

Evaluation of the “Blue Birds” Circular Migration Pilot in The Netherlands

Commissioned by the Dutch Ministry of Foreign Affairs

April 2012

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Acknowledgements

We would like to thank all of the interview participants for their time and helpfulness in carrying out this research. A special thanks goes to the HIT Foundation and the Dutch Ministry of Foreign Affairs for giving us access to internal documents and many hours of their time.

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Executive Summary

English

The Evaluation of the “Blue Birds” Circular Migration Pilot took place between December 2011 and February 2012. Through a thorough literature review of project documents, correspondence, meeting minutes and 50 in-depth interviews, the Blue Birds project was assessed as well as possibilities for future circular migration projects.

With regard to the main research question, *Why was the HIT Foundation unable to reach its target of 160 migrants working in regular vacancies within the Netherlands in shortage sectors after one year?*, we found several factors that impeded the successful implementation of the pilot project including the assignment framework, time period of implementation including the economic crisis and the change of government in 2010 as well as the quality of the implementation process.

Within the analysis of the different stages of the pilot process, we found ten main issues that obstructed successful implementation. Within the **assignment framework** we found: 1) The lack of flexibility in the project at several different levels made it difficult for the pilot to adapt to the situation on the ground. 2) Lacking flexibility in the time frame, skill level and type of jobs were a main concern for employers which made them often unwilling to participate. 3) A key difficulty was the ambiguity in framework rules leading to different interpretations. Within the time **period of implementation** we found: 4) The financial crisis made acquisitions, matching and the political environment more difficult. 5) The political climate played an important role with regard to the acceptance and political support for the project which became less and less over the duration of the pilot project. Within the **quality of implementation** we found: 6) There was a need to have access to employers at the right level and the right contacts with industry as well as a larger network. 7) Multiple steering groups/advisory boards made communication about different aspects of the project more difficult and particularly the resolution of problems. 8) Related to the previous point, communication was perceived to be an obstacle to smooth running. It was perceived that the HIT foundation was not always open about the severity of the problems that they faced and perhaps could have asked for more help at an earlier stage from their steering groups. There were also no clear agreements put on paper from the initial government steering group meetings. 9) The approach to acquisition seemed to be neither effective nor efficient. It was perceived that more focus and a clearer planned strategy could have been helpful. 10) The choice of countries made the project less flexible and there seemed to be difficulties getting started and prejudices by employers for people from Indonesia.

With an ageing population, there will be an increased need for labour that cannot only be met by traditional labour market activation policies. It is also clear from many previous studies that migration can be very beneficial to origin countries with regard to poverty reduction and the transfer and of knowledge and skills. In designing any new programs, there are some key aspects that need to be in place to have a successful circular (temporary) migration project. While each particular program should be tailor

made depending on the specific goals, objectives and needs, there are some basic criteria that will enable a project to have a higher likelihood of success. They include:

- **A willing political environment**
- **A capable implementer**
- **Flexibility:** with regard to all aspects of the project including: time frame, employers’ needs, countries, involvement of recruitment agencies and temporary work agencies, etc.
- **Clear goals and objectives** (that are not in competition with each other)
- **Clear focus** on objectives, sectors and countries
- **One advisory board** made up of both government and non-governmental stakeholders or at least have the governmental stakeholders present in some of the non-governmental stakeholder meetings to ensure communication across groups.
- **Clear criteria** with regard to practicalities in implementation

The two most important recommendations for any future circular migration project are a positive political environment and flexibility. If there is no political will behind the project, it will fail. All stakeholders that will be involved in the project need to be behind the project and working together for there to be smooth implementation.

Dutch

Evaluatie van de circulaire migratie pilot “Blue Birds” vond plaats tussen December 2011 en Februari 2012. Literatuuronderzoek, projectdocumenten, correspondentie, meeting notulen en 50 diepte interviews vormden de basis voor een assessment van het Blue Birds project en mogelijkheden voor toekomstige circulaire migratie projecten.

Dit evaluatieonderzoek wijst uit dat verschillende factoren een succesvolle implementatie bemoeilijkte. De hoofdvraag van dit evaluatieonderzoek, *Waarom de uitvoerder de inspanningsverplichting (160 migranten aan het werk in Nederland in reguliere vacatures in tekortsectoren na een jaar) niet heeft gehaald*, wordt voornamelijk beantwoord met factoren zoals; toetsingskader, duur van de implementatie periode inclusief de economische crisis en de nieuwe kabinetsformatie in 2010 en tot slot de kwaliteit van het implementatie proces.

Tien kern factoren hebben grote invloed gehad op de succesvolle uitvoering van de pilot. In het **kader van de opdracht**; 1) maakte gebrek aan flexibiliteit binnen het project vanuit verschillende niveaus het ingewikkeld om de pilot volledig aan te passen op uitvoeringsniveau. 2) Tevens heeft gebrek aan flexibiliteit ten aanzien van contractduur, educatieniveau en uitsluiting van bepaalde beroepscategorieën ervoor gezorgd dat werkgevers niet altijd bereid waren deel te nemen aan de pilot. 3) Een centraal probleem gedurende de pilotperiode was de dichotomie in de onderliggende regels van het **toetsingskader** voor twv’s dit veroorzaakte dat het kader verschillend werd geïnterpreteerd. Factoren met betrekking tot de **implementatie periode** zijn: 4) de financiële crisis welke acquisitie, matching en de politieke omgeving bemoeilijkte. 5)

Het politieke klimaat speelde een belangrijke rol met betrekking tot de acceptatie en politieke betrokkenheid voor de pilot, welke verminderde gedurende het pilot project. Ten aanzien van de **kwaliteit** van de **implementatie**: 6) Is het van belang dat een uitvoerende partij een breed netwerk aan contacten heeft op verschillende niveaus binnen bedrijven. 7) Meerdere adviesbesturen heeft communicatie over verschillende aspecten van het project bemoeilijkt en probleem oplossend handelen belemmerd. 8) Eveneens was communicatie een obstakel voor soepele uitvoering. HIT foundation is niet altijd open geweest over de aard van problemen waar men tegen aan liep, mogelijkwijs had men eerder voor meer hulp kunnen vragen van beide adviesbesturen. Tevens, gedurende kritieke momenten in de pilot waarbij meetings plaats vonden zijn hoofd vertegenwoordigers van het Ministerie van Sociale Zaken en Werkgelegenheid vervangen door een collega omdat er andere prioriteiten plaats vonden. 9) De acquisitie aanpak en strategieën lijken niet effectief en efficiënt te zijn geweest, meer concrete focus en planning strategieën zouden meer behulpzaam kunnen zijn geweest. 10) Ook de keuze voor een tweetal landen maakte het project minder flexibel. Daarnaast waren er opstartproblemen in Indonesië. Bovendien bleek er minder voorkeur voor Indonesische werknemers vanuit bedrijven.

Een vergrijzende bevolking zal leiden tot een stijgende vraag naar arbeidskrachten. Vraag zal echter niet alleen vervuld kunnen worden met traditioneel beleid om de arbeidsmarkt te activeren. Vele studies wijzen daarnaast uit dat migratie erg waardevol is voor thuislanden voornamelijk in relatie met armoedebestrijding en het overdragen van kennis en vaardigheden. Tijdens de ontwikkeling van een nieuw programma is het van belang verschillende kern aspecten in gedachten te houden om een succesvolle circulaire (tijdelijke) migratie project tot uitvoering te kunnen brengen. Elk specifiek project moet op maat ontwikkeld worden wat afhankelijk is van specifieke goals, objectieven en benodigdheden. Om een toekomstig project een kans van slagen te geven staan onderstaande criteria centraal;

- Een **open en welwillende politieke omgeving**.
- **Flexibiliteit**: met betrekking tot alle aspecten van het project inclusief: tijdskader, behoeften van werkgevers, landen, betrekken van detacheerders en internationale uitzendbureaus etc.
- **Duidelijke doelen en objectieven**, welke niet in strijd zijn met elkaar.
- **Duidelijke focus** op objectieven, sectors en landen.
- **Een adviesbestuur**, samengesteld uit overheid en niet-overheid stakeholders.
- **Duidelijke criteria**, met betrekking tot praktische aspecten in de implementatie.

De twee belangrijkste adviezen voor toekomstige circulaire migratie projecten is een positieve politieke omgeving en flexibiliteit. Een toekomstig project zal tevens mislukken als er geen politieke motivatie is die het project ondersteund. Alle betrokken stakeholders moeten achter het project staan waarbij samenwerking van groot belang is om een project vloeiend te laten verlopen.

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List of Acronyms

CAO	Collectieve Arbeids Overeenkomst
CDA	Christen - Democratisch Appèl
EEA	European Economic Area
EU	European Union
GIZ	Gesellschaft für Internationale Zusammenarbeit
HIT	Stichting Hersteld vertrouwen In de Toekomst
IND	Immigratie en Naturalisatiedienst (Immigration and Naturalisation Service)
IOM	International Organization for Migration
MBO	Middelbaar Beroeps Onderwijs
MIDA	Migration for Development in Africa
MinBuZa	Ministerie van Buitenlandse Zaken (Ministry of Foreign Affairs)
MinJus	Ministerie van Justitie (Ministry of Justice)
MinSZW	Ministerie Sociale Zaken en Werkgelegenheid (Social Affairs and Employment)
MOE	Midden en Oost Europa (Middle and Eastern Europe)
MoMi	Modern Migratiebeleid (Modern Migration Policy)
POP	Persoonlijk Ontwikkeling Plan (Personal Development Plan)
PvdA	Partij van de Arbeid
PVV	Partij Voor de Vrijheid
TWV	Terwerkstellingsvergunning (Work Permit)
UWV	Uitvoeringsinstituut Werknemers Verzekeringen
VVD	Volkspartij voor Vrijheid en Democratie
Vw2000	Vreemdelingenwet 2000 (Alien Act 2000)
WaV	Wet arbeid Vreemdelingen (Employment Alien Act)

1. Introduction

The purpose of this evaluation is to understand the process of the “Blue Birds” circular migration pilot and the challenges that were met as well taking lessons learned for future possible circular or temporary labour migration projects or programs. The main question to be answered in this study is: *Why was the HIT Foundation unable to reach its target of 160 migrants working in regular vacancies within the Netherlands in shortage sectors after one year?*

The following sub-questions are answered within this study:

- 1) In how far did the assignment framework (choice of countries, limitations regarding length of stay, education level, exclusion of high and low skilled migrants, exclusion of health sector, focus on employment shortage areas) influence the fact that set goals were not reached?
- 2) In how far did external factors like the economic crisis and change in parliament during 2010 influence the implementation process of the circular migration pilot (timing pilot).
- 3) In how far did the quality of the implementation process, directly led to not reaching goals.
- 4) What lessons can be learned from the pilot?
- 5) Under what conditions (in line with ‘Notitie Migratie en Ontwikkeling -2008’ and ‘Kamerbrief Internationale Migratie en Ontwikkeling – Juni 2011’) would a new circular migration pilot have a chance to succeed?

This report will provide answers to the core research question and underlying sub-questions based on 50 in-depth interviews with different stake holders, project document reviews and literature reviews. The report begins with a brief background of the circular migration pilot. The report then goes on to give a brief history of circular migration and in the Netherlands and a comparison to other programs in other countries. The approach and methodology of the study is then discussed before into a detailed analysis of the challenges in the project. The report then gives recommendations for a future successful project and has a concluding discussion.

