaged, the first priority was expansion of the knowledge base – to “map existing arrangements for accreditation, recognition and development of professional engineering qualifications, use this information to identify best practices in accreditation... and deliver a best practices workshop” (Joint Standing Committee on Immigration, 2006, 1-30). Definitions of “professional engineer” included recognition by an authorized APEC economy body, completion of a minimum of seven years’ engineering experience since graduation, and at least two years in charge of significant engineering work. There remain significant challenges to multilateral agreements, however, in a context characterized by highly variable resources as well as training standards. A range of Australian regulatory bodies have thus committed to regional capacity-building processes.

#### ***2.4.3. Globalization as a “driver” for mutual recognition – accounting***

Comparable strategies are being explored by other Australian regulatory bodies. CPA Australia, for example, has established offices in Viet Nam, Fiji, London (also covering Europe) to facilitate two-way accountancy recognition and flows, in a context where one million Australian expatriates are overseas in any one year, with disproportionate numbers qualified in accounting. Globalization rather than social justice drives this liberalization, as described by a senior CPA Australia informant:

We’re on a continuous improvement process. Years ago we would have said to anybody, from any country, you need to undertake Australian taxation and Australian law studies. Not so now. We have mutual recognition agreements with other professional accounting bodies. It may be two organizations in a country, or it may be one. Because those are conducted through negotiations, there are different terms under specific MRAs, (supported by) a wide range of contacts with different professional bodies. They’re being influenced by our desire to build alliances. As our members are increasingly mobile, the first question they will have once they decide to work in the US, for instance, is how can CPA Australia help me to work there legally and effectively? We give advice on the MRA’s in each location (Hawthorne, 2011c, 13-14).

Developments such as these are certain to intensify in the future. At times, however, regulatory bodies can find themselves under inappropriate pressure – for example to liberalize immediate recognition for workers trained in under-resourced systems, in order to support the trade access sought by Australia’s primary producers.

#### **2.4.4. Cross-national collaborative assessment – medicine**

Medical migrants currently apply to Canada as well as Australia in very substantial numbers – a pattern providing clear scope for global collaboration. In a recent best practice initiative, the Australian Medical Council and the Medical Council of Canada pooled 7,000 fully calibrated and upgraded Multiple Choice Question items for global pre- and post-migration administration. Cross-national teams of clinicians worked to devise item material and the exam format, with six examinations run jointly by 2008 to filter prospective medical migrants to either country.

The merits of such a collaboration are clear. The two participating nations reviewed, refreshed, and close to doubled their test items at a modest cost. The examination's integrity was improved, through minimal recycling of items. The pass rate was around 55–60 per cent (consistent with prior Australian Medical Council outcomes). Separate global delivery systems are being trialled, to examine whether shared or individual systems work best. Further there is scope, following this important Australian-Canadian groundwork, for the development and administration of a more sophisticated “adaptive” MCQ exam. With adaptive testing there is also potential to define the type of medical skills required for specific employment contexts and locales (for example regional emergency medicine positions, where a mixture of internal medicine, surgery, obstetrics and gynaecology, paediatrics and psychiatry would be required). With a large computerized bank of questions, according to a senior AMC informant, there should be potential to:

... select 150 items at certain degrees of difficulty to give you a good measurement decision... The most powerful innovation would be a purely adaptive test, where each question was based on your response to the previous question. If you got it right (the test) would ask you a harder question. If you got it wrong it would ask you an easier question, and somewhere between 10 and 20 questions you have actually got the person's pass or fail determined. So adaptive testing has the potential to be an extremely powerful way of getting a very quick and very accurate and reliable result on a candidate (Frank, 2010).

Global collaborative strategies such as these, based on cooperation between countries with shared strategic goals, warrant further support and development. They have the potential to be smarter and more cost-effective, to be readily available and e-based. They also have clear relevance to other qualification fields – including stage one assessment for allied health migrants in the nursing, dentistry and pharmacy professions.

### **3. Conclusion and recommendations**

As established, within the past decade Australia has placed unprecedented emphasis on the recruitment of skilled migrants. In the year 2010–2011, 213,409 additional permanent settlers were accepted (107,656 in the GSM category). Of these migrants, 56 per cent were professionally qualified, with an additional 13 per cent tradeworkers



or technicians, and 12 per cent managers. That same year 131,341 temporary labour migrants were invited on employer or state-sponsored 457 visas, to work in Australia for up to four years, with a similar qualification profile (four times the scale of temporary arrivals seven years earlier). These flows represent a major qualification asset, with the government constantly refining labour selection processes.

Since 1999 Australia has taken steps to greatly reduce human capital wastage. Policy initiatives have included mandatory pre-migration screening of applicants' foreign credentials; pre-migration English language assessment (with advanced threshold standards required); allocation of bonus points for migrants qualified in high-demand fields; and the immediate eligibility to migrate for former international students. Employment outcomes are now impressive in international comparison – 83 per cent of “independent” applicants employed at six months (rising to 89% at 18 months), compared to 99 per cent of sponsored workers. Further, two thirds of migrants make immediate use of their qualifications in work, secure greatly enhanced remuneration levels, and at 18 months have unemployment rates below the national norm (around 4%). Australia's policy transition to a new points system and two-stage assessment from July 2012 seems certain to enhance these outcomes, given the level of emphasis on advanced English language ability, postgraduate qualifications, onshore or offshore work experience, and caps in oversupplied fields. Such measures directly reflect Australian employer preference.

Despite these reforms, as demonstrated, tens of thousands of degree and diploma-qualified migrants reach Australia each year unscreened. Foreign credential assessment is increasingly complex, reflecting:

- the growing scale of arrivals qualified in regulated fields;
- the diversification of source countries (a major challenge for employers and regulatory bodies);
- the rapid privatization of skilled migration (with 70% of labour migrants sponsored by 2009);
- the growing trend to “two-step migration” (with 62% of GSM migrants selected onshore by the year 2010–2011, but full recognition of temporary workers often deferred);
- vast differences in regional and global education systems (including level of technological development and resourcing);
- mounting pressure for regional recognition associated with “goods and services” agreements to expand labour mobility;
- inherent limits to pre-migration credential screening for labour migrants (for instance in the clinical health and teaching fields);
- the deferred screening of family, humanitarian and skilled spouse migrants;
- the lingering protectionism characteristic of select professional bodies.

Nineteenth century regulatory systems are manifestly inadequate in managing twenty-first century global mobility patterns. The process of securing full qualification recognition can take years. The risk of labour market segmentation is also serious. Within this context learner pathways supported by significant funding are required to support migrants' advanced English language training, competency-based assessment, preparation for passing national or state exams, and enrolment in knowledge-gap bridging courses. Select birthplace groups (typically migrants from non-OECD countries and non-English speaking backgrounds) face severe risk of overqualification and economic marginalization. Skilled category arrivals are not immune – most notably 457 visa workers converting to permanent resident status, who must now secure unconditional registration.

The Australian government has played a catalytic role in addressing these issues for three decades, urging a national reform agenda. Select best practice initiatives have included the:

- expansion of Australia's knowledge base (through NOOSR's Country Education Profiles);
- establishment of national regulatory bodies to undertake pre-migration qualification screening, and to ensure uniformity across states;
- development of offshore vocational assessment protocols in select fields (such as medicine and the trades);
- establishment of nationally agreed competencies for the professions and trades, supported by the Australian Qualifications Framework;
- provision of competency-based bridging programmes leading to full registration, and English language upgrades tailored to select occupations;
- development of innovative pathways to practice and registration, supported by supervised internships, in order to fast-track recognition (for example in medicine);
- investment in the development of global assessment partnerships (as in medicine with Canada);
- engagement in multilateral agreements designed to enhance foreign credential recognition, particularly those with a regional and capacity-building focus.

Despite such measures, Australian recognition remains controlled by national and state/territory regulatory bodies charged with protecting professional standards. Employers retain the power to offer or withhold work – their decisions representing an “invisible” layer in the human capital assessment process. Within an age of globalization, foreign credential recognition remains a significant social justice and efficiency challenge.

