



World Mobility Immigration Requirements: Cultural knowledge and language skills? Really!

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Surprising new immigration requirements: Cultural knowledge and language skills? Really!



For the second consecutive year, Crown World Mobility is highlighting an increased focus on immigration compliance as a key industry trend. Most of us know that immigration compliance requires heightened awareness of ever-changing laws, but now some countries are adding elements to their immigration requirements that are taking global mobility teams by surprise. This edition of Crown World Mobility's *Perspectives* series will describe some of these surprising changes in immigration requirements and provide global mobility professionals with tips they can use to keep their programs compliant.

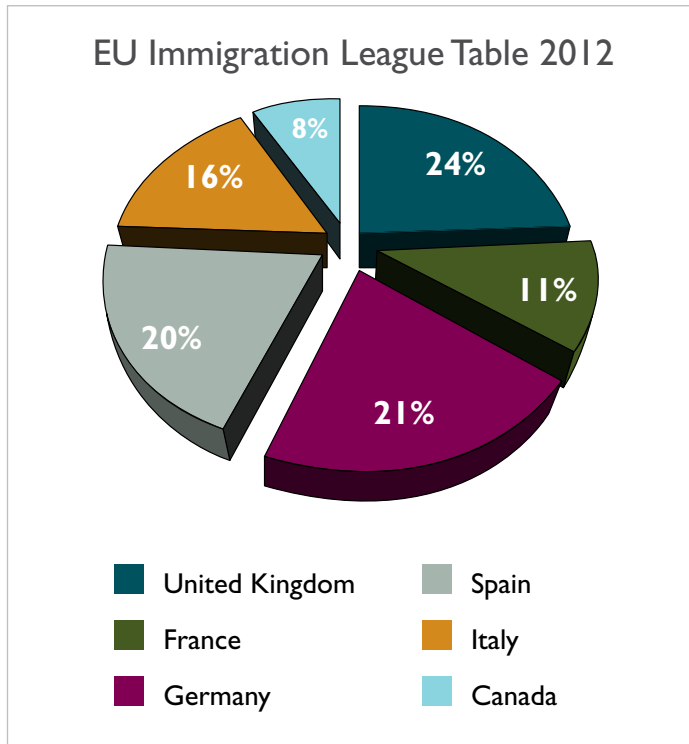
As professionals working in this globally mobile world we are used to looking at immigration and employee competencies as two separate and unrelated topics. Recently, however, changes to immigration regulations have forced us to look at these issues

together. A number of governments have added linguistic skills or cultural knowledge as requirements for entry or continued legal work status, placing responsibility for compliance squarely on both the employee and the employer.

Understanding why the sands have shifted is key to managing these new requirements. It's impossible to pinpoint one specific motive for this shift, but it is clear that for some governments the economic landscape of the past couple of decades has forced a protectionist approach to controlling the influx of skilled or non-skilled labor. For others, the drivers have been more political in nature: preservation of national heritage or, at the opposite end of the scale, fear of terrorist attacks and infiltration by terror organizations. A third reason is the generational differences in the approach to integration versus intolerance.

The facts behind the change

When you dig deeper into what makes governments review or impose immigration regulations, it becomes clear that you can broadly divide motivations and approaches into two categories: exclusive and inclusive.



Exclusive reasons are well documented - who hasn't bumped up against a visa/work permit ceiling when trying to get a key employee into a host country? Exclusionary tactics historically have been employed for the protection of certain skills or industries, but everything is set to change within the next two decades. Governments and businesses will have to work together to address the real talent shortages that are around the corner. The PWC Talent Mobility 2020 report included some interesting statistics on demographic trends that will come into play, including declining birth rates in the U.S., one third of China's population being over the age of 50 at a time when the country is facing significant shortages in leadership skills and Russia facing a reduction of 20 million people in its working age population by 2030. At first glance these trends may not seem to have an immediate impact on global mobility patterns, but such demographic shifts will mean that countries which have typically "controlled" immigration will need to open their doors to fill these gaps, leaving emerging market countries ideally placed as the sources of leadership talent and skilled labor, rather than the recipients.

The most common exclusive tool that we are seeing is the restriction on the spouse or partner to access the job market. We are all familiar with the direct link between family adjustment and assignment success, but there is a new link between the spouse's adjustment and assignment acceptance.

In the Canadian ERC Mobility Survey released at the start of 2013, 69% of respondents stated that immigration support for their spouse to be able to gain employment would be a deciding factor in choosing to accept an assignment.



In this age of dual career/dual income families, for many employees, having their partner able to work is not just desirable, it is essential. The fallout is that mobility professionals are witnessing a constriction in the flow of talent needed to meet business goals. A spouse or partner's inability to get a work visa becomes a barrier to employee mobility. The result is that business communities will begin to apply pressure to governments.

The new normal

So, this is the new normal that we operate in. Whether approaches are inclusive or exclusive, the challenge for governmental administrations regardless of political leanings, societal structure or size is to provide legislation that “manages” immigration without curtailing economic growth.

An example of one country's effort to achieve this balance is the current S744 bill – also known as the Border Security, Economic Opportunity and Immigration Modernization Act 2013 - put together by a bipartisan group in the United States. It seeks to provide a path to citizenship for undocumented workers and also contains a component to deal with the green card backlog. Although the green card ceiling stays the same,

family members of foreign workers would not be included in the tally. The U.S. House of Representatives has offered amendments but the intent remains the same – solve a social issue and an economic one at the same time.

Inclusive examples are also found. One of the clearest examples of an inclusive approach is Italy's Accordo di Integrazione. This “contract” between the individual immigrant and the Italian government centers on the acquisition of cultural knowledge and Italian language skills to help immigrants with their integration into Italian society (in addition to compliance with the Italian Charter for Citizenship and Integration launched in 2007). Any individual (employee and accompanying family members over 16 years old) who plans to stay in Italy for more than a year is awarded sixteen credits upon signing the Accordo. They can earn extra credits by attending State-run cultural awareness sessions (five to ten hours) and demonstrating an A2 level of language proficiency (based upon the Common European Framework). Failure to do this can lead to credits being withdrawn. To maintain legal residency, each individual must have earned 30 credits by the end of their second year in the country.





This may not seem too difficult to achieve, but there are a couple of “watch outs” for those of us in global mobility. The first is that it is the individual that is under the microscope. Typically, an immigration provider maintains compliance based upon key data points such as days of presence, maintenance of work visa and payment of appropriate taxes. Monitoring an employee’s linguistic competence is not something we ask of those providers or ourselves. How