Within this study, there are a few terms that should be clarified before continuing. Circular migration has different uses or definitions in different contexts. Closely related to circular migration is the term ‘temporary’ migration. The International Organization for Migration (IOM) defines circular migration as *“The fluid movement of people between countries, including temporary or long-term movement which may be beneficial to all involved, if occurring voluntarily and linked to the labour needs of countries of origin and destination”*. The Dutch government defines circular migration as *“migration in which the migrant successively spends a relatively long time in various countries, including his or her country of origin”* (MinBuZa, 2008:9). An issue in the political debate, is that ‘circular’ has often become synonymous with ‘return’.

The IOM defines a temporary migrant worker as *“Skilled, semi-skilled or untrained workers who remain in the destination country for definite periods as determined in a*

work contract with an individual worker or a service contract concluded with an enterprise, also called contract migrant workers”. The Dutch government has no legal definition for temporary migration. Nevertheless, a distinction between temporary and permanent residence is made within Dutch legislation. The first temporary residence permit can be given for up to one year and can be extended for between one and five years. There is an obligation to leave the Netherlands when a temporary migration permit expires (EMN, 2011b).

1.1 Background of the Circular Migration Pilot

During the General Consultation on Migration and Development (AO Migratie en Ontwikkeling) on the 26th of April 2007, Minister Koenders (Ministry for Development Cooperation) and State Secretary Albayrak (Ministry of Justice) declared to the House of Representatives (tweede kamer) the need to conduct a research regarding the feasibility of a circular migration pilot. Based upon this feasibility study, the council reached agreement on the implementation of a small scale circular migration pilot on the 4th of July 2008.

During a debate in cabinet about the cabinet note; “International migration and development 2008” (Internationale Migratie en Ontwikkeling 2008) several different parties posed questions regarding the actual timing of the circular migration pilot. The VVD filed a motion (‘Motie de Krom’) requesting the government to cancel the circular migration pilot. The main argument for cancelling the pilot for circular migration was the increasing numbers of unemployed in the Netherlands. “Motie de Krom” was supported by the PVV and Trots op Nederland, but was not accepted.

The Ministry of Foreign Affairs put out a call for tenders to implement the circular migration pilot project in early 2009 with Development Cooperation money. In March 2009 the tender procedure for a circular migration pilot was closed. Three candidates applied, but implementation costs were unacceptably high. After consultation, it was decided that a new call should be performed.

During July 2009 a new tender procedure was started with a maximum expenditure set at a maximum of 3.8 million euro (ex. BTW). After closure of the tender in September 2009, the HIT Foundation was chosen as the most suitable candidate to run the circular migration pilot. An important argument for choosing the HIT Foundation was the fact that their proposal outlined a relatively large amount of the budget to be directly used for the preparation of employment and the re-integration of the circular migrant. The HIT Foundation also intensely concentrated on the return of circular migrants and put in considerable attention in supporting circular migrants in finding new employment or starting an own enterprise in their home country.

The circular migration pilot, “Blue Birds”, was intended to start on the 1st of December 2009, according to the political framework described in “Kamerbrief 20 november 2009”¹. Nevertheless the official start of the Blue Birds pilot was on the 1st of

¹ *Kamerstukken II, 2009/10, 30573, nr. 52, pp. 1-3.*

March 2010. The Ministries of Foreign Affairs (BZ), Social Affairs (SZW) and Justice (BZK) took up seats in the steering committee.

Ultimately project goals were not reached according to project planning due to several complications in implementation. After 15 months² only eight migrants were working in the Netherlands, a much smaller number than the planned 160 migrants. Furthermore, there was a loss of confidence that the implementing party would deliver leading to a lack of trust. Moreover, the political context shifted. After consultation with the pilot’s governmental steering committee and the HIT Foundation, the decision to stop the pilot was made. The implementation of the circular migration pilot was stopped on the 1st of September 2011.

2. History of (Circular) Migration within the Netherlands

The history of migration in the Netherlands dates back to the middle ages. Temporary and circular migration have been part of Dutch history ever since. According to Lucassen and Penninx (1997), “between 1590 and 1800 the estimated foreign-born population in the Netherlands was never less than five per cent” (in Ersanilli, 2007). Since the late 1800s up to several years after WWII, the Netherlands had larger outflows of migrants than inflows (Ersanilli, 2007); this changed however after WWII. The Netherlands became an immigration country, mainly dominated by inhabitants of former colonies and ‘guest workers’. The first large immigrant inflows started in the 1950s. Characterised by arrivals of Indonesian ‘repatriates’ in 1951 who did not want to opt for Indonesian citizenship after sovereignty for Indonesia was declared by Soekarno (Rath, 2009; WODC, 2009). This group further included Moluccans who served in the Royal Dutch East Army and were not willing to integrate in the Indonesian Army.

The other dominate immigrant group was guest workers from Southern Europe as response to labour shortage during the sixties. Between 1960s and 1970s bilateral recruitment agreements were concluded between the Dutch government and Greece, Italy, Morocco, Portugal, Tunisia, Turkey and Yugoslavia. A legal framework for migration was provided, nevertheless “Mediterranean workers were regarded as temporary labour, who could be used as a buffer against economic fluctuations” (Castles, 1986:765). In the 1960s, the Alien Act was renewed and visas were necessary to enter the Netherlands. In 1969 third country nationals had to obtain “authorisation for temporary stay”³. During this period, circulation between migrant sending and migrant receiving countries was a common pattern which changed only after the oil crisis in 1973. Economic stagnation as a result of the crisis caused a rise in unemployment and lower demand for low and unskilled labour. New labour migrants were not welcome and borders were closed for temporary workers. In 1979 a new act was enforced: the Employment Act Foreign Employees⁴ to make entrance more restrictive for country

² Of which HIT was not operational for five months because of a hold on work permits (TWVs).

³ Machtiging tot voorlopig verblijf (MVV).

⁴ Wet arbeid buitenlandse werknemers (Wabw).

nationals of non EEG countries⁵; this act also introduced the ‘labour market test’⁶ (Bruquetas-Callejo et al., 2007). A large group of temporary migrants residing in the Netherlands ended up staying permanently since circularity was no longer possible.

Inflows from Suriname and the Dutch Antilles were mostly temporary and for educational purposes. However motives to migrate from Suriname to the Netherlands changed in the 1970s and large groups entered during 1975 and 1979-1980. Surinamese inhabitants, since they were Dutch citizens did not have to go through the normal immigration procedures (van Amersfoort, 2011). However during 1973, Prime Minister Joop den Uyl (leader of the Dutch labour party) wanted to grant independence to the Dutch colony Suriname. Discussion between both countries regarding nationality and migration led to two decisions. It was firstly agreed “ that people would keep the nationality of the country where they were settled in 1975 and could opt for the nationality of their country of birth if they had migrated and were not living in the country where they were born” (van Amersfoort 1987: 485 in van Amersfoort 2007). Secondly, Surinamese inhabitants were allowed to travel to the Netherlands without any restrictions within the Dutch migration legislation. These decisions, fuelled by insecurity about the stability and wealth of independent Suriname, and restricted access to the Netherlands after 1980 are often used to explain the large peaks of immigration from Suriname during 1975 and 1979-1980.

As for the Surinamese, immigration motives also changed for citizens of the Dutch Antilles and were more economically focussed. The islands economic situation became precarious during the 1990s and movements towards the Netherlands were not dominated by study purposes only, but characterised by less-qualified Antillean migrants (Ersanilli, 2007). The political context regarding migration changed after the crisis in 1973 and restrictions regarding temporary or circular migration were embedded in Dutch law.

Although temporary migrants schemes were ended, increase in welfare and economic growth lead to labour shortages and demand for foreign temporary labour. Despite reluctant views on temporary migration and immigrant flows, actions were taken to manage temporary labour migration. In the late 1980s, management of temporary labour migration was done through the so called ‘covenant’, which were tripartite agreements between the Dutch Employment Organisation, unions and employers that “permitted workers in particular economic sectors to be temporarily admitted to the country, while anticipating the availability of newly trained, qualified Dutch workers” (Bruquetas-Callejo et al., 2007). Despite the tripartite agreements, admissions policies were often not flexible and the right of residence granted only temporarily and conditionally (de Lange, 2004).

The character of immigrant flows during the 1970s and 1980s changed but continued mainly due to family reunification. Despite the fact that family reunification was mainly completed at the end of the 1980s, inflows continued during the 1990’s. This inflow was mainly due to second generation migrants marrying partners from their

⁵ Belgium, Germany, Ireland, Denmark, United Kingdom, France, Italy, Luxembourg and the Netherlands.

⁶ Arbeidsmarkttoets.

parent’s home country and bringing these partners to the Netherlands. In 1993, first initiatives were taken by the Dutch government to narrow criteria⁷ for family reunification. Regulations regarding family reunification were further tightened in 2001⁸ and in 2004 the criteria regarding income level was increased to 120 per cent of minimum wage level. Furthermore, an individual wanting to apply for family reunification needed to be 21 years old from 2004 on instead of 18 years (WODC, 2009).

The 1980s was not only characterised by family reunification but also by asylum migration. Inflows of asylum seekers increased drastically from the 1980s on and the origin countries of asylum seekers became more diverse (WODC, 2011). In the early 1990s the first measures were taken to reduce the number of asylum requests and the return of asylum seekers became an important aspect of political debate. In 1994 the Conditional Residence Permit⁹ was introduced and further measures to restrict access to asylum proceedings were introduced (Bruquetas-Callejo et al., 2007). The Alien Act 2000 introduced new measurements were asylum procedures were shortened. Most significant changes included that an asylum seeker could only obtain a single temporary status and in the case of rejection, the asylum seeker had to leave the Netherlands within a fixed period of time. In 2010, the asylum procedure changed once again in order make the asylum process run more smoothly.¹⁰

During the 1990s unemployment was on the rise in the Netherlands as well as further emphasis on restrictive entrance for labour migrants. In this regard, a new law was introduced in 1995, the Employment Alien Act¹¹ which led from the Employment Act Foreign Employees of 1979 where the key component was that work permits are based on “priority based offer” (Bruquetas-Callejo et al., 2007). Effectively, this means that third country nationals can only be hired if there is no Dutch or European that can do the job.¹²

During the 2000s, the Dutch government started focussing on knowledge migrants and in 2004 the “knowledge migrant scheme”¹³ was introduced under the renewed Alien Act 2000. Since 2004, highly skilled migrants can enter under a fast track entrance procedure. Besides more openness to highly skilled migrant workers, student migration increased drastically during the 2000s. Moreover in 2004, 10 new member states became part of the European Union and the Netherlands feared large labour immigration flows from some of these countries. Therefore, based upon the transition

⁷ In 1993 an income of 70 per cent of the social minimum for couples was obligatory before family reunification could take place (WODC, 2009). Furthermore a partner had to stay at least three years in the Netherlands before family reunification could be requested (WODC, 2009).

⁸ Income level was set at 100 per cent of the minimum income level.

⁹ These measurements included procedures to execute quickly and efficiently asylum application such as ‘manifestly unfounded applications’ (Bruquetas-Callejo et al., 2007).