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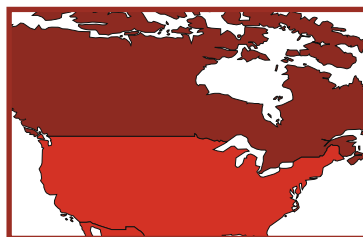
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# CANADA

Shibao Guo and Hongxia Shan<sup>105</sup>



## 1. Introduction

Canada is a country dependent on immigrants for its economic and demographic growth. Historically, Canadian immigration policies gave preference to white European (male) descents with sufficient means of support upon landing (Jakubowski, 1997). Other migrants, such as Asians and Africans, were rarely deemed desirable or admissible. In the 1960s, Canada began to give preference to skilled immigrants over family immigrants because the former were considered to pose a lesser economic burden on Canadian society (Boucher, 2005). In 1962, Canada revoked previous regulations giving special status to British, French and American citizens, and lifted limits on immigrants from Asian countries (Green and Green, 1999). In 1967, the introduction of the point system officially marked the end to overt discriminatory immigration practices based in racial and ethnic categories (Satzewich, 1998). In principle, the point system extends the possibility of immigration to anyone who is eligible by virtue of their education, training, skills and other special qualifications, as well as to those with the means to support themselves until they became established (Green and Green, 1999). Since the mid-1990s, driven by the pursuit of the knowledge economy, immigrant selection practices have placed more weight on education and skills, favouring economic immigrants over family-class immigrants and refugees. According to Li (2003), economic-class immigrants made up more than half of immigrants admitted throughout the late 1990s.

To better cater to the needs of the labour market, Canada continues to adjust its immigration policies. In June 2002, Citizenship and Immigration Canada (CIC) introduced the Immigration and Refugee Protection Act (IRPA). Prior to IRPA, the point system was designed to address short-term skill shortages in specific trades and occupations by awarding points for applicants' occupational backgrounds. In

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contrast, IRPA is based on a human capital model. It does not consider specific occupational needs. Rather, it awards points based on personal attributes such as language, education and work experiences, factors presumed to promise long-term economic contributions. Since 2008, Canadian immigration policies have reverted to an emphasis on short-term and specific labour market needs. The Minister of CIC is endowed with the power to decide which occupational categories should be prioritized. Meanwhile, the current immigration system has become much more decentralized than in the past. Whereas immigration selection is still mostly a responsibility carried out by the federal government, individual provinces and employers have assumed a more active role through provincial nomination programmes, which existed before but have become more popular in recent years. Additionally, temporary workers and international students with Canadian work experiences can apply for immigration from inside through the Canadian Experience Class, a new category introduced in 2008 and based on the assumption that immigrants with Canadian experiences integrate better than those with none.

With this shifting policy context as a backdrop, the demography of contemporary immigrants to Canada has changed. The number of immigrants from Asian countries has dramatically increased. In 1998, for example, the People's Republic of China became the number one immigrant source country for Canada (CIC, 2007; Guo and DeVoretz, 2006). In 2010, China dropped to number three, with the Philippines moving to the top and India retaining its position in second place (CIC, 2011). The relative number of skilled immigrants has risen. Currently, skilled immigrants account for about 50 per cent of all immigrants to Canada (CIC, 2011). Despite these increased educational levels, recent immigrants do not fare as well as their counterparts before the 1970s (Moore and Pacey, 2003). Devaluation of immigrants' international credentials (Guo, 2010a; Reitz, 2001) has been a significant barrier preventing immigrants from succeeding in the Canadian labour market.

Although Canada has been extolled as an open and tolerant society, it has been criticized for failing to accept differences as valid and valuable expressions of the human experience (Guo, 2007, 2009). One manifestation of such criticism pertains to the non-recognition of immigrants' prior credentials and work experience, a practice that is seen by many as the key social policy issue facing Canada today. Recognition of foreign credentials and qualifications was largely constructed as a humanitarian concern in the 1980s in Canada, but has been redefined as an economic issue since the 1990s, initially by advocates of immigrants and academics (Walker, 2007). In the last decade, Canadian governments have increasingly realized that immigrants' labour market outcomes are contingent upon the recognition of the credentials and work experiences that they bring to Canada. Furthermore, foreign qualification recognition is critical to the recovery from the current economic recession and to ensuring Canada's economic growth and competitiveness (TASC, 2010). The Canadian governments have therefore delegated and funded initiatives that aim to better recognize immigrants' qualifications, and to enhance their access to professions. Regulatory bodies have been asked to move towards increased timeliness, transparency, consistency, and accountability. Venues, virtual and real



life, have been provided for various organizations to share their ‘best’ assessment and recognition practices. Despite the potential of recent changes, these initiatives tend to be project-based and have fixed terms. It is not clear, however, how effective and sustainable the momentum of these changes is.

## 2. Changing recognition policy and practices

### 2.1. Defining key terms

A number of key terms are used in recognitive policies, practice and initiatives in Canada. Key among these are credentials, qualifications, prior learning, and competence. Canadian government sources refer both credential and qualification loosely to education, training and job experiences (FCRO, n.d.; FLMM, 2009). The notion of prior learning and competency came from the field of Prior Learning Assessment and Recognition (PLAR), which will be discussed in the following paragraph. According to the Foreign Credential Referral Office (FCRO) at CIC (n.d.), which provides information, path-finding and referral services to immigrants, foreign credential recognition (FCR) is “the process of verifying that the education, training and job experience [immigrants] obtained in another country are equivalent to the standards established for Canadian workers”. In other government documents, such as the *Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications* and its subsequent programme evaluation report, the term of foreign qualifications recognition (FQR) is used interchangeably with FCR. In this paper, to be consistent with International Standard Classification of Education (ISCED) categorization, we use FQR to refer to recognition of foreign work and educational backgrounds.

In Canada FQR is closely linked to the adult education tradition of Prior Learning Assessment and Recognition (PLAR). PLAR emerged in the 1980s in Canada following the introduction of Prior Learning Assessment in the 1970s in the United States as part of the effort to broaden access to higher education (Van Kleef, 2011). In 1997, the Canadian Association for Prior Learning Assessment (CAPLA) was established as a national forum to advocate for continuous learning opportunities and formal acknowledgment of past learning experiences, or prior learning in the traditional sense. At present, PLAR is about more than informal learning. According to CAPLA,

PLAR is a process that determines what a person knows and can do. It involves the recognition of informal learning acquired through various means: employment, volunteer work, military training, hobbies, personal reading, and other significant life experiences. Two other PLAR applications are credit review of workplace training, and articulation agreements between institutions. In Canada, some jurisdictions consider PLAR as a combination of formal, non-formal and informal learning (Simosko, 2012: 5).

With this expanded conception of recognizable learning, CAPLA advocates for increased use of both credential and competency assessment, as the former alone

may not accurately capture a candidate's range of knowledge, skills and competence. Competency assessment, or the use of "indicators of acceptable performance for practitioners", on the other hand, "should provide indicators of acceptable performance for practitioners" (Simosko, 2012: 16).

## **2.2. Identifying major players**

Hawthorne (2007) holds that "the legacy of [the] Canadian history is a credential assessment maze involving an extraordinary array of stakeholders" (9). According to an overview conducted by the Alliance of Sector Councils, FQR in Canada involves 13 jurisdictions, 55 ministries, more than 50 regulated occupations, more than 400 regulatory bodies, 5 assessment agencies, more than 240 post-secondary institutions, and a large community of immigrant service agencies, not to mention numerous employers (TASC, 2010). Such institutional complexity means that the field comprises a multitude of authorities and myriad policies and practices, all of which are undergoing changes as this report is being written. In this section, we detail the roles of different institutions in FQR. See Figure 8.1 for a visual map of the key stakeholders in FQR, and the relative powers of different groups of stakeholders. We also identify some major initiatives by different stakeholders. Our review of the recent policy and practice shows a number of features of current recognition initiatives. First, there is a clear commitment from the governments to harmonizing recognitive policies and practices. Second, there is a strong tradition of partnership and collaborations across different stakeholder groups. Third, there is an increasing use of the Internet for information dissemination as well as for immigrants to conduct self-assessment. Fourth, with pressures from different directions, regulatory bodies have started taking actions to reduce recognitive barriers facing immigrants.

### **2.2.1. The federal government**

The roles of Canadian governments are defined by the Constitution Act. The federal government is responsible for "the immigration system, national labour market policies and providing leadership and national tools to strengthen the economic union, [as well as] for maintaining occupational competency standards for certain regulated occupations... such as some professions in the transportation sector" (Ikura, 2007: 18). With respect to human capital development, there has historically been some tension over who should set public policies between the federal and the provincial governments. The federal government encouraged the use of PLAR as a labour force development tool throughout the 1990s (Van Kleef, 2011). Responsibilities for most areas of labour force development have since been devolved from the federal to the provincial level through negotiated labour force agreement (ibid). FQR did not make it onto the federal policy agenda until 2001, when the Throne Speech mentioned it for the first time. The federal government has since conducted consultation and pooled resources to address FQR as an economic issue. For instance, as part of its Economic Action Plan in 2009 and 2010, Canada invested CAD 50 million to make the process of assessing and recognizing foreign qualifications more efficient.

The Forum of Labour Ministers was given the task of developing an overarching framework for foreign qualification recognition, or what is now known as *the Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications*. This framework now acts as a guide to the work of different stakeholders. In addition to coordinating assessment practices through policy initiatives, the federal government is also a major funder of settlement services. Since 2006, the current Conservative government has tripled settlement funds, even as it has cut funding for language training and employment services since the end of 2010 (Parliament of Canada, n.d.). One initiative directly relevant to internationally trained professionals is the Foreign Credential Loans pilot project. Human Resources and Skills Development Canada (HRSDC) has announced funding of CAD18 million between 2011 and 2014 to lessen the financial burdens immigrant professionals face in getting their qualifications recognized (FCRO, 2011).

Currently, three federal departments are working together with various stakeholders to improve foreign credential recognition processes. These are the Foreign Credentials Referral Office (FCRO) at CIC, the Foreign Credential Recognition Program (FCRP) at HRSDC, and the Internationally Educated Health Professionals Initiative (IEHP) at Health Canada. FCRP is the main source of federal funding for FQR initiatives. It supports provinces, territories and other stakeholders, such as national associations and regulatory bodies, to undertake projects that lead to better FQR outcomes. Until 2011, the FCRP has funded over 170 agreements worth CAD120 million (FCRO, 2011). FCRO provides pre-arrival information and support for immigrants. IEHP supports projects focused on FQR in health occupations.

### **2.2.2. The provincial and territorial governments**

The provincial and territorial governments have jurisdiction over skilled trades and professions and higher education. With regard to FQR, provincial governments have provided both policy frameworks and funding to coordinate and support initiatives that enhance immigrants' access to the labour market. A notable move on the part of the provincial governments are initiatives taken by some to legislate fair registration practices. Ontario is the province that first passed *the Fair Access to Regulated Professions and Compulsory Trades Act* in 2006. A Fair Access commissioner was appointed shortly after to monitor the compliance of different regulatory bodies in Ontario. In Quebec, a similar bill was passed in 2009 by the National Assembly of Quebec. The Office of the Professions, an agency which oversees over 46 professional regulatory boards in Canada, has taken administrative responsibility for this bill. Nova Scotia and Manitoba passed Fair Access Act[s] in 2008 and 2009 respectively.

In some provinces where fair access is not legalized, alternative policy frameworks have been established. In Alberta, for instance, *A Foreign Qualification Recognition Plan for Alberta* (FQR Plan) was announced in November 2008. The FQR Plan emphasizes collaboration across government departments and with partners outside of government to achieve improvements in three strategic areas: to ensure that immigrants have access to current, accurate and understandable information about

foreign credential recognition; to increase transparency, fairness and accountability of FQR processes; and to bridge gaps between immigrants' qualifications and the standards required to enter the workplace, educational institutions or to register with professional regulatory organizations (Government of Alberta, 2009–2010).

Administratively, at least four ministries are involved in immigrants' integration at the provincial level: education, immigration, labour market and health (TASC, 2010). TASC (2010) provides a map of the various institutional arrangements and ministries responsible for FQR in different provinces and territories. Yet, given the continuous restructuring of the governments and institutional reorganization in the last few years, there has been some juggling around in some provinces as to who is responsible for FQR. For instance, in the past, British Columbia's (BC) Ministry of the Attorney General housed Multiculturalism and Immigration Branch that dealt with immigration issues, including those associated with FCR (TASC, 2010). A ministerial reorganization in March 2011 saw the creation of the new Ministry of Jobs, Tourism, and Innovation, which now deals with FQR issues in BC.

### **2.2.3. Regulatory bodies**

Regulatory bodies are an important stakeholder group in FQR. Canada is of course not the only country that regulates trades and professions. Yet it differs from other countries "in the extent of its legislation, the number of occupations covered and the number of professions granted self-regulation" (Adams, 2007: 14). In Canada, the regulation of skilled trades and most professions falls under provincial and territorial jurisdiction, much of which is delegated to professional bodies (Adams, 2007). Currently, there are more than 400 occupational regulatory bodies and professional associations that establish standards of entry for 15 per cent of Canada's professions. These regulatory bodies all belong to the Canadian Network of National Associations of Regulators (CNNAR), which serves as a clearing house for information on issues of common concern and develops and shares resources. Still, notable inconsistencies persist between provinces in terms of regulatory practices. Each regulatory body has discretion over its own policies and procedures. Further, some occupations that are regulated in some provinces may not be regulated in others. For instance, audiologists and speech-language pathologists are regulated in Alberta, British Columbia, Manitoba, New Brunswick, Ontario, Quebec and Saskatchewan, but not in the rest of the country (CICIC, 2012). It is also important to note that although decisions on entry into professional practice are made by professional regulatory bodies, national associations often play a role in developing standards and negotiating mutual agreements on behalf of the professions.

In the past ten years, there have been many changes in the ways regulatory bodies recognize foreign qualifications. To illustrate this point, we use an example from the engineering profession. There are 12 provincial and territorial associations that regulate the practice of engineering in Canada and provide educational credential assessment for internationally trained engineers. Engineers Canada is the national organization of the 12 associations. Among others, Engineers Canada negotiates

education-based international mutual recognition agreements (MRA) on behalf of Canada's engineering profession. These agreements recognize the equivalence of the accreditation systems (engineering education) of other countries and those of Canada. An applicant who is a graduate of an accredited or recognized engineering programme offered in a country that has an agreement with Engineers Canada is generally considered to have met the academic requirements to be licensed as a professional engineer in Canada. Currently, these countries include Australia; Chinese Taipei; Hong Kong, China; Ireland; Japan; Malaysia; New Zealand; Singapore; South Africa; South Korea; the United Kingdom, and the United States.

To get licensed, foreign-trained engineers typically need to get their degrees and diploma verified. Those from non-MRA countries are often assigned with an examination programme to confirm to the licensure bodies of their educational backgrounds. They also need a minimum of four years' work experience, including one year in Canada. The ways that different regulatory programmes administer confirmatory exams are not consistent (Shan, forthcoming). For instance, for the regulatory body in Alberta, in some cases applicants need 10 years' work experience in order to be exempted from confirmatory exams. In Ontario, people with five years' work experience get an interview opportunity to demonstrate their professional knowledge and skills. Despite these differences, there have been some positive changes in the regulatory practices in different engineering associations. For instance, in Ontario, the *Professional Engineers Act* was amended in October 2010 to eliminate the requirement that an applicant be a Canadian citizen or permanent resident in order to be licensed as a professional engineer in Canada (PEO, n.d.). Yet, this change appears to have had limited effects in practice. The current application form provides only two categories: Canadians and permanent residents. Similarly, Alberta has recently created a *foreign licences* designation for people who meet licensure requirements, but who are not yet Canadian citizens or permanent residents of Canada. The elimination of residence status makes it possible for immigrants to apply for licensure before immigration. It also opens the door to applicants who come to Canada as temporary workers. It is praiseworthy, however, that in many provinces provisional licences for applicants can now be issued to those who satisfy all other requirements for licensure except for the one year of Canadian work experience. This ought to ameliorate the catch-22 faced by many immigrants that sees them excluded from working as engineers because they have no licence, and unable to be licensed because they cannot get Canadian experience.