¹⁰ Source: Government of the Netherlands (2010). New Asylum Procedure in Force on 1 July. Press release: 18-05-2010. Reviewed the 17th of February 2012 from: <http://www.government.nl/documents-and-publications/press-releases/2010/05/18/new-asylum-procedure-in-force-on-1-july.html>

¹¹ Wet arbeid Vreemdelingen (WaV).

¹² Prioriteit genietend aanbod.

¹³ Kennis migranten regeling.

phase regarding free movement of people, residents of the “MOE countries”¹⁴ had to obtain a work permit until May 2007 (WODC, 2011). Bulgaria and Romania, since their accession in January 2007, still require a work permit in the Netherlands.

Despite the focus on highly skilled migrants since the 2000s, shortages of low skilled workers became evident, especially in the agriculture and horticulture sectors. Between 2000 and 2005, the inflow of temporary labour migrants from Eastern Europe tripled, mostly active in the horticulture sector or workers at international employment agencies. In order to manage shortages in the horticultural sector, a project ‘seasonal labour’¹⁵ was implemented during 2002 up to 2007 by the ‘Dutch Agri and Horticultural organisation’¹⁶ in cooperation with the ‘Centre for Work and Income’¹⁷ (WODC, 2011). In 2005 104,000 jobs were filled by Eastern European workers (Corpeleijn, 2007a), although these numbers do not indicate the actual number of foreign temporary workers. In 2004 labour contracts were shorter than three months and a large number of temporary labour migrants took up multiple jobs (Corpeleijn, 2007b). During 2008, the Netherlands had relatively low unemployment figures and labour shortages in several sectors and demand for foreign temporary workers rose. The financial crisis had a large impact on the Dutch labour market in 2009 and drastically decreased demand for labour. Temporary labour migration, especially from countries in Eastern Europe declined.

In 2004 a policy note on migration and development was presented to Parliament and gave an outline of the relationship between migration and development. In 2008, a second note followed which focussed on six priority areas regarding migration and development: (1. Focusing more on migration in the development dialogue and on development in the migration dialogue, 2. Fostering institutional development in migration management, 3. Promoting circular migration/brain gain, 4. Strengthening the involvement of migrant organizations, 5. Strengthening the link between remittances and development, 6. Encouraging sustainable return and reintegration).

In line with the Migration and Development policy note, several temporary return (or circular migration from the Netherlands) projects were started. In this case circular migration took on a different character. The starting point for the circularity was from the Netherlands. Several schemes were put in place to help foster development in origin countries by encouraging highly skilled foreigners from developing countries to return to their countries of origin for short periods of time to help foster development through knowledge transfer. One such project (Migration for Development in Africa (MIDA) Ghana Health) was started in 2008 to enhance development and brain gain. The project enabled Ghanaians residing and working in healthcare in the Netherlands or other EU countries to return temporary to Ghana in order to transfer their knowledge and skills to the Ghanaian healthcare sector.

¹⁴ Middle and Eastern European Countries (Midden en Oost Europa).

¹⁵ Seizoensarbeid.

¹⁶ Land- en Tuinbouw Organisatie Nederland.

¹⁷ Centrum voor Werk en Inkomen (CWI).

Furthermore Ghanaians can stay temporary in the Netherlands to follow training programmes.¹⁸ This form of circular migration is used as a tool to strengthen the positive contribution of migrants and migration to development (EMN, 2010a). Other similar programs were financed by the Dutch government such as the IOM Temporary Return of Qualified National (TRQN) program, which existed in some form in many countries where the Dutch governed puts priority. Other smaller projects along the same lines were encouraged (i.e. Stichting Dir in Ethiopia.)

Latest developments took place in January 2010 when the “Modern Migration policy act”¹⁹ was accepted in parliament. Once implemented by IND this act will ease and fasten procedures for Aliens (especially high skilled migrants) willing to come to the Netherlands. Under this act more retrospective evidence verification is in place with more specific focus on sponsors. This act is expected to be legally enforced during 2012 and decrease fraud and create social coherence.

Some other circular migration initiatives have been implemented in the Netherlands previously, although these were mainly small scale and private initiatives. For instance, in 2000 a pilot project was started by 5 institutions for elderly care with the core goal to recruit polish health workers in order to transfer to large recruitment in the future (with regard to Poland as an EU Member State). The main goal was to contribute to the Dutch Health Sector and to improve the skills of Polish health workers. In 2002 and 2003, 67 and 72 workers respectively came through the program.²⁰

3. International Comparison of Circular Migration Programs

Temporary and circular migration is a worldwide phenomenon. Many countries used temporary and circular migration schemes as a tool to meet labour market needs and shortages. The Netherlands has been reluctant regarding temporary and circular migration since the 1970s. Currently labour market needs can largely be filled with workers from the Netherlands and EU countries. It can be argued that with an ageing population and forecasted labour market shortages in specific sectors, experiments on circular and temporary migration could outline lessons and possible actions for the future. Examples and lessons can be learned from other countries.

As is the case in the Netherlands, circular migration has become more restricted and controlled over the years worldwide. Likewise, in many other western countries natural circular migration had been disrupted and de facto circular migration imbedded. In order to control circular or temporary migration, various governments have experimented with or set up permanent ‘contemporary government-managed circular

¹⁸ Source: International Organization for Migration Reviewed the 17th of February 2012 from: http://www.iomnederland.nl/english/Programmes/Migration_Development/Projects_Migration_Development/MIDA_Ghana_Health_III_Project

¹⁹ Modern Migratiebeleid (MOMI).

²⁰ See European Migration Network [EMN] (2006). Migratiemanagement en de arbeidsmarkt - De gezondheidszorg Nederland. Small Scale Study II. Den Haag: Ministerie van Justitie – Immigratie en Naturalisatie Dienst, Annex 4 page 44 provides an overview of (private) initiatives

migration programs’ (Newland, 2009). Below, we highlight some existing programs around the world. This list is not meant to be exhaustive.

Canada

The Seasonal Agricultural Workers Program (SWAP) allows migrant workers from Mexico and selected Caribbean countries²¹ to work temporarily in the agricultural sector. The first temporary workers came in under SWAP in 1966. SWAP is currently managed by Human Resource and Skills Development Canada (HRSDC). Employers willing to participate and hire temporary migrants have to submit official requests which need to be approved by HRSDC. After approval, explicit vacancies are sent out to recruiters in sending countries to make matches. An employer must offer a minimum of 240 hours of work within a period of six weeks or less, for a maximum duration of eight months.²² An employer has to pay for round-trip airfare and the worker’s immigration visa cost-recovery fee. Furthermore, free seasonal housing²³ must be provided and approved by the appropriate provincial/municipal body or private inspection service.²⁴ Both employers and foreign workers have to sign a contract which outlines their rights, obligations and duration of employment (Basok, 2007). As outlined a foreign worker cannot stay longer than eight months. A specific employment contract between employer and foreign worker is signed in addition. This contract includes aspects such as wages, duties, transport, accommodation, health and related factors. A migrant worker under the SAWP scheme must earn minimum wage as stipulated in the provincial legislation and should earn the same rate as a Canadian worker performing in the same occupation.

Workers performance is evaluated by the employer and when a foreign worker receives approval his name will be added to a list that allows return under the same scheme, often to the same employer. Practically, return rates are very high as well as repeat participation of migrants and employers (Newland et al., 2008). SAWP is often beneficial for both employers and foreign workers. Temporary migrants obtain good work conditions and fair payment. Furthermore, risks involved in irregular migration are avoided. Employers can fill labour shortages while hiring well-functioning workers. Time and money regarding training of new workers can be saved since well performing foreign workers can return the next year.

²¹ Workers can be hired from: Anguilla, Antigua and Barbuda, Barbados, Dominica, Grenada, Jamaica, Montserrat, St. Kitts-Nevis, St. Lucia, St. Vincent, and Trinidad and Tobago.

²² Source: Human Resource and Skills Development Canada (HRSDC). Reviewed the 17th of February 2012 from: http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/sawp.shtml

²³ Exceptions are in place for British Columbia.

²⁴ Source: Human Resource and Skills Development Canada (HRSDC). Reviewed the 17th of February 2012 from: http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/sawp.shtml

Spain

Unlike in Canada, Spain does not have special temporary worker programs but a general framework within the Organic Law 4/2000 to make issuance of residence and work permits easier for seasonal workers (EMN, 2010b). Within the ‘Contigente’ law, regulations are outlined under what conditions seasonal workers can enter Spain. If seasonal positions cannot be fulfilled by workers in Spain, the Contigente eases procedures for employers to hire foreign workers. Every year the Contigente can be approved by the Spanish government. Each year, a specific number is estimated outlining how many third country nationals are allowed to work temporarily in Spain that year. Third country nationals entering under conditions of the Contigente are often inhabitants of countries which have signed bilateral agreements with Spain in order to manage migration flows. A foreign worker is not allowed to stay longer than 9 months in a period of 12 months and seasonal workers have to sign commitment that they will return home after the season ends. Within this period a foreign workers is allowed to switch employers. If the foreign worker returns after the season ends (or 9 months) he can be hired the next year without going through the selection process. Furthermore, after four years migrants obtain easier access to permanent work authorization (Newland et al., 2008). Employers have to provide adequate housing, pay and organise travel.

Actual numbers on how many aliens are allowed to enter under the Contigente differs per year. Sectors in which foreign workers are active are often; agriculture, hotel, services, commerce, trade and more recently technical areas.

Next to a system which incorporates with shortages and market fluctuations, Spain also concentrates on development in origin countries. These program are mostly managed through programs at provincial level such as the Unió de Pagos program and organisations like the Fundació Agricultors Solidaris. These programs often concentrate on development of home communities by providing training or helping to improve agriculture back home. Furthermore, help is provided on setting up small business, agricultural enterprises or civil society organizations after foreign workers return to their home country (Newland et al., 2008).

Mauritius

Mauritius is promoting circular migration and making an effort to create opportunities for nationals to work abroad so experience and money can be obtained. By creating opportunities in countries like Canada and France through special circular migration programmes, unskilled and middle skilled workers can improve their existing skills and implement these after return in Mauritius. A ‘triple win’ situation in which Mauritius obtains remittances and human capital flows while the migrant has employment and gains experience and the host country gains labour is promoted. The receiving countries can fill shortages on their labour market and better regulate illegal inflows of migrants.

In 2008 a tripartite agreement between the Government of Mauritius, the International Organization for Migration (IOM) and selected Canadian employers was signed. The tripartite agreement outlines terms of collaboration between the IOM, the

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Government of Mauritius²⁵ and Canadian employers and other stakeholders which are involved in the selection, preparation and mobilization of workers from Mauritius.²⁶ Five labour migration programmes were established by the Mauritanian government and the IOM in cooperation with Canadian employers. Over 300 nationals left to Canada mostly working in the cleaning, agro industry and food processing business.