Currently, Engineers Canada is also experimenting with alternative methods of licensure (Engineers Canada, 2010). The Alternative Methods of Licensure project was launched in December 2008 to study alternative methods that would clarify the process of licensing professional engineers in Canada, making it more consistent and objective. During this project, a framework for a competency-based assessment of engineering work experience and an initial set of core engineering competencies were defined and accepted by all 12 constituent associations. With funding obtained through FCRP at HRSDC, the *Competency-Based Assessment of Engineering Work Experience* project started in January 2011. This project aims to develop and pilot

competency-based assessment tools and processes to assess engineering work experience. So far, the project has validated the initial set of competencies. Examples have been developed to show applicants how to demonstrate that they have acquired these competencies and a complete work experience assessment toolset is currently under development. The proposed assessment method is called *the Report of Engineering Competencies*.

#### **2.2.4. Post-secondary institutions**

Post-secondary institutions are increasingly becoming a labour market access point for immigrants who wish to receive training in order to enter the Canadian labour market. According to Statistics Canada (2003) survey, two thirds of new immigrants plan to pursue further education or training upon arrival in Canada. Post-secondary institutes in Canada facilitate credentialing processes through accessing credential assessment services (see the section below) and by providing their own Prior Learning Assessment and Recognition (PLAR) services. In addition to FQR, post-secondary institutions also deliver language training, career programmes, workplace and community-based training, which may help bridge immigrants to the host labour market.

The following organizations of post-secondary institutions are also involved in addressing FCR: the Association of Universities and Colleges of Canada (AUCC), the Association of Canadian Community Colleges (ACCC), the Association of Registrars of Universities and Colleges of Canada (ARUCC), the Canadian Bureau for International Education (CBIE), the Canadian Alliance of Education and Training Organizations (CAETO), the Canadian Federation of Students (CFS), the Canadian Association of University Teachers (CAUT), and the Canadian Commission for UNESCO (CCU). For instance, supported by Government of Canada funds, ACCC developed and implemented the Canadian Immigrant Integration Program (CIIP), which prepares newcomers for economic integration, including credential recognition, while still in their country of origin. The CIIP operates regional offices in China, India, the Philippines, and the United Kingdom, and offers itinerant services in Bahrain, Bangladesh, and other countries on demand (ACCC, 2011).

#### **2.2.5. Credential assessment services**

Given that provincial and territorial governments have sole jurisdiction over education, no one overarching authority exists to assess and recognize foreign degrees at the national level (See Owen, 2008). There are, however, five provincially mandated credential assessment services: International Qualifications Assessment Service (IQAS) in Alberta, International Credential Evaluation Service (ICES) in British Columbia, Academic Credentials Assessment Service (ACAS) in Manitoba, World Education Services (WES) in Ontario, and Service des évaluations comparatives d'études (SECE) in Quebec<sup>106</sup>.

<sup>106</sup> IQAS, ACAS and SECE are housed within provincial governments. ICES is part of British Columbia Institute of Technology. WES is an independent non-profit organization; it was awarded a mandate



Assessment services are often involved in partnerships that aim to facilitate the integration of immigrants in Canada. For instance, WES is involved in the Career Bridge paid internship programme, a programme operated by Career Edge Organization to address the dilemma faced by international professionals: “no Canadian experience, no job; no job, no Canadian experience.” IQAS has developed resources such as the International Education Guides (IEGs) to facilitate and streamline the decisions that educational institutions, employers and professional licensing bodies make regarding the recognition of international credentials. The International Education Guides provide current and comprehensive profiles of the educational systems of other countries and of how credentials from these countries compare to educational standards in Canada. Additionally, IQAS provides informative full-day workshops on foreign credential assessment methods as well as on the history of education and grading systems in specific countries.

### ***2.2.6. Municipal governments, settlement services, employers, and other stakeholders***

Immigration is a federal responsibility, but in recent years municipal governments have played a more important role in immigrant settlement and services. They address issues of immigration and access to trades and profession, often through collaboration and partnerships. For instance, in 2003 the city of Toronto established the Toronto Region Immigrant Employment Council (TRIEC), a multi-stakeholder council that brings together employers, regulatory bodies, professional associations, educators, labour, community groups, government and immigrants. Its mentoring programme in particular has been emulated by other cities. As of 2011, over 5,600 people had been mentored through the programme (TRIEC, 2011). TRIEC was initially funded by the Maytree Foundation and the Greater Toronto CivicAction Alliance, the former a private foundation that promotes equity and prosperity through leadership building, the latter an organization that focuses on social, economic, and environmental issues in the Greater Toronto Area. In Ottawa, the International Trained Worker Partnership is a well-known project involving six partners, including the United Way/Centraide Ottawa, LASI (the Local Agencies Services Immigrants) World Skills, the City of Ottawa, OCRI (Ottawa Centre for Research and Innovation) -TalentWorks, The Chamber of Commerce, and the Regroupement des gens d'affaires de la capital nationale. This partnership brings together employers, business associations, labour, governments, educational institutions and immigrant-serving organizations from across Ottawa. The group works collaboratively to remove barriers to hiring immigrants, including foreign credential recognition.

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and a contract to deliver academic assessment services in Ontario by the Ministry of Training, Colleges and Universities (MTCU) in Ontario in 2000. In addition to these provincially mandated services, there are also two private services: International Credential Assessment Service of Canada, which primarily serves those applying to Ontario Community Colleges, and Comparative Education Service (CES), which operates within the University of Toronto.

Immigrant-serving agencies, some non-profit organizations, and employers are also closely involved in the issue of FQR. There is a large community of immigrant-serving agencies nation-wide in Canada. Many agencies provide leadership to innovative partnerships with governments, regulatory bodies, and other stakeholders such as educators and employers to deliver programming at the front line. An example of such services is employment bridging programmes. For instance, Skills for Change, one of the well-known immigrant-serving agencies in Toronto, has about 30 years' experience delivering employment programmes and professional development courses. These programmes are often designed to address the specific needs of job-seekers, while targeting particular professional and occupational fields. Of note, these programmes and services are often project based, depending on the availability of funding opportunities as well as the ability of different agencies to acquire funding. For instance, a review of the annual report of Skills for Change (Skills for Change, 2011), shows that the agency has acquired funding from both the provincial governments and community-based foundations and were able to launch a number of new projects to enhance immigrants' access to the labour market. In the meantime, some projects are also closed down, presumably due to short-term funding.

Employers are perhaps the most important stakeholders in the realm of FQR as they are not only the ones who directly decide how immigrants' qualifications are valued, but also the ones who directly benefit from FQR. Employers have been involved in a range of governmental, sectoral, professional, educational, and community-based programmes to enhance immigrants' access to professions. On the official website of FCRO, there is an Employer's Roadmap prepared by the Alliance of Sector Councils (2010) that provides guidance for employers in small and medium-sized enterprises with regard to hiring and retaining internationally trained workers. Owen (2008) provides a range of initiatives that engage employers. One of the initiatives is undertaken by the Career Edge Organization, which is a national non-profit service provider established in 1996. This organization has played a significant role in connecting businesses with diverse population such as immigrants, recent graduates and graduates with disabilities, through a paid internship programme. The programme registrants are all pre-screened, university or college educated and often multilingual. According to the current introduction to the organization available online, Career Edge Organization has connected more than 1,000 leading Canadian employers with a diverse pool of candidates, and has launched the careers of over 10,700 recent graduates, graduates with disabilities and internationally qualified professionals across Canada. Some employers are also initiators of such projects. For instance, in a conference at the University of Alberta in March, 2012, Gary Bosgoed of global engineering company WorleyParsons, presented on what the company has done to improve the immigrants' workplace integration. Among other efforts, in 2004, it worked with NorQuest College to initiate an English for the Workplace programme for its newcomer staff. Since then, NorQuest College and its Centre for Excellence in Intercultural Education (CEIE) have provided WorleyParsons with customized, practical intercultural training.



**Figure 8.1: Key stakeholders in the recognition of immigrants' foreign qualifications**



### ***2.3. Mapping existing methodologies***

This section maps the existing methodologies used to assess, validate and recognize immigrants' qualifications and learning. There are generally two areas of assessment in Canada: credentials (including education, training, and job experience) and competency assessment. While credential based assessment has been the standard practice, competency-based recognition has gained much momentum in the recent years.

In terms of credential assessment, the process emphasizes that formalized procedures should be in place to evaluate the authenticity of all documents (Canadian Network of National Associations of Regulators or CNNAR, 2010). Alternative modes of confirming an applicant's credentials, such as contacting academic institutions, are also considered important. When it is difficult to obtain documents from certain institutions, assessors are suggested to contact the ministries of education or embassies in immigrant source countries. In order to obtain documents from the country of origin, assessors also try to translate the letter of request into the language of that institution. As to the evaluation process, the emphasis shifts to competency-based evaluation, ensuring equivalence of evaluations, and using internal personnel experts. With regard to support for international applicants, information technology is used to facilitate and prepare immigrants for the recognition process. A pre-

application process is considered useful in connecting applicants to the college and regulatory bodies. Better support, such as holding information sessions, could be extended to applicants during the registration process. The application process could be tightened up so that information and data review can be more efficiently reviewed to determine which areas of licensing internationally educated professionals tend to struggle with. National standards that support mobility within the profession are needed. To induct the internationally trained to the professions, it is important to include simple, informative, and innovative programmes that work to socialize new immigrant members into these professions. Other useful suggestions include the provision of mentorship and integration programmes and other programmes to enhance the internationally trained within their professions. Finally, to address gaps in competency among internationally educated professionals, it is imperative to include identifying gaps in the competency of internationally trained professionals, and identifying the resources to address the gaps; learning from successful bridging programmes; clarifying whether it is possible to legally mandate bridging education; and organizing resources and services for the internationally educated who do not complete a bridging programme. At the end of the CNNAR report, a number of bridging programmes are listed. Among them, the Canadian Association of Medical Radiation Technologists reported that they conducted research on the performance of internationally educated medical radiation technologists (IEMRTs) and Canadian-educated MRTs (CEMRTs) for competency tests. The association then identifies competency areas that IEMRT may find challenging, and makes recommendations for the development or enhancement of preparatory education programmes to bridge immigrants to the profession.

CAPLA provides a useful typology of competency-based assessment practices in Canada (Simosko, 2012). It includes self-assessments, written examinations, oral questioning, demonstrations and observations, and portfolios. These assessments can take place in formative and/or summative contexts – formative assessment takes place before or during an education/learning programme and summative assessment at the end. Self-assessment tools are “a fact-finding strategy” through which applicants can determine their preparedness to enter a regulatory institute or profession. Self-assessment can be used by individuals on their own (self-directed assessment), or shared with others (interpretive assessment). These are not typically used by employers or regulatory bodies except in conjunction with other tools. Still, self-assessment is practised by organizations such as College of Dietitians of Ontario, College of Midwives of British Columbia, the Riley Guide, Social Enterprise in Canada, and Society for Medical Laboratory Science.

Written examinations are used in summative contexts to assess what applicants know and how they make decisions, solve problems, and so on. They take the form of multiple-choice, short-answer and essay questions. Testing services such as Canada’s Testing Company, Canadian Test Centre, and Educational Testing Service Canada have adopted written examinations. Regulatory bodies such as those in engineering and medical sciences often use confirmatory or challenge exams to verify immigrants’ previous educational backgrounds. Oral assessment can take place in both informal

and formal settings. They are particularly useful in assessments of conceptual, theoretical, and procedural knowledge of applied problem-solving, of interpersonal skills or competencies, of intrapersonal qualities, such as self-confidence and self-awareness, and of integrated practice. Face to face interviews are widely used by employers. Regulatory bodies also use them to verify immigrants' prior experience.

Demonstrations and observations give assessors the opportunity to observe applicants actually performing one or more aspects of a job. There are two types of demonstration: simulations and workplace assessment. Simulations are role-playing scenarios that reflect the challenges of a real-life workplace situation. An example of simulation is an Objective Structured Clinical Examination (OSCE), which is a form of performance-based testing used to measure candidates' clinical competence. During an OSCE, candidates are observed and evaluated as they go through a series of stations in which they interview, examine and treat standardized patients (SP) who present them with some type of medical problem. Many schools and organizations rely on OSCEs to assess and measure applicants' clinical competency in a standardized setting as part of a licensing or registration process. The Medical Council of Canada, for instance, uses the National Assessment Collaboration OSCE to assess the readiness of an international medical graduate for entrance into a Canadian residency programme. Workplace assessment allows applicants to demonstrate their skills and knowledge in a 'real' environment. This kind of assessment can be used not only for employees, but also for individuals during internships, preceptorships or mentorships. A traditional portfolio is an organized paper or electronic presentation of evidence that allows an applicant to reflect on and demonstrate his/her knowledge, skills, and experience.

## **2.4. Understanding the policy environments**

FQR practices in Canada are shaped by a number of policy documents at the international, national, provincial, and organizational levels. Credential assessment organizations, especially the five provincially mandated assessment organizations, adhere to *the General Guiding Principles for Good Practices in the Assessment of Foreign Credentials* and *the Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications* adopted under the 1997 Lisbon Recognition Convention – Canada signed the convention in 1997 but has yet to ratify it. The *General Guiding Principles* are the result of the collaborative work of the Provincial Assessment Committee, which existed between 1996 and 1999 before it became the Alliance of Credential Evaluation Services of Canada (ACESC). The purpose of the Alliance was to share information on assessment methodologies used across Canada, to establish codes of good practice and to identify common assessment principles. The Lisbon Recognition Convention, 1997, which has been updated since, is the convention on the recognition of qualifications concerning higher education in the European Region.

An inter-provincial and territorial agreement that has impacted FQR is the Agreement on Internal Trade (AIT), which was signed in 1994 by all provinces and territories

(except Nunavut) and the federal government. Through this agreement, regulatory bodies are asked to work to improve labour mobility within regulated occupations across provinces and territories. In 2008, given concerns that qualifications were not being recognized consistently across Canada, the premiers directed internal trade ministers to amend Chapter 7 (Labour Mobility) of the AIT. On 11 August 2009, all jurisdictions ratified the Chapter 7 amendments, which subsequently came into effect. The revisions state that any worker certified for an occupation by a regulatory authority of one party is to be recognized as qualified to practise that occupation by all other parties. Any exceptions to full labour mobility must be clearly identified and justified. Regulators may maintain certain certification practices to address specific issues, including complaints, disciplinary or criminal proceedings, non-practice, language proficiency, and assessment of the equivalency of limited, restricted or conditional licences (CNNAR, 2010).

The policy framework that has directly shaped the recent changes in FQR practice is the *Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications* (2009). This framework “represents a joint commitment by federal, provincial and territorial governments to work together to improve the foreign qualification assessment and recognition system in Canada” (FLMM, 2009: 2). This framework lays out the pathways to recognition in Canada. The first step is for immigrants to get accurate information both overseas and in Canada. The second step is for immigrants to go through the assessment process. Those who fully demonstrate the required qualifications should be supported into employment. Applicants who need to obtain additional requirements in order to practise in their profession should be directed to the skill-upgrading pathways. Applicants whose qualifications do not meet the requirements of their occupation and for whom skill upgrading is not an option need to be directed towards alternate pathways to related occupations. Although it is not a law, the framework has provided a guide for federal, provincial and territorial governments to work collaboratively to enhance the foreign qualifications recognition process. According to the progress report of the implementation of the framework (FLMM, 2011), the regulatory authorities for the first set of eight target occupations<sup>107</sup> are currently meeting the pan-Canadian commitment to timely service. Internationally trained workers in these occupations are informed within one year whether their qualifications will be recognized, if they need to meet additional requirements necessary for registration, or whether they may consider a related occupation commensurate with their skills and experience. Currently the framework is targeting a second set of occupations including dentists, engineering technicians, licensed practical nurses, medical radiation technologists, physicians and teachers (K-12).

As noted earlier, in Ontario – Canada’s largest immigrant-receiving province, the *Fair Access to Regulated Professions and Compulsory Trades Act* was introduced in 2006. A similar act was subsequently passed in Quebec, Nova Scotia and Manitoba.

<sup>107</sup> These eight occupations include architects, engineers, medical laboratory technologists, occupational therapists, pharmacists, physiotherapists, registered nurses, and financial auditors and accountants.

These acts hold licensure bodies responsible for making their assessment processes transparent and fair. There has been no systematic evaluation of the impact of the Fair Access Act on immigrants' access to professions. But from the available reports submitted to the Fairness Commissioner's Office in Ontario, for instance, regulatory bodies have at least met the timeliness requirements in assessing immigrants' credentials. Many regulatory bodies have also changed their assessment procedures to make processes more easily negotiable. Some have allowed immigrants to apply for licensure before permanent residence status has been granted. And some started providing provisional licences for those who meet other licensure requirements but who have yet to gain Canadian experience.