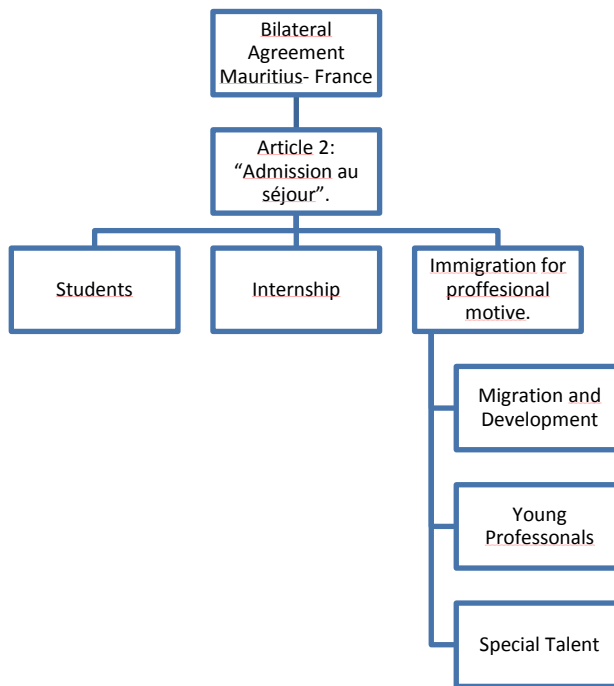
In order to successfully manage circular migration flows between Mauritius and France a bilateral agreement was signed in 2008 and ratified in 2010. This agreement allows Mauritian nationals to work in France for a fixed period while gaining experience and money which can be implemented in their home country in forms of small and medium enterprises. Individuals actively involved in economic relations, commerce, professionals, university students, scientists, cultural and sport activities etc. can obtain a multiple entry visa²⁷ (Nayeck, 2009). Furthermore the agreement involves a section on migration and development which provides a list of more than 60 occupations in which approximately 500 Mauritians are allowed to work for the same salary as French nationals. A visa for 15 months can be obtained and renewed with another 15 months. Another section of the agreement between France and Mauritius is focussing on young professionals aged between 18 and 35 years old. Approximately 200 workers are allowed to enter under this section and work in wide range of categories to obtain experience. Young professionals can obtain a visa for 12 months which can be extended once more with six months and the salary is on the same level as France nationals. Around 150 Mauritian nationals who have excelled in the field of sports, science, intellectual and cultural fields are able to put their competencies at the disposal of France and indirectly Mauritius (Nayeck, 2009). They are allowed to enter under the scheme. These individuals have the possibility to obtain a three visa which can be renewed for another three years. Reintegration assistance is offered to returnees.

²⁵ “The National Empowerment Foundation has been entrusted the responsibilities and act as the implementing agency for the project”. Source: Global forum on migration and development; <http://www.gfmd.org/en/pfp/133-mauritius-circular-migration-case.html>

²⁶ Source: Global forum on migration and development; <http://www.gfmd.org/en/pfp/133-mauritius-circular-migration-case.html>

²⁷ Validity of visa: It is for a period not exceeding 3 months per semester for a duration of one to five years (Nayeck, 2009).

Figure 1: Bilateral Agreement Mauritius- France criteria.



Germany²⁸

Recently (2011) a circular migration pilot project started in Germany. This pilot project enables small and medium sized enterprises to recruit foreign workers while endeavouring to create a triple win situation for the migrants, home country and enterprises. Within the ‘Triple Win Migration’ project, models for the recruitment of skilled migrants are developed and tested while reducing risks. Specific focus on recruitment of skilled migrants is in the nursing sector (in Albania and Bosnia) and in the MINT professions (IT, natural science and technology) in Indonesia and Vietnam. Vacancies are advertised in the countries by the project organisation and suitable applicants are recruited in cooperation with the International Placement Service of the Federal Employment Agency and through the local networks of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH in the pilot countries. Matchmaking is done in accordance with the requirements of German employees. Besides the formal requirements, applicants are also assessed on language skills and further relevant qualifications. Suitable candidates are prepared upon arrival regarding professional, linguistic and intercultural aspects of their stay in Germany. During their stay continued support is provided including return and reintegration support after circular migrants return to the sending country.

²⁸ Information on the “Triple Win Migration” project in this section is based on correspondence with GIZ.

4. Approach and Methodology

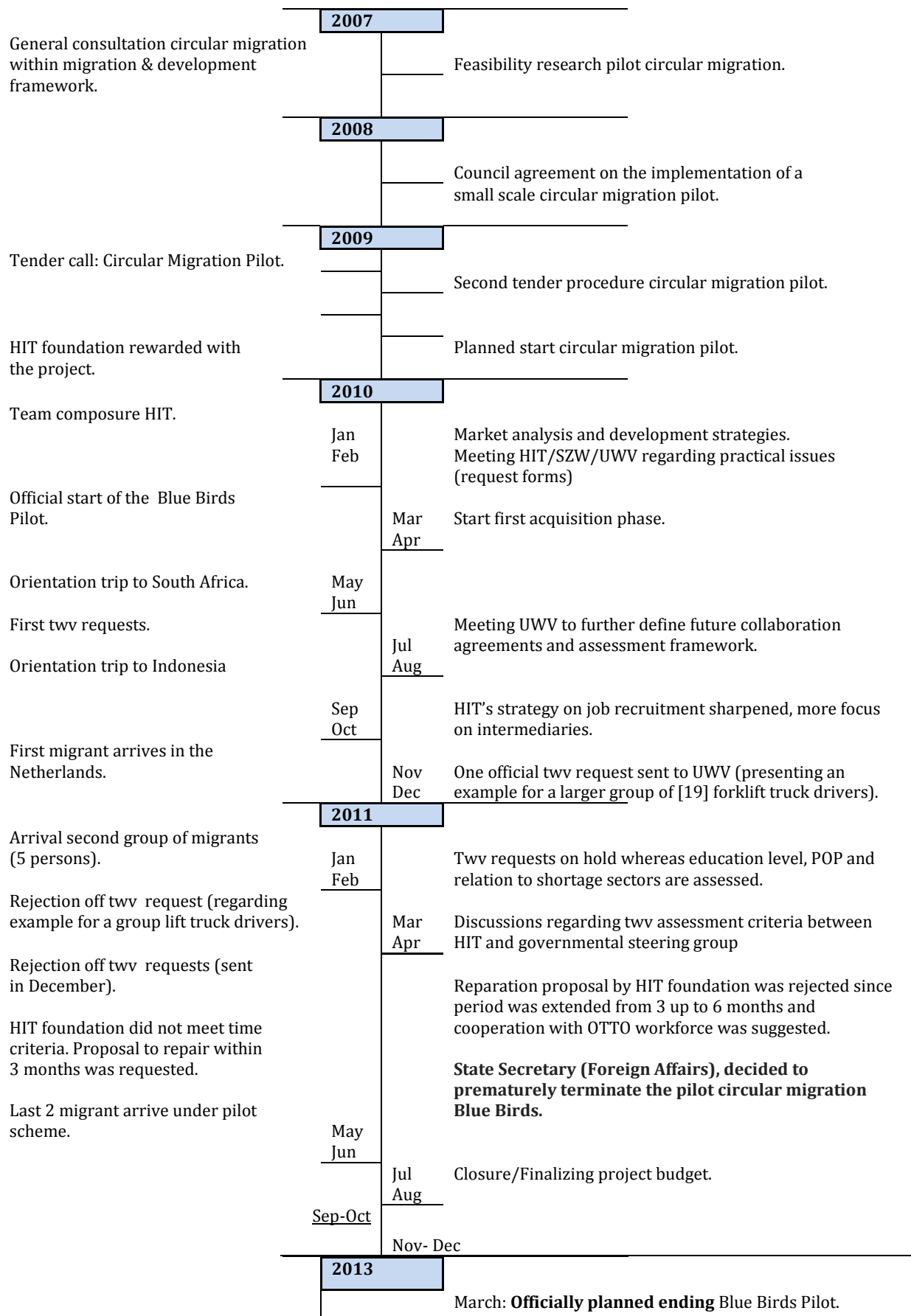
For this assessment, a thorough review of literature, government documents and project documentation was done as well as interviews with 50 key stakeholders during a 2 month period (December-February 2012). Interviews with representatives from other countries (i.e GIZ in Germany) were conducted when necessary to understand key learnings from their circular/temporary migration projects. Table 1 lists all stakeholders interviewed for this assessment. A mix of people from different sides of the project were interviewed to ensure triangulation and to understand the needs and perspectives from all sides. Interviews were conducted with several members of the HIT Foundation that implemented the project. Interviews were also done with members of the governmental steering committee including each of the relevant ministries and the pilot project advisory board members. Interviews were also conducted with recruiters, companies and migrants involved in the project.

5. Challenges in the Pilot

In this section we examine the specific challenges faced at different stages in the project process. We look specifically at the set up and implementation of the project. Within the initial set up we cover: 1) the first debates about circular migration in Parliament, 2) the different perspectives of multiple government stakeholders, 3) the choice for the implementing organization, 4) changes made to existing law and 5) the decision for the ‘middle-skill’ level. In the implementation phase, we include analysis of: 1) different steering groups/advisory boards, 2) time frame concerns, 3) preparedness for countries chosen, 4) employers, jobs and acquisition, 5) understanding of the selection criteria or assessment framework, 6) the role of the Personal Development Plan, 7) goals of the project and 8) the political environment. Figure 2 illustrates the main milestones in the pilot project set up and implementation

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Figure 2: Timeline.



5.1 Initial set up of project

In this section we examine the initial set up of the project and the challenges that were involved from the initial set up.

5.1.1 First debates about at circular migration pilot in the House of Representative (Tweede Kamer)

In the Spring of 2007, during “AO Migratie en Ontwikkeling” (the General Consultation Migration and Development), Minister Koenders and State Secretary Albayrak pushed The House of Representatives (Tweede Kamer) to conduct research regarding the feasibility of a circular migration pilot. Based on this feasibility study, the council reached agreement on the implementation of a small scale circular migration pilot on the 4th of July 2008.²⁹ The Minister of Social Affairs and Labour³⁰ was not in favour of a circular migration pilot but agreed upon implementation of one small scale project due to the fact that the majority was in favour of the pilot.

In March 2009 a motion was requested (“Motie de Krom”) by Mr. de Krom (VVD) to appeal the cancelation of the two pilots of 100 circular migrants each. The main argument for the cancelation of the project was that it was not feasible, claiming that there was no need in the employment market since unemployment was rising. “Motie de Krom” was supported by PVV and Trots op Nederland, but was not accepted.

After a second tender procedure, the pilot circular migration officially started on the 1st of December 2009. Representatives of the Ministry of Foreign Affairs, Justice and Social Affairs and Labour took up seats in the steering committee. It was already clear ***from the beginning that not all parties (Ministries) were fully in favour of the project*** and had different goals and objectives in the steering committee seats.

5.1.2 Multiple Government stakeholders

Any project dealing with ***multiple government stakeholders is challenging***. In this specific case, it was clear from the start (and became clearer over time) that each of the Government Stake holders had ***different views and objectives*** with regard to the pilot project. The Ministry of Foreign Affairs approached the project from a development perspective and was the main funder. The Ministry of Social Affairs and Labor was involved because the project dealt with labor issues and they were in charge of safeguarding the Dutch labor market (and issuing work permits) and the Ministry of Justice was involved because immigration fell under their competency (immigrants would need residence permits) and they wanted to test whether migrants would return.