In addition to these national and regional policies, governments and professional bodies have also been negotiating mutual recognition agreements with other countries and other professional regulatory bodies in other countries. For instance, on 17 October 2008, the Province of Quebec and France signed the Mutual Recognition Agreement on Professional Qualifications. This is the first agreement of its kind between Europe and the Americas. It aims to expedite the process of acquiring a licence to practise a trade or profession that is regulated in either place through the adoption of a common procedure for credential recognition. On 3 June 2010, another mutual recognition agreement was signed that promotes mobility among medical technologists from Quebec and France. Similarly, professional organizations such as Certified General Accountants (CGA), Certified Management Accountants, and Engineers Canada have also reached mutual recognition agreements with their counterparts in some countries. Recently, an agreement was signed by the College of Applied Biology of British Columbia and the Society of Biology (the United Kingdom) in August 2011 (CICIC, 2012). Under these agreements, members from countries and areas with mutual recognition agreements with Canada can be recognized by regulatory bodies fairly quickly.

### **3. Labour market analysis in relation to recognition procedures**

Currently, there are four major classes of immigrants to Canada: family class, economic immigrants, refugees, and other immigrants. Family class is comprised of foreign nationals sponsored by close relatives or family members in Canada. Economic immigrants are people selected for their skills and ability to contribute to Canada's economy, including skilled workers, business immigrants, provincial and territorial nominees, and live-in caregivers. Skilled workers are those who meet education, language and work experience criteria. According to CIC (2011), those coming through the economic class account for between 41.5 per cent and 52.8 per cent of all immigrants to Canada in the last 10 years (CIC, 2011). It is not clear how many immigrants applied to have their qualifications recognized, nor is there any data on the results. What is extensively documented is the unemployment and underemployment experience of immigrants to Canada. Localized studies

conducted by both authors reveal that much of these negative experiences result from the devaluation and denigration of their prior learning and work experience.

### **3.1. *Recognitive results***

As just mentioned, a profound challenge facing this study is the lack of publicly available data on either the number of immigrants who have applied for qualification recognition or their results of these applications. Furthermore, given the multitude of stakeholders and authorities involved, not to mention the complexity of the FQR process, it is almost impossible for us to generalize about the extent of this problem. This said, in what follows we attempt to put these policies and practices into perspective by placing them in relation to immigrants' actual labour market experiences.

In 2011, CIC reported that Service Canada assisted over 200,000 newcomers with CIC-related questions in person. About 19,600 client contacts were about FCRO's resources. 2,222 calls were made to the FCRO's dedicated telephone service (FCRO, 2011). Some of the provinces have started collecting recognitive data. For instance, as part of the FQR plan, Alberta has requested that regulatory bodies in the province report the number of foreign trained applicants who apply for licensure, registration or certification, success rate, and specific challenges in meeting the requirements (Government of Alberta, 2010). At the time of this report, the government announces having started reviewing reports from regulatory bodies, but this information has not yet been publicly released. In Ontario, the Office of the Fairness Commissioner provides some relevant information, especially the number of applicants and their countries of origins, the number of immigrants who have been awarded licences, and the number of applicants who have become inactive. These reports provide some indication on the likelihood of different nationalities to be targeted for particular professions. What they do not provide is a breakdown of the success rate of immigrants in any given year. Nor do they contain information on the number of immigrants making a second attempt at registration.

For this report, we contacted all five provincially mandated organizations to seek out demographic information of applicants and the success rates of application. IQAS and WES are the only two organizations who responded positively to our request. Using this information, we learned that in 2011, WES received 8,593 applications. Of these, 4,134 were for education purposes, 2,169 for employment (non-licensed), 1,674 for licensing, and 190 for immigration. The rest were unspecified. Reports were sent to 6,944 end users, including 4,613 to educational institutions, 1,626 to licensing bodies and professional associations, 323 to employers, 121 to immigration consultants, 209 to intermediaries (mostly community organizations) and 63 to government departments. The top five countries from which immigrants come are India, the Philippines, the United States, the United Kingdom and China. WES also indicated that about 40 licensing bodies from across Canada (excluding Quebec) representing 20 or so different professions, including 6 national bodies that represent their profession, accept WES reports – by 'accept', we mean that these organizations



refer to and make use of the assessment results from WES. Specific faculties at about 50 post-secondary institutions also accept WES reports. In Ontario, the centralized college application service, and the centralized application service for professional schools (namely Medical, Rehab, and Law), also accept WES reports. We also learned that 75–80 per cent of degrees were assessed as being equivalent to Canadian degrees, but this varies by country. For example, India, Pakistan and Philippines have more qualitative differences in institutions, and so the percentage of equivalencies varies by institution (that is, in better institutions, they are likely to be equivalent most often). In China there is less variation, and more likelihood of equivalence. Another general observation is that Science and Technology degrees are more likely to be considered equivalent, as are postgraduate degrees (personal communication with Tim Owen, Director of WES). IQAS also keeps demographic data on applicants. Yet it may not have information on the percentage of applicants whose degrees are determined to be commensurate with the Canadian ones.

### ***3.2. Reality check: unemployment and underemployment of immigrants***

Despite recent policy attempts to address the issue of FQR facing immigrant professionals, studies consistently point to unemployment and underemployment in Canada. In 2006, the national unemployment rate for immigrants who had been in Canada five years or fewer was 11.5 per cent, more than double the rate of 4.9 per cent for the Canadian-born population (Owen, 2008). Immigrants' employment outcomes lag behind not only their Canadian counterparts, but also behind their counterparts arriving before the 1970s. For instance, the Canadian Census of 2006 (Statistic Canada, 2008) compares the earnings of immigrants of the core working age (25 to 54) in 2005 versus those in 1980. It finds that while immigrants earned 85 cents for each dollar received by native-born Canadians in 1980, the ratio had dropped to 60 cents for immigrant men and 56 cents for immigrant women in 2005.

In a study focused on the barriers facing Chinese immigrants transitioning into the Canadian labour market, Guo (2010b) examined changes in employment between pre- and post-arrival in Canada as a result of devaluation of Chinese qualifications and work experience. One third (34%) of participants held jobs in natural and applied sciences, forming the biggest occupation group among the surveyed<sup>108</sup>, prior to moving to Canada. Next were professionals in the social sciences and education (24%), followed by those in finance, business and administration (16%) and managerial positions (7%). After arriving in Canada, their employment situation took a downturn. The group experiencing the most dramatic change comprised social scientists, teachers and professors, who saw a dramatic decline of 17 per cent. From the change of other occupations categories, it seems clear that many of them

<sup>108</sup> The study took place in Edmonton, a city which attracted an increasing number of skilled immigrants in recent years because of its booming oil and gas industry. The study employed two major research methods: questionnaire ( $n=124$ ) and semi-structured interviews ( $n=14$ ).



might have gone to construction, trades, and labour work (14%), or some simply did not have a job (18%) (see Table 8.1).

**Table 8.1: Change of occupation before and after immigration, 2006**

Occupational Categories	Occupation Before Immigration		Occupation After Immigration	
	Frequency	Valid Percentage	Frequency	Valid Percentage
Occupation in natural and applied sciences	38	33.9	28	26.9
Professional occupation in social science, education and government services	27	24.1	7	6.7
Professional occupation in finance, business and administration	18	16.1	11	10.6
Middle and other management	8	7.1	2	1.9
Professional occupation in health, registered nurse and supervisors	6	5.4	1	1.0
Occupations in art, culture, recreation and sport	2	1.8	0	0
Food and services	0	0	1	1.0
Construction, trades, and labourers	5	4.5	14	13.5
Students	6	5.4	19	18.3
Unemployed	2	1.6	19	18.3
<b>Total</b>	<b>112</b>	<b>100</b>	<b>103</b>	<b>100</b>

Source: Guo, S. (2010b). p.252.