²⁹ Source: <http://www.rijksoverheid.nl/regering/hetkabinet/ministerraad/persberichten/2008/07/04/migranten-betrekken-bij-armoedebestrijding-in-ontwikkelingslanden.html>

³⁰ Minister Donner

The goal of the circular migration pilot included several aspects. Firstly the pilot should provide clarity with regard to the risks of circular migration. Furthermore, the pilot should explore if circular migration is possible and (if so) under what conditions in the Netherlands. It was also aimed as a tool to discover if circular migration could be used as a tool for development cooperation. Thirdly, the pilot was to test whether or not circular migration could be used as a tool for development cooperation. The pilot should provide evidence with regard to the impact of circular migration on development. A final aspect included the question if circular migration would lead to ‘triple win’ scenario for migrants, sending countries and the receiving country (in this case the Netherlands). These goals translated into anticipating that migrants could develop on a personal and professional level, countries of origin could benefit from remittances and brain gain and the Netherlands could fill temporary labour shortages.

The actual composition of the pilot framework and terms of reference involved different government stakeholders with *differing interests and aims*. The Ministry of Foreign Affairs (BuZa) had its main interest in the development impacts of circular migration. It further focused attention on whether there could be a ‘triple win’ scenario where migrants, sending and receiving countries could benefit from circular migration.

The Ministry of Justice (now the Ministry of Interior Affairs) was mainly focussing on aspects related to actual return and illegality. Their main concern was that migrants would return voluntarily after the pilot period and not overstay visas or fall into illegality. There was interest as to whether the pilot could deliver examples for other types of migration. Apart from these aspects their overall perspective was neutral and open for possible outcomes.

The Ministry of Social Affairs and Labour was reserved about the pilot initiative. From their perspective it was not necessary to set up a pilot from which lessons for future labour migration policies could be learned. Their main argument was that experimenting with labour migration outside the EEA region was not of relevance. Furthermore Minister Donner was reluctant regarding a circular migration pilot but agreed in the Board of Ministers to start one small scale migration pilot. In 2009, state secretary of Social Affairs and Labour took initiative to file a motion³¹ requesting not to start a circular migration pilot. This motion was not accepted, and a circular migration pilot was ensured for the near future. The Ministry of Social Affairs and Labour was still reluctant but accepted to create an additional paragraph in the Labour Alien Act with specific privileges for migrants entering under the pilot scheme.

All participating ministries had different perceptions and goals for a circular migration pilot. This influenced the initial pilot set up and Terms of Reference for the pilot project. These different aims and perspectives translated into sometimes competing goals (see 5.2.8) within the final framework.

³¹ Motion by State Secretary de Krom. Source: http://www.europaanu.nl/id/vi3udoz19hy8/motie_om_de_pilot_waarbij_migranten_uit#p2

5.1.3 Implementing organization choice

Three parties tendered for the second call for proposals to implement the circular migration pilot. One party was excluded from assessment since it did not fulfil general (knock out) criteria. The HIT foundation and the International Organisation for Migration (IOM) were left as potential parties to execute a circular migration pilot. Points were awarded to different aspects within the TOR including; i) choice of countries and sectors, ii) project organisation and composition of cooperation, iii) outline of circular migrant profile, iv) recruitment, employment and training of migrants, v) employers, vi) return and guidance, and vii) general aspects. These aspects weighed 60 per cent and the budget proposal 40 per cent.

An important argument for choosing the HIT Foundation included the fact that their proposal outlined that a relatively large amount of the budget will directly be used for the preparation of employment and re-integration of the circular migrant. The HIT Foundation also intensely concentrated on the return of circular migrants and put in more effort in supporting circular migrants on finding new employment or start an own enterprise in their home country. The focus of the HIT Foundation on shortage sectors was another important reason for their successful tender bid. Though HIT was chosen under a fair assessment scheme, *doubts were in place* before the actual pilot had started *regarding future performance* by several stakeholders, arguing that the HIT was a *small organisation with little experience in the field* of circular migration. Furthermore HIT's contacts were mainly focussed in the southern part of the Netherlands, especially the Limburg area. The HIT foundation was seen as a very enthusiastic and motivated party. IOM was perceived from some the stakeholders' perspective as a more bureaucratic party with much experience in the field of migration and on working with government bodies. Their tender proposal also suggested cooperation between IOM and Price Waterhouse Coopers in order to find suitable employers and some stakeholders had more confidence in this strategy. IOM had a long-standing relationship with different ministries through the collaboration in diverse projects and it was seen partly as time to give another organization a chance. The Ministry of Foreign Affairs partly wanted to see if they could work with another organization on such projects. On the other hand, there was some fear that HIT was Frans Bastiaens and that without Frans, the project would be in trouble.

5.1.4 Change to Law (different interpretations)

In principle, the European Union (EU) and the European Economic Area (EEA) allow free movement³² of residents between member states, except from Bulgarian and Romanian citizens whom still require a work permit. Legislation regarding employment and residence of third country nationals is outlined in Alien act 2000³³ and the Alien Employment Act³⁴. Regulations in these laws are often interrelated and outline under what conditions third country nationals are allowed to work and reside in the Netherlands.

³² Meaning that these individuals have the right to work and reside in any member state.

³³ Vreemdelingenwet 2000 (Vw2000).

³⁴ Wet arbeid Vreemdelingen (WaV).

Within Alien Circulaire 2000 (B)³⁵, which is part of the Alien Act 2000, an additional paragraph was supplemented to article B4. This addition outlines specific legislation regarding the circular migration pilot. Besides the fact that a circular migrant must fulfil requirements from the Alien Act 2000 paragraph 16 and Alien Circulaire 2000(B), B5 states that a residence permit³⁶ is only for temporary stay and will not extend longer than a period of two years. The temporary residence permit is provided under the condition that the alien has obtained a work permit and is only valid during the employment period with one particular employer.³⁷ It further outlines that criteria in the Employment Alien Act, Article 1, lid 1 part a and b do not have to be fulfilled if a circular migrant under the pilot scheme has an official document stating what his/her activities will be at work, plus a document stating the knowledge and experience he or she will obtain. The circular migrant also needs to have followed enough craft related basic education.³⁸ The alien is not allowed to be engaged in other employment. In case an employment contract is prematurely ended, the alien must leave the Netherlands.³⁹ After the employment period the temporary resident permit cannot be prolonged. Family reunification is not permitted within the framework of the circular migration pilot.

Furthermore, regulations regarding the issuance of work permits are in place in the Netherlands. Generally an employer of a third country national needs to request a work permit for the employee, “tewerkstellingsvergunning” (twv). Some groups, like knowledge migrants, are excluded and do not need a twv. In order to obtain a twv, the labour market assessment (brede arbeidsmarkttoets) is an important criterion. Employers must provide proof that there are no qualified personnel available on the Dutch or EU/EEA labour market able to fill the vacancy. Besides general regulations and policies for labour migrants these laws also include arrangements for specific categories like trainees, au-pairs, scientists and guest lecturers.

For the circular migration pilot adjustments were also made to the implementation rules of the Employment Alien Act which are outlined in the ‘Delegation and Execution decree Labour Alien Act’⁴⁰, stating that *criteria* in the Employment Alien Act, Article 8, lid 1 part a and b **do not have to be fulfilled when a circular migrant entering under the pilot scheme has enough craft related basic education**⁴¹ and will be employed for a maximum of two years at one enterprise or organisation. The activities regarding employment activities, the expected knowledge and experience this person will obtain must be outlined in written form. It was further outlined that activities of an employee needed to be defined on paper and discussed during assessment of the official twv request. Besides these regulations, the former Minister of

³⁵ Vreemdelingen Circulaire 2000(B).

³⁶ Verblijfsvergunning.

³⁷ ‘Arbeid in loondienst’ is main criteria.

³⁸ Vakgerichte basisopleiding.

³⁹ An alian does not have to leave when within the pilot framework a new employer is found.

⁴⁰ Delegatie- en Uitvoeringsbesluit Wet arbeid vreemdelingen.

⁴¹ Voldoende vakgerichte basisopleiding.

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Social Affairs and Labour⁴² further highlighted the following aspects in the July 2009 “Staatscourant”⁴³:

- i) It is not allowed to do other work than that for which agreements were made on paper and handed in to request work permits.
- ii) Employers have to arrange payment, housing and health insurance.
- iii) Family reunification of participants in the pilot is not allowed and will be defined in Alien Circulaire 2000(B).
- iv) Participants can only stay for maximum of two years.
- v) The Employment Market Test ⁴⁴ (brede arbeidsmarkttoets) is not in place for migrants under the pilot scheme.

At the start of the actual implementation of the circular migration pilot, meetings between the HIT foundation and the UWV were in place to define cooperation. Both parties agreed that drafts of twv requests could be sent before an official request was made. That way UWV could provide comments which could be amended by the HIT foundation to smoothen procedures. Nevertheless, throughout the implementation procedure discussions on the initial assessment framework for twv requests appeared, specifically on the POP. Both parties had different interpretations of this assessment framework especially regarding aspects such as education level, shortage sectors and the personal development plan (POP).

The official twv request form for circular migrants under the pilot scheme required general information such as; personal information, (future) living address in the Netherlands, iii) visa/mvv⁴⁵ status, iv) information about the employer, v) information about the actual workplace, vi) signed concept employment contract, vii) explanation that salary is in line with labour standards, and viii) official proof of passports, diploma’s etc. Furthermore the official form assessed that diploma’s and work experience must be in line with his new job function, and proof must be provided that the candidate had at least completed one craft related basis education program⁴⁶. A POP needed to be attached whilst outlining the relation of job activities, the alien and project goals. The POP needed to be signed by the alien and the HIT foundation while the POP should state that the activities within the job function were contributing to the project goal⁴⁷.

Former Minister of Development Cooperation⁴⁸ wrote a letter to parliament on the 20th of November 2009⁴⁹. The letter briefly explained the tender procedure, tender

⁴² Minister Donner.

⁴³ Staatscourant Nr. 10982, 22nd of July 2009.

⁴⁴ Brede Arbeidsmarkttoets.

⁴⁵ Machtiging tot voorlopig verblijf.

⁴⁶ Aanvraagformulier tewerkstellingsvergunning circulaire migratie, paragraaf 6 page 5: *“De diploma’s en werkervaring van de kandidaat sluiten als volgt aan bij de functie, waarbij de kandidaat aantoonbaar ten minste een vakgerichte basisopleiding heeft”.*

⁴⁷ Aanvraagformulier tewerkstellingsvergunning circulaire migratie, paragraaf 6 page 5: *“In het persoonlijk ontwikkelingsplan, opgesteld en ondertekend door de vreemdeling en HIT foundation, is vastgelegd dat het uitvoeren van de functie op de volgende wijze bijdraagt aan de project doelstelling”.*

⁴⁸ Minister Koenders.

awarding, evaluation and monitoring, and gave a short outline on the content of the pilot. The letter to Parliament was based on the winning project proposal of the HIT Foundation. The short outline of the content of the pilot in this letter to parliament includes:

- i) Migrants will work in regular employment in professions for which currently a shortage exists on the Dutch market (shortage jobs).
- ii) Analysis done by ‘UWV Werkbedrijf’ and meetings with employers and international employment agencies indicates that shortages for professions are found in: metal (shipping and machine building), food industry, agribusiness and logistics.
- iii) Regarding the volatility of the current labour market, a new analysis on shortage sectors should be done within the starting phase of the pilot.

Discussion on the specific assessment framework started late in 2010 since the HIT Foundation did not want to stick to shortage sectors any longer (i.e. introducing two requests for forklift truck drivers which were not considered a shortage area by UWV) and the UWV was still strictly implementing all of the criteria, including shortage sectors. Interpretation of official regulations and the two request form were interpreted differently.

In line with regulations in the Alien act 2000 and Alien Circulaire 2000 (B), eight temporary residents permits were given out to circular migrants within the pilot by IND⁵⁰. In the start-up phase IND and the HIT foundation were in contact⁵¹ and conditions under which a circular migrant within the pilot scheme could obtain a residence permit were explained. Furthermore, agreements on how to work efficiently were concluded. These agreements continued for the duration of the pilot period. During the pilot period, short communication lines between IND and the HIT foundation were in place. Communication was clear and actions were taken fast when needed. In order to work in a fast and efficient manner, the HIT foundation was allowed to dispense official request to the responsible person by e-mail.

5.1.5 Decision for “middle skills”

Misunderstanding seemed to be in place *regarding the actual definition of middle skilled* education level. The terms of reference of the tender document outlined the criteria that lower and middle skilled craft based education was obliged. Along the process and before the start of the actual pilot the Employment Alien Act was composed. In this act it was stated that craft related basic education was needed to obtain a work permit.

Throughout the implementation period of the pilot **different interpretations** on craft related basic education also referred to as middle skilled education by different parties was in place. Whereas middle skilled was often associated with MBO level, different stakeholders had different interpretations on this level.

⁴⁹ Tweede Kamer, Vergaderjaar 2009-2010, 30 573, nr. 52.

⁵⁰ IND is responsible for the assessment and issuance of the above stated temporary residence permits.

⁵¹ The UWV was also involved.

MBO level is a broad term and consists of four different levels. Meaning that an individual with an MBO-2 degree has a lower education than a person with an MBO-4 degree, but the general term MBO level is in place for both degrees. Furthermore, jobs were not always assessed in relation to an actual diploma but also based upon the fact that any individual without an MBO degree can fulfil this job, assuming that no degree was needed for this job. For example, a migrant working in the hospitality branch, one could argue this person does not need a degree whereas employers argue that at least a MTR⁵² or Horace MBO-3 degree is requested. Another example often brought up by stakeholders is a job as fitness instructor, arguing that you only need a certificate for this job whereas employers often request a CIOS⁵³ or sport related MBO-4 degree.

In this project, the term “middle skilled” was not defined and even when focussing on MBO level still a variety of interpretations were in place. There was also confusion with regard to whether the job needed an MBO certification or if the person had the certification in line with the Dutch classification system. The Netherlands has a specific educational system that is quite different from other countries often making it difficult to assess the comparability of certifications.

Lack of clarity about middle skilled level led to some stakeholders interpreting middle skilled within the broad line of MBO including all four levels, whereas other stakeholders did not see a relation between education and a specific jobs and therefore did not judge this specific job to be middle skilled. Furthermore some stakeholders even interpreted middle skilled as MBO+ or higher, meaning that bachelor level or higher was able to apply for a twv.

Practically, it seemed that the higher the skill level, the easier it was to bring in migrants under this scheme. Out of the eight migrants that came through the scheme, six had a bachelor’s degree or higher (intra corporate transferees mainly, which was not a target group of the pilot originally). This seems a little strange as the original target group for this scheme was not University graduates.

5.2 Implementation

5.2.1 Two different steering groups/advisory boards

During the pilot two steering groups also referred to as advisory boards were composed: one from the government side including representatives from the Ministry of Foreign Affairs, Justice and Social Affairs and Labour and the other steering group composed by the HIT foundation and was made up of politicians, academics and experts in the field of development, employment, justice and migration.

During the pilot scheme both *steering groups were operating separately* from each other. There were no meetings with both steering groups together⁵⁴ in spite of the

⁵² Middelbaar Toeristisch en Recreatief Onderwijs.

⁵³ Centraal Instituut Opleiding Sportleiders.

⁵⁴ HIT Foundation and their advisory board offered the ministerial steering group to be present at the advisory board meetings; nevertheless this offer was rejected by the ministerial steering group.

fact that both steering groups had an important advisory role towards the HIT foundation. It could have been much ***more useful to have complications, obstacles and challenges discussed with both groups at the same time***. Operating with one advisory board could have shed light on different aspects and brought in broader perspective on how to combine governmental and operating levels. Furthermore, aspects such as the process of implementation could have been brought in and analysed from different angles whilst tackling problems, taking direct action and advice on intensification of implementation operations. If it is not possible to have one board, it would be advisable to have members of the governmental advisory board sit in on the meetings of the steering group to ensure better understanding and communication.

5.2.2 Time frame concerns

The HIT foundation indicated upon the pilot start that one year for company/job acquisition, matchmaking and actual placement was a ***challenging deadline***. In order to make a more productive start, basic preparations were done during December, January and February off budget. During these preparations a project team was composed, analyses were done and strategies formulated. In March 2010 the pilot kick off was announced by the HIT foundation and acquisition started.

Pre-assessment and analysis of the labour market was done during one month. During the pre-assessment month new numbers from UWV were obtained and analyzed. This was brought in line with earlier analysis and strategies, including information from 'experts'. Based upon the results of this assessment, acquisition started and vacancies were identified. Acquisition was focussing on the following sectors; agribusiness, chemistry, engineering, finance, hospitality (including restaurants), industry, IT, logistics, technical, telecommunication and wellness. Furthermore they focused on branch organisations, employment agencies, detaching bureaus and enterprises who have business relations or departments in Indonesia or South Africa. In order to promote awareness of the project and to recruit participants for the pilot, HIT promoted the Blue Birds Pilot during presentations, publications and online human resource communities. No large marketing and promotion activities were executed since the HIT foundation was explicitly denied the right to advertise or publicly announce the pilot due to political sensitivity.

Acquisition strategies are one of the most debatable subjects within marketing. Though HIT foundation did large numbers of cold acquisition by e-mail with a follow up by phone, assessment on the ***effectiveness of their acquisitions*** could be of importance. Questions such as: Was the template and information of the e-mail inviting enough? Was the correct person contacted? Was the follow up phone call convincing and how was the pilot sold? Furthermore personal letters were sent to directors of enterprise for which the same questions can be asked. Warm acquisition was done through personal networks and meetings with branch organisations. Concrete answers on acquisition quality can only be provided through research which covers all contacted enterprises. Unfortunately this is out of scope of this research. Nevertheless a significant number of enterprises showed interest and discussions with the HIT foundation on potential

participation were in place. More detailed information on why employers were not willing to participate can be found in section d below.

During the negotiation stage with potential employers, HIT noticed that **a wide range of middle and large enterprises use intermediaries to fill vacancies**. Within the acquisition phase HIT foundation concluded: “Labour is a resource of an enterprise and not their core business”. Therefore, companies often rely of recruiters or middlemen for labour. The HIT foundation also noticed that intermediaries showed more willingness for actual participation.

Despite the fact that a variety of enterprises within the focus sectors were not contacted, HIT decided to change their strategy and focus on employment agencies and detaching bureaus. Over 300 Intermediaries were contacted through a call centre during December 2010 and January 2011 to examine possible interest. If interest was shown, HIT followed up to explain the content of the Blue Birds pilot. The effectiveness of this strategy is unclear. Nevertheless HIT was convinced that specialized intermediaries are much more interested and willing to cooperate in a circular migration pilot.

In our interviews, HIT explained that decisions made during the process were depending on the actual situation on the ground (meaning economic situation, shortage areas, experiences from the field and situations within enterprise). They suggest that they had little time and the pre-assessment could only be done in a month. Other interviewees argues that HIT did not have enough contacts at top levels of enterprises which make the **acquisition process more time consuming and less effective**. Another area of concerned mentioned was that HIT has many contacts in the Limburg region but did not seem to be as well connected in other regions

5.2.3 Unprepared for country choice

From the beginning, HIT seemed **under-prepared for working in Indonesia**. It took more time here to understand how to work in the country and to find a good partner recruiter. They had never worked in the country before and **had little knowledge of how to work in this environment** before the project started. This caused a delay in the ability to recruit workers. However, this did not fundamentally undermine the project. It just meant that more learning had to be accomplished from the beginning and process took a bit longer.

HIT chose the countries that it worked with based on the following criteria: i) development impact, ii) employment markets, iii) activity of Dutch enterprises in specific country, iv) interest from particular country, v) network, strength en experience of HIT foundation and direct network in particular country, and vi) value of pilot results. Seven countries including Ghana, Kenya, Tanzania, South Africa, Indonesia, Vietnam and Zambia were selected and assessed based on an addition six criteria: i) Dutch entrepreneurs, ii) enough supply in labour quality and quantity, iii) English language skills, iv) important sectors, v) return of migrants, and vi) support from local governments. Based upon these criteria HIT decided to work with Indonesia and South Africa. HIT explicitly choose for two countries in different continents with a different cultures. From their perspective this could bring valuable information for evaluation.

Despite this analysis, HIT did not seem to be prepared for actual requests within the Dutch labour market. After first acquisitions were done and actual negotiations with potential partners had taken place, minimal interest was shown in Indonesian workers by employers. Employers had significantly more interest in employees from South Africa for various reasons. Dutch employers perceive the South African work culture to be similar to Dutch work culture. From an employer’s perspective Indonesians are more passive whilst South Africans have a more self-directing attitude which is closer to the Dutch culture. The South African education level is comparable to the Dutch system which is often not the case for Indonesia. The Indonesian work culture and ethics were considered different from the Dutch whilst the South African culture was perceived to be more similar. Other arguments were related to language skills, difference in salaries (Indonesia)⁵⁵, business interests and work experience obtained in sending countries. The HIT foundation seemed unaware of the demands on the Dutch labour market and had difficulties anticipating on the little interest in Indonesian workers.

5.2.4 Employers, jobs and acquisition

As outlined in previous sections a key factor within the implementation process was the **availability of employment**. Despite the fact that actual job placements could be made available, employers did not always fulfil these spots with circular migrants due to a variety of obstacles. A distinction can be made between the orientation phase of employers and the actual recruitment phase. The orientation phase was a period in which a particular enterprise obtains information about the pilot and is in contact with HIT regarding possible participation in the pilot. This phase includes acquisitions done by HIT foundation. The actual recruitment phase refers to the period in which matches were made with vacancies and migrants from Indonesia or South Africa.

The variety of answers for which enterprises were not able or willing to participate was often related to **inflexibility of participation criteria**. Comments on inflexibility from an employer perspective were as follows: i) contract duration, ii) language barriers, iii) country choice, iv) acknowledgment of diplomas and skills, v) internal management, vi) economic crisis and arguments related to involved risks. These issues led employers to decide not to participate in the pilot.

A large group of enterprises pointed out that the contract duration of minimum one and maximum two years was either too short or too long. In spite of the variety of arguments, a significant number of employers outlined that a contract duration of two years is the minimum period (or too short) necessary since return on training investments are often not realized fully within two years. Employers emphasize that migrants also need to adapt to the Dutch (working) culture, which often takes several months. Despite these arguments another significant group did not participate because they found the contract duration of two years too long. A common argument was: “A contract duration of two years is old fashion, where do you see that these days, that is

⁵⁵ Employers who operate in both the Netherlands and Indonesia were concerned that the Indonesians would get used to Dutch salaries and would want to be paid more once back in Indonesia.

just not applicable in modern society”. Employers often outline that they take risks by hiring a person for one or two years whilst not knowing about their actual competences, functioning and culture adaptation. Further, some enterprises work on a contract basis and projects for which they need particular groups of skills do not have a duration of two years. Other employers are dependent on seasons for which they need extra employees besides their regular staff. Main issue here was that the inflexibility of work contracts kept some employers from participating.