With regard to credential recognition, using quite different statistical methodologies, Reitz (2001), and Watt and Bloom (2001) both estimated that Canada’s failure to recognize immigrants’ qualifications has resulted in an annual earning deficit of about 2 billion dollars for immigrants. Based on a statistic analysis of the 2002 ethnic diversity survey, Adamuti-Trache and Sweet (2005) provided a more nuanced assessment of the relationship between immigrants’ post-secondary credentials and labour market outcomes. Their study shows that earning advantages typically accrue to people educated in Canada, the United States and the United Kingdom, although all people (minority or not) holding graduate degrees in applied fields such as sciences and engineering find earning parity more readily than those with undergraduate degrees in liberal arts. Similarly, Li (2008) shows that foreign credentials held by majority member immigrants bring a net earning advantage; only those held by visible minorities suffer an earnings penalty. Li’s study suggests that foreign credentials of immigrants are racialized since the local market rewards credentials differentially depending on the racial background of the immigrants. Using a longitudinal survey of immigrants to Canada between 2001 and 2005, Chen et al. (2011) find that 51.6 per cent of immigrants were overqualified for their jobs based on their education levels; 44.4 per cent based on experience and 42.8 per cent based on expectations.

In the media, there is no shortage of reports on the under- and un-employment of immigrants. One recent report in *Toronto Star* (Keung, March 2012) tells the story of an immigrant doctor named Pasha. Pasha has a medical degree from the University of Mysore in India and practised medicine, first in India and then in Saudi Arabia, for 15 years. At the time the report was written, Pasha had worked as a security guard in Toronto for two years for CAD8.50 an hour. While working as a security guard, he passed all the qualifying exams and had his credentials certified. However, he failed twice in securing a residency spot and was trying for a third time. According to the report, in 2010, the College of Physicians and Surgeons of Ontario issued 3,708 postgraduate training certificates to physicians in residency training and practice certificates to others, including 636 international medical graduates. Yet, according to Mitra Arjang from the Association of International Physicians and Surgeons of Ontario, those international graduates selected for residency are mostly comprised of Canadian-born graduates from medical schools overseas and only a small number of them are actual immigrant doctors.

A qualitative study by Guo (2011) also provides us an opportunity for a reality check. In this study, several immigrant interviewees noted that the process of foreign credentials recognition is a lengthy, costly, mysterious, and frustrating process. Xuehan Jiang, for example, related that he applied for his professional engineer licence in 2006 and passed the mandatory ethics and law exam in February 2006. In June 2006, he got an evaluation result from the regulatory body that required him to take additional eight exams or eight courses from university. He felt that the evaluation was not fair because he had already taken most of these courses in his undergraduate programme in China. For Bing Lin, the only interviewee who has successfully acquired his profession engineer licence, the evaluation of international qualifications and experiences remained a mysterious process. He stated:

In terms of how they look at your particular experience, we certainly don't know how they evaluate. ... sometimes you will see my friends who have very, very good experience, [who] graduated from [a] very, very well-known university of China, [and who] were asked to take technical exams, even though they have more than 10 years' experience. So it's difficult to say how they evaluate.

Jiazhi Li moved to Canada from China in November 2002 with his wife and daughter. He held a bachelor's degree in computer science and was a computer programmer in China for 10 years before moving to Canada. He was in his late 30s. Initially he settled in Toronto before moving to Edmonton where he had friends. He could not find a job in his field in either city and decided to go back to school to get a college diploma. He was interested in the *Instrumentation Engineering Technology Program* in an institute of technology because he was told there were many jobs in this area. To apply for the programme, he first presented the institute with his university transcripts from China, but the college did not know how to evaluate them. They asked him to send his records to a credential assessment service centre to determine the Canadian equivalency of his credentials. Since this was for a

college admission, the assessment body also asked him to submit his high school records, which, luckily, he had brought with him to Canada. Two months later, he received the assessment results. He got 50 out of 100 for Pure Maths, 65 for Grade 12 Maths, and 75 for Physics. He could not understand the assessment results. Yet, based on the assessment, the institute issued him a “conditional acceptance,” which asked him to upgrade his English, maths, physics, and chemistry. In cases like this, credential assessment has become a technical exercise. Rather than facilitating the process of prior learning recognition, it has become a serious barrier and a means of exclusion and governing (Andersson and Guo, 2009). When asked how helpful these upgrading courses were, he said that the maths courses were a waste of his time. The maths and physics courses he had taken in high school in China were even more difficult than these courses.

Esses, Dietz, and Bhardwaj (2006) studied the response of Canadians to immigrants’ résumés from different countries. They find that prejudice does indeed play a role in discounting immigrant skills and experiences. Most interesting is that credential discounting becomes most evident when the job applicant is an immigrant from a non-Western country. In another qualitative study (Shan, forthcoming) spanning the years 2006 to 2008, a number of Chinese immigrant engineers were required to write exams to confirm their prior training. A respondent said: “the exams were not written for us. They were written for (the licensure bodies).” The study not only identifies a disjuncture between immigrants’ licensure-related learning and their present professional learning needs, but also renders problematic credential recognition practices in the engineering profession, particularly with regard to redundant and ad hoc assessment procedures, narrow focus on applicants’ undergraduate education, and a deficit approach to training from other countries. Rather than being conducive to immigrants’ professional learning process, the licensure process is part and parcel of the credential and certificate regime (c.f. Shan, 2009) that orders immigrants’ learning and labour market experiences.

## 4. Conclusions and recommendations

In the last decade, Canadian immigration policies have shifted from targeting immigrants from countries that are ‘similar’ to Canada, to attracting immigrants who promise economic contribution by virtue of their education and professional experiences. The newcomers, however, are faced with significant challenges integrating into the host labour market. Guo (2010a) uses the triple glass effect to illustrate the multiple layers of barriers facing immigrant professionals as a result of devaluation of their prior learning and work experience, including a glass gate, glass door, and glass ceiling. The first layer, *the glass gate*, denies immigrants’ entrance to guarded professional communities. Among the number of players and institutions that may be blamed for the devaluation of immigrants’ foreign credentials and prior work experiences, are professional associations and prior learning assessment agencies. Immigrants’ knowledge and experiences are often deemed deficient and devalued simply because they are different. At the same time, successful licensure

does not automatically guarantee a professional job, and immigrant professionals need a professional company to house them. According to Guo, in their attempts to secure a professional job, many immigrants hit the second layer of glass – *the glass door*, which blocks immigrants’ access to professional employment at high-wage firms. At this level, employers are the key players. Employers may refuse to offer immigrants professional jobs because they do not have Canadian work experience, or their prior work experience is devalued because it is seen as inferior to the Canadian experience. Alternatively, immigrants may not secure a professional job because of their skin colour or their “non-standard” English accents. The third glass is *the glass ceiling* that prevents immigrants from moving into management positions, often because of their ethnic and cultural differences. Worse still, some immigrants may work on the same job but be paid less than their white colleagues, creating racialized disparities in earnings. Guo concludes that *glass gate*, *glass door*, and *glass ceiling* may converge to produce *a triple glass effect* that creates multiple structural barriers which cause unemployment and underemployment, poor economic performance, and downward social mobility.

The triple glass effects in part reflect a significant challenge facing Canadian institutions and employers, namely, how to value newcomers. FQR is an issue that highlights this challenge. In the last decade, the Canadian governments have recognized the economic importance of FQR and tried to realign FQR practices so that they do not pose unnecessary barriers for immigrants’ integration. The Pan-Canadian framework at the federal level, along with Fair Access Acts, the FQR plan and the like at provincial levels have provided centralized guidelines for assessment bodies and regulators to re-examine their recognitive practices. The Government of Canada has also increased funding to motivate different stakeholders to experiment with ‘best’ practices. On 28 March 2012, Citizenship and Immigration Canada announced that Canada is proposing to assess foreign qualifications before skilled immigrants arrive (CIC, 2012). The proposed changes require applicants in the Federal Skilled Workers category to have their foreign qualifications assessed and verified by designated organizations before they arrive in Canada. The concerted efforts from the top down have most certainly raised the awareness of different stakeholders around foreign credential devaluation, and made it imperative for them to act. The fact that many foreign credential initiatives tried to engage employers has also perhaps played an educational role in enhancing employers’ understanding of the values of foreign credentials. We also believe that increased accountability of regulatory bodies and increased transparency in licensure policies and practices can help facilitate the recognition processes for immigrants. In our view, educational programmes that aim to bridge immigrants to the labour market have the potential to expand immigrants’ social networks and enhance immigrants’ understanding of employers’ and professional/occupational expectations in Canada. These practices can be largely recommended to international practitioners. However, we must warn that while these practices may have played an instrumental role in bridging some immigrants to the host labour market, they do not address the ontological and epistemological roots of the problem. That is, the attempt to use Canadian-centred,

objectivist and universal yardsticks to evaluate others is essentially problematic (Guo, 2007).