Language barriers were often stated as an important decision to not hire circular migrants within the pilot. Lack of Dutch language skills is seen as a threat to overall enterprise management. Communication was seen as an obstacle. Particularly in the service sectors, clients expect their service providers to speak Dutch. Especially in the IT sector which is coping with shortages, language barriers related to service provision was seen as an important argument to not participate. Several enterprises in other sectors explained that their overall company processes were not ready for non-Dutch speakers.

Opinions on the choice of Indonesia and South Africa were divided. One group of employers did not have a particular preference for specific countries and other employers were in favour of these two countries because they had business relationships or overseas departments in Indonesia and South Africa. One employer stated: “Stop looking back at historical ties, we need to make new ties and write new history”. More concretely enterprises argue that economic markets are shifting and being part of upcoming markets is essential whilst emphasizing that development is still an important aspect in many of the upcoming markets. Again, flexibility was an issue for employers with regard to country choice.

Recognition of diplomas and skills was especially difficult to measure in craft related jobs. Examples of these types of jobs are welders, mechanic, electrician, ship builder, etc. Despite the fact that employers were aware of the personal development aspects within the pilot, specific professions need basic skills which are almost not assessable before the circular migrant is present in the Netherlands. For particular jobs such as welders, ***diplomas and skills are not recognized*** within the Dutch system which means that circular migrants need extra training and exams before official recognition. This resulted in the fact that an employer has to invest much more time and money before a migrant could actually be hired. This was an unanticipated hurdle in the project that is particularly relevant for the middle-skilled.

Particularly in middle and large enterprises, decisions regarding pilot participation were delayed because of internal management procedures. A department with potential work places for migrants is always interlinked with other departments. Despite inter-departmental agreement on potential participation, decisions are often based upon growth projections, project portfolios and financing, yearly budgets, expansion strategies and economic forecasts. Human resources (HR) departments often cooperate with (international) employment agencies and detaching bureaus. Employers further argue that working with agencies also increases flexibility and spreads risk.

The *economic crisis* was of great influence during the orientation phase and matching phase. Enterprises were often in the recovery processes and still dealing with insecurity, causing a large number of cases in which no employment was available. Furthermore employers argued that they had less ‘work’ and it was already difficult to create enough work for the current staff. Moreover employers did not want to take the risk of hiring a person for two years whilst being insecure about future economic situation. One employer stated: “If you would have asked me in 2007, I would have definitely participated”. Enterprises downsized the forecasted number of available vacancies because of risk avoidance, budget limits and project financing. Employers had to pull out of the process after matchmaking because growth projections were negative and budgets were minimalized. Other enterprises were depending on projects of which contracts were delayed due to economic impacts.

5.2.5 Lack of clarity in what was understood under selection criteria/ assessment framework unclear

By the end of 2010 discussions on the initial assessment framework began to surface. When HIT filed official twv requests to UWV for forklift truck drivers a general debate on education level, shortage sectors and the POP came to the forefront. HIT recruited in the shortage area ‘logistics’, for migrants with craft related basic education, but UWV did not perceive these jobs to fall in shortage areas. “Every unemployed Dutch national can be trained for a short period within a reintegration scheme and work as forklift truck driver afterwards to fill these jobs”. Furthermore forklift drivers were not seen as middle skilled and according to UWV not enough personal development perspective was outlined. This is just one example of *differences in interpretation of the guidelines*. Meetings between HIT and the governmental steering committee took place to *clarify the assessment framework*. Seemingly the aspects of cooperation with OTTO workforce and the particular job choice were politically sensitive and played an important side role.

5.2.6 Role of the Personal Development Plan

The personal development plan (POP) was a key component of the project put into place to make sure there was a learning and capacity building component for migrants in the Netherlands. The POP was used as a tool to define a migrant’s personal development goals and how to reach these goals within two years. HIT provided a counsellor for migrants to help set up the POP. A first skype meeting was set up with the counsellor and migrant to discuss what goals this person would like to achieve. In a second skype or face to face⁵⁶ meeting goals and potential targets were to be defined. After arrival, the migrant, employer and counsellor would meet to make the POP as concrete as possible in line with activities at work. During the stay of the migrant, evaluation meetings took place to discuss the POP and to sharpen or customize goals and strategies in the POP.

⁵⁶ A personal meeting took place in case the group was large enough.

During the pilot scheme, *lack of clarity* about the role of POP emerged. HIT understood that a “basic” POP upon arrival would be further ‘customized’ after arrival together with the employer was in line with procedures. On the other hand, the UWV increasingly emphasized the importance of the POP and used it as a reason to reject work permits. In work permit requests, the POP was seen as too minimalistic⁵⁷ and missing concrete goals. The POP had not been a discussion point during the first two requests but became more important later in the pilot scheme. HIT foundation stated that they were not aware of the fact that so much weight would be put on the POP during the work permit assessment. Meetings with HIT foundation and the governmental steering committee resulted in the fact that HIT foundation could provide a “Light POP”⁵⁸ for assessment. This light POP would be changed in a general POP upon arrival.

5.2.7 Trust issues

It must be noted that during the implementation *process trust declined between the HIT foundation and the governmental steering committee* due to different factors. Though trust is difficult to evaluate it was brought up during several interviews and will be shortly highlighted here.

Throughout the pilot period the HIT foundation provided updates on project implementation. During the process it was clear that HIT did not reach time related goals and faced difficulties in finding enough employers willing to participate. According to HIT, potential employers needed much more time than was calculated for several reasons as outlined in paragraph above in the employer section. Throughout the acquisition period HIT stayed optimistic and promised members of the governmental steering group that potential employers would eventually materialise. Unfortunately HIT was often unable to actually get employers on board within the short time span, and while HIT foundation kept promising they had many jobs in the pipeline it took a period of almost a year (since the official pilot start) before they finally delivered the first ‘larger’ group of migrants.

The fact that HIT continually promised potential participants without delivering started to raise *questions about their competency* as well as their *ability to assess* the real situation. There were concerns that HIT would never be able to make the necessary 10 matches. Discussions on the interpretation of the assessment criteria began to surface (as mentioned previously). Not only their interpretation of the assessment framework but also the fact that the majority of two requests came in for migrants employed by OTTO Workforce⁵⁹, started to draw concerns from the government

⁵⁷ One specific case shows an example regarding a TWV request for a circular migrant employed by an employment agency. A general POP was composed, nevertheless specific details on future employer and activities within that enterprise were missing. The POP was only outlining general tasks and learning goals whilst being contracted under the agency with no specific details on the future workplace and employer.

⁵⁸ This version of the PDP included basic goals and was allowed to be customized upon arrival.

⁵⁹ Since 2007, the exploitation of Polish migrant workers gained more awareness amongst society and politics. OTTO Workforce is one of the largest international employment agencies in the Netherlands with thousands of Polish workers employed every year. OTTO Workforce is, therefore, often associated with

steering group. Several parties started wondering if HIT was aware of the political climate in which they were operating. HIT was perceived as having a *lack of political sensitivity*⁶⁰.

5.2.8 Goals of the project were competing

The project was financed by development cooperation money from the Ministry of Foreign Affairs. As was mentioned previously, a core objective of the pilot was a focussing on development in the country of origin. Nevertheless, during the implementation phase of the pilot *focus was on the Dutch labour market*. Along the implementation process different interpretations of the assessment framework on how circular migrants could obtain a work permit within the pilot scheme were in place. Despite the fact HIT had difficulties in delivering enough available jobs for potential migrants due to a number of reasons they delivered the first ‘larger’ group of twv requests at UWV at the end of 2010. During this stage, Personal Development Plans (POP) were questioned and ambiguity on how detailed this plan should be for a twv request caused discussions. Furthermore education level and definition of shortage area⁶¹ raised questions. HIT and the governmental steering committee gathered in meetings to discuss the assessment framework and potential jobs in the pipeline, emphasising that to pass the assessment framework, potential jobs should fall in labour shortages categories and a minimum middle skilled education level (under strict interpretation) was needed to fulfil the potential jobs.

The initiative to create a ‘triple win’ for migrants, home and sending countries shifted to concentrating especially on the Netherlands. In spite of the fact that the POP was assessed strictly so that migrants would obtain their ‘win’, the sending countries slowly shifted to the background. The Netherlands was of main concern, which was understandable considering the economic crisis and ensuing political change. Especially after change in cabinet during 2010, the Ministry of Social Affairs and Labour had a core focus on filling vacancies with unemployed Dutch people or persons from the EU. This goal was somehow competing with the initial goal of the pilot. The initial goals of the pilot which were focussing on a triple win situation and to discover if circular migration can be used as a tool for development cooperation transitioned to the background. Shortage areas and education level overshadowed the questions on what impacts circular migration can have on development within this small scale pilot.

polish migrant workers and although OTTO Workforce claims to work in line with CAOs some ex-employees filed official complains with regard to exploitation. OTTO Workforce obtained negative media attention and three action groups (de Vrije Bond, ZSP and Priama Akcia) organised public campaigns against OTTO Workforce. OTTO Workforce and several other employment agencies and unions were important lobbying parties for the establishment of a national ‘hotline’ (‘meldpunt’) where people can report abuse or exploitation of Polish workers in order to catch obscure employment agencies.

⁶⁰ Nevertheless the HIT foundation claims that they have been completely aware of political sensibilities before and during the implementation of the Blue Birds pilot.

⁶¹ It was the perception of the HIT foundation that shortage areas were never a ‘demand’ but a strategy to target those employers whom are most likely in need of employees.

5.2.9 Political environment

The political environment in which the pilot had to operate was a key issue brought up by most interviewees involved in the implementation of the pilot project. The political environment was perceived as an important point for the smooth functioning of the project. Interview respondents generally thought that the political environment at the start of the pilot was more positive and shifted to a ***negative atmosphere with the cabinet change*** in 2010. After this cabinet change, the Ministry of Social Affairs and Labour had a core focus on filling vacancies with unemployed Dutch people or persons from the EEA. This goal came into competition with the pilot project in which work permits were scrutinized to a greater degree for foreigners in the pilot project. It was perceived that the implementation of criteria and framework guidelines became less flexible as time passed. There was a clear shift to concern about unemployment in the Netherlands which made it increasingly sensitive to discuss bringing foreign labour to the Netherlands. ***Practical difficulties in a negative political environment are a recipe for disaster.***

One possibility for future circular migration projects that may be more politically feasible is for them to be ***set up within the framework of EU Mobility Partnerships***. As there is room within the Mobility Partnership to enhance the possibilities for legal migration, this could be a clear development in increasing mobility.

5.3 Conclusions

Within the analysis of the different stages of the pilot process, we found ten main issues that obstructed successful implementation. Within the **assignment framework** we found: 1) The lack of flexibility in the project at some levels made it difficult for the pilot to adapt to the situation on the ground. 2) Lacking flexibility in the time frame, skill level and type of jobs were a main concern for employers which made them often unwilling to participate. 3) A key difficulty was the ambiguity in framework rules leading to different interpretations. Within the time **period of implementation** we found: 4) The financial crisis made acquisitions, matching and the political environment more difficult. 5) The political climate played an important role with regard to the acceptance and political support for the project which became less and less over the duration of the pilot project. Within the **quality of implementation** we found: 6) There was a need to have access to employers at the right level and the right contacts with industry as well as a larger network. 7) Multiple steering groups/advisory boards made communication about different aspects of the project more difficult and particularly the resolution of problems. 8) Related to the previous point, communication was perceived to be an obstacle to smooth running. It was perceived that the HIT foundation was not always open about the severity of the problems that they faced and perhaps could have asked for more help at an earlier stage from their steering groups. There were also no clear agreements put on paper from the initial government steering group meetings. 9) The approach to acquisition seemed to be neither effective nor efficient. It was perceived

that more focus and a clearer planned strategy could have been helpful. Moreover public advertisement for the Blue Birds pilot could have created more awareness amongst employers. 10) The choice of countries made the project less flexible and there seemed to be difficulties getting started and prejudices by employers for people from Indonesia.

6. Recommendations for future projects

With an ageing population, there will be an increased need for labour that cannot only be met by traditional labour market activation policies. It is also clear from many previous studies that migration can be very beneficial to origin countries with regard to poverty reduction and the transfer and of knowledge and skills. In this regard, sooner or later new programs and projects for temporary or circular migration will surely come to the forefront once again. In designing any new programs, there are some key aspects that need to be in place to have a successful circular (temporary) migration project. While each particular program should be tailor made depending on the specific goals, objectives and needs, there are some basic criteria that will enable a project to have a higher likelihood of success. They include:

- **A willing political environment**
- **A capable implementer**
- **Flexibility:** with regard to all aspects of the project including: time frame, employers’ needs, countries, involvement of recruitment agencies and temporary work agencies, etc.
- **Clear goals and objectives** (that are not in competition with each other)
- **Clear focus** on objectives, sectors and countries
- **One advisory board** made up of both government and non-governmental stakeholders or at least have the governmental stakeholders present in some of the non-governmental stakeholder meetings to ensure communication across groups.
- **Clear criteria** with regard to practicalities in implementation

The two most important recommendations for any future circular migration project are a positive political environment and flexibility. If there is no political will behind the project, it will fail. All stakeholders that will be involved in the project need to be behind the project and working together for there to be smooth implementation.

Flexibility

Flexibility is an extremely important aspect of a circular or temporary labour migration program and even more so for a pilot. This means flexibility in all parts of the projects based on specific needs from time frame of the program or allowed work contracts, to skills levels and jobs needed.

Particularly in a pilot setting ***flexibility is necessary***. Since pilots operate (at least partially) in unknown settings several unexpected issues can appear which are important to learn from. Unfortunately this also means that deadlines are difficult to

forecast. Especially in pilot formats, flexibility regarding deadlines should be taken in consideration whilst composing pilot frameworks and budgets.

In this pilot, employers argued either the contract duration was too long or too short. A modern (and more labour market friendly) approach to these needs would be to make the ***duration of contracts flexible***. For example, an employer could have the possibility to hire a circular migrant for a minimum duration of one year but up to three years. ***Extensions should be possible*** for circular migrants who perform well at enterprises and who services are needed. This ensures that migrants will actually be circular⁶² (and origin countries can benefit from this circularity) while employers get the services they need without losing people they have invested in.

Recruitment or employment agencies (intermediaries) can play an important in making matches and recruitment. Since this is their core business, they are best suited to make matches. An important lesson learned from the implementation process of the Blue Birds pilot is the fact that a significant number of enterprises ***use intermediaries to fulfil vacancies***. Enterprises do often feel that finding suitable employees is not their ‘core’ business and HR departments use intermediaries to match their concrete job profiles with potential employees. Furthermore it spreads risks for enterprises and makes it easier to react to market demands and fluctuations. Cooperation with intermediaries such as employment agencies and detaching bureaus within a future pilot should be an important consideration, especially since intermediaries do matchmaking as their core business. They are specialised in recruitment but more important they have a large database of employers. Furthermore intermediaries have a daily focus on market demand and are aware of open vacancies and job needs.

Flexibility with regard to the type of migrant (skill-level) and the type of job that can be done is also necessary depending on the needs of the labour market and the goal of the project. In this regard, circular migration programs in their most pure (or strict) form are probably best suited to seasonal jobs where the labour is needed during certain times of the year and not at others. Circular or temporary migration programs for other types of jobs need to be set up in a altered way since the needs of the labour market are different.

Clear goals and objectives

In any new project it is imperative to make the goals and objectives of the project clear from the beginning and to ***make sure that the goals or objectives are not in conflict with each other***. For this purpose, if there is more than one goal, it may be advisable to make a rank order of goals so that it is clear how decisions need to be made when there may be competition between the goals. In a circular migration project there can be different goals (i.e. personal development of workers, benefits for the home country, benefits for families left behind, benefits for the Dutch labour market, benefit for employers). These goals do not necessarily need to be in competition with each other

⁶² We know from plenty of research that the fastest way to have migrants stay in a host country is to not allow them circularity (or the possibility to go back and forth).

but they can be. For instance, if the main goal is to benefit migrants and their families left behind, then the sector they work in or the type of job they do is not of importance. If the goal is to fill labour market shortages, then the type of job the migrant does is important. Here the notion of shortage can also be tricky. Organizations, companies or government entities can define shortages in different ways. A shortage for an employer is when they have a vacancy that they are unable to fill at that moment with a suitable person. For the UWV a shortage is when there is no Dutch person (or person from the EEA) who could possibly do the job (with a bit of training). These are quite different definitions and can impact of project outcomes. ***It is possible that a temporary or circular migration project needs to be set up in a different way depending on the main goals of the project.***

Clear focus on objectives, sectors and countries.

One concern from the “Blue Birds” pilot was that lack of focus on very specific jobs that were already pre-approved made the search costs and time greater. It may be more advisable for a specific program or pilot to focus on a limited number of countries and a limited number of jobs for the first time to avoid ambiguity. For instance, the circular migration pilot the Germany (GIZ) is currently running focuses on nurses (in 2 countries) and engineers (in 2 countries). This focus seems to help the effectiveness of matches.

In a future pilot project, specific sector choice should be considered. Outlining a selected number of sectors means that an executor is ***focussing on specific areas within the Dutch labour market***. A specific focus makes it possible to deepen instead of broaden strategies. While focussing on one sector and learning during the process what employers demand and what strategies are needed allows matches to be made more effectively.

Within a future circular migration pilot, the choice of sending countries is an important success factor. Country choice should be decided very carefully. Specific countries should be selected to work with after broad analysis of Dutch employer and market demand is implemented. Employers often outlined that the ***choice of sending countries should be in line with market demand, economic situation and upcoming markets***. It is important that analyses are, furthermore, focussed on the relationship between selected sectors and supply of related skills in sending countries.

Although the health sector was excluded because it is associated with brain drain and could shed a negative light on the image of the pilot and cooperation with sending countries it could also been seen from a different perspective. Including healthcare in a pilot scheme could not only improve personal development but also development within a sending country. Instead of thinking in terms like brain drain, a circular migration framework with such a focus on development should think in terms of brain gain. From an economic perspective, experimenting within the healthcare sector could give important information and evidence on the fact if circular migration can help to reduce current but especially future shortages. Working in the healthcare sector also does not have to mean the recruitment of doctors from countries with shortages. Instead, it can

mean recruiting care providers for nursing homes and the aging population, which is a much needed area of attention. The bottom line is that the healthcare sector should not be excluded in its entirety.

Once objectives are made clear in a project, then ***clear criteria for implementation needs to be included to avoid future confusion and discrepancies.*** An assessment framework for issuing work permits should include clear criteria under what conditions participants can obtain a twv. These criteria should be stated in formal regulations including detailed information on underlying aspects. In order to work proficiently and efficiently, an official check list should be developed. This check list should contain all assessment criteria including detailed interpretations.

With regard to the Blue Birds pilot, the Personal Development Plan was often a source of confusion and extra bureaucracy. There is no need for such a separate document or plan within a project. Many companies/employers have their own personal development plans already set up for their employees. Were possible migrants can be integrated in the personal development schemes of enterprises upon arrival. With or without a POP migrants have a large learning effect on many different levels just from working in a foreign country. There is no need to make the process more cumbersome by implementing a mandatory POP.

One advisory board

Throughout the Blue Birds pilot two different steering groups were working separately. Within a future context both groups should be brought together. Interlinking both groups could create much more value for the implementation and outcomes of a pilot. Difficulties along the pilot implementation can be argued from different angles and optimize advise including political, academic and field perspectives. ***There should be only one advisory board or steering group that is made up of all relevant parties.***

One possibility for future circular migration projects is for them to be ***set up within the framework of EU Mobility Partnerships.*** As there is room within the Mobility Partnership to enhance the possibilities for legal migration, this could be a clear development in increasing mobility.

7. Conclusion

With regard to the main research question, *Why was the HIT Foundation unable to reach its target of 160 migrants working in regular vacancies within the Netherlands in shortage sectors after one year?*, we found several factors that impeded the successful implementation of the pilot project including the assignment framework, the economic crisis, the change of government in 2010 and the quality of the implementation process.

Within the analysis of the different stages of the pilot process, we found ten main issues that obstructed successful implementation. Within the **assignment framework** we found: 1) The lack of flexibility in the project at some levels made it difficult for the

pilot to adapt to the situation on the ground. 2) Lacking flexibility in the time frame, skill level and type of jobs were a main concern for employers which made them often unwilling to participate. 3) A key difficulty was the ambiguity in framework rules leading to different interpretations. Within the time **period of implementation** we found: 4) The financial crisis made acquisitions, matching and the political environment more difficult. 5) The political climate played an important role with regard to the acceptance and political support for the project which became less and less over the duration of the pilot project. Within the **quality of implementation** we found: 6) There was a need to have access to employers at the right level and the right contacts with industry as well as a larger network. 7) Multiple steering groups/advisory boards made communication about different aspects of the project more difficult and particularly the resolution of problems. 8) Related to the previous point, communication was perceived to be an obstacle to smooth running. It was perceived that the HIT foundation was not always open about the severity of the problems that they faced and perhaps could have asked for more help at an earlier stage from their steering groups. There were also no clear agreements put on paper from the initial government steering group meetings. 9) The approach to acquisition seemed to be neither effective nor efficient. It was perceived that more focus and a clearer planned strategy could have been helpful. 10) The choice of countries made the project less flexible and there seemed to be difficulties getting started and prejudices by employers for people from Indonesia.

With an ageing population, there will be an increased need for labour that cannot only be met by traditional labour market activation policies. It is also clear from many previous studies that migration can be very beneficial to origin countries with regard to poverty reduction and the transfer and of knowledge and skills. In designing any new programs, there are some key aspects that need to be in place to have a successful circular (temporary) migration project. While each particular program should be tailor made depending on the specific goals, objectives and needs, there are some basic criteria that will enable a project to have a higher likelihood of success. They include:

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The two most important recommendations for any future circular migration project are a positive political environment and flexibility. If there is no political will behind

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