It is also important to point out that given that the current initiatives are largely project-based, it is not clear how the current momentum toward positive change can be sustained. A reality check on the immigrant's experience shows that the FQR process can still be a lengthy, costly, mysterious, and frustrating process. Furthermore, with the multiple stakeholders and authorities involved and the divergence of method, FQR still lacks a responsible, coordinated approach. Coupled with poor information on the recognition process and a lack of agreed-upon national standards, FQR remains a significant barrier for many immigrants and is, as a result, an exclusionary process.

The above discussion demonstrates that qualification recognition of immigrant professionals in Canada is a much more complex issue than it at first appears to be. To find long-term solutions that are sustainable and equitable, it requires much more than a sole focus on the badly needed harmonization process. In light of the triple glass effect, FQR requires a holistic integrated approach which comprises the following components. First, it is important to ensure that accessible information and clear mapping of the FQR process are made available so that immigrants are well informed when they apply for qualification recognition. Second, a holistic integrated approach should be a process that embraces principles of transparency, fairness and justice. Third, the proposed approach combines qualification recognition with labour market integration because qualification recognition is not an end in itself. The recognition process should go simultaneously with career bridging programmes and other employment support programmes for those who need them to ensure smooth workplace transitions. Fourth, a holistic integrated approach should be supported by a strong political will that uses legislations to make all stakeholders accountable for how they treat immigrants. Finally, a holistic integrated approach should combine a revamped qualification recognition with public pedagogy, educating the public about the potential contributions that immigrants can bring to the host society as well as raising awareness of barriers facing immigrants' access to the labour market. It is imperative that a holistic integrated approach be introduced, one with the capacity to remove the multiple barriers that work together to constitute the glass gate, the glass door, and the glass ceiling.

Like in Canada, an increasing number of immigrants are arriving in the EU every year. Many EU Member States are facing profound challenges in assessing and recognizing immigrants' international qualifications and work experience. By 2020, the EU sets its target for the employment rate of immigrants at 75 per cent. It is hoped that lessons learned from the Canadian experience can provide useful guidelines in developing new policies and practices that will help remove employment barriers and embrace third-country nationals in an equitable and socially just manner.

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# SUMMARY OF GOOD PRACTICE INITIATIVES IN FOREIGN CREDENTIAL RECOGNITION STRATEGIES

<b>Information provision to migrants</b>	Development and adequate resourcing of improved measures to provide accurate qualification recognition information to prospective skilled, family and humanitarian migrants (pre-migration) as well as post-arrival in destination countries, including through e-portal, group training, counselling and written advice measures.
<b>Pre-migration screening and examination</b>	Use of e-sources, supported by global regulatory body partnerships, to facilitate pre-migration qualifications screening of skilled migrants in regulated fields, in addition to offshore administration of mandatory language and professional exams (for example MCQ examinations of medical knowledge).
<b>Bilateral and multilateral agreements</b>	Development of region-specific (e.g. EU-EEA, NAFTA, APEC, CAMES, Trans-Tasman), field-specific (e.g. Washington Accord, APEC Engineer), and goods- and services-specific (e.g. GATS-WTO) agreements, designed to enhance skilled worker mobility and facilitate qualification recognition, while addressing inappropriate country-specific impediments.
<b>Recruitment and recognition protocol development</b>	As exemplified by the Commonwealth Protocol on Teacher Recruitment, development of ethically based protocols designed to stimulate the movement of professionals from surplus to underserved areas, while supporting the establishment of qualifications frameworks and professional registration systems both within and across countries to facilitate long-term career development and skill utilization.
<b>Information provision to foreign credential recognition stakeholders</b>	Development and maintenance of well-targeted strategies designed to boost public information provision to a wide range of foreign credential recognition stakeholders, while championing the ethical as well as efficiency case for securing fairer employment and recognition outcomes for skilled migrants.
<b>Improved recognition procedures</b>	Introduction of sustained national reform agendas designed to deliver improved foreign credential recognition processes and outcomes across all regulated fields and jurisdictions, supported by determination to achieve greater efficiency, transparency, procedural clarity, legislative reform (where necessary), and buy-in by all relevant stakeholders (including employers), in order to deliver improved outcomes.

<b>Global collaborative partnerships</b>	Development and joint administration of foreign credential examinations by field, exemplified in recent years by the co-development of 7,000 MCQ items designed to assess the medical knowledge of international medical graduates to Canada and/or Australia, across global screening sites – an initiative of the Australian Medical Council and the Medical Council of Canada with clear potential to extend to additional fields (e.g. nursing, pharmacy) and other destination countries.
<b>Bridging programmes to support competency-based assessment</b>	Investment in the development of innovative, appropriately resourced, widely located, field-specific bridging programmes for migrant professionals, designed to provide adaptive training as required, and support competency-based skills assessment leading to full professional registration.
<b>Examination preparation courses</b>	Provision of examination preparation courses, to assist migrant professionals successfully prepare to undertake national and/or state exams where these are the key hurdle in FCR processes, supported by loans to be re-paid once migrants have achieved employment.
<b>Industry internships</b>	Provision of access to 3–12 month field-specific supervised work experience training programmes, to facilitate migrants' labour market adjustment, adaptation to host-country technology and work norms, and language requirements.
<b>Conditional registration</b>	Facilitation of migrants' access to conditional registration (with appropriate supervision) in select fields, to allow migrants to work, to prepare for examinations in situ, and to improve migrant skill utilization in contexts where it is inappropriate for temporary resident professionals to satisfy full foreign qualification recognition procedures.
<b>Host country language training</b>	Given the centrality of advanced host-country language ability to success in recognition processes, and fitness for professional practice, development and funding by destination countries of a wide range of language courses, building general language skills, supported by specialist field-specific training (e.g. English for Engineers, French for Doctors), including preparation for mandatory pre-registration language exams.
<b>Database development</b>	Investment in the development, updating and global sharing of comprehensive databases related to migration-relevant country education systems (structure, framework, governance, quality assurance procedures, public-private sector trends, and institutional status), as is the case with Australia's "Country Education Profiles" which are well resourced and internationally valued; and the OECD-WHO foreign credential recognition study related to health-sector qualifications recognition in OECD countries (Hawthorne, 2008c: 21-23). <sup>109</sup>

<sup>109</sup> Recommendations summarized by Lesleyanne Hawthorne (Hawthorne, 2008c, 21-23).

# LINET PUBLICATIONS OVERVIEW

## **2009-2010**

Migration and Economic Crisis: Implications for Policies in the European Union

Migration, Employment and Outcomes of Labour Market Integration Policies since 2000:

- Volume 1: Analysis of data
- Volume 2: Labour market integration policies

## **2010-2011**

Migration, Employment and Labour Market Integration Policies in the European Union (2010)

Identification of Labour Shortages in the Context of Migration and Employment Policies

Labour Market Inclusion of Less-Skilled Migrants

## **2012-2013**

Migration, Employment and Labour Market Integration Policies in the European Union (2011)

Recognition of Qualifications and Competences of Migrants

Improving Access to Labour Market Information for Migrants and Employers

Summary Brief on LINET key findings for 2009-2013

The International Organization for Migration (IOM) study *Recognition of Qualifications and Competences of Migrants* (2013) investigates the existing national practices for assessing, validating and recognizing formal, non-formal and informal learning of migrants based on selected experiences within and outside the European Union (EU). The study reviews national practices against the complex requirements of modern labour markets and differing needs of various skill groups of migrants. While taking into account latest developments in skills assessment procedures, set-up of bilateral or multilateral recognition frameworks and introduction of pre-migration measures, it explores policy approaches to counteract brain waste of different groups of migrants resident in the EU Member States.

This study has been commissioned and funded by the Directorate-General for Employment, Social Affairs and Inclusion of the European Commission in the framework of the IOM Independent Network of Labour Migration and Integration Experts (LINET). The Network unites academics and professionals from all European Union Member States as well as Croatia, Norway, Turkey, Canada, Australia and the United States. LINET has been providing expert analysis and advice on economic migration and labour market integration of non-EU nationals since 2008.

The full text of this publication is available for free download online at:  
<http://labourmigration.eu>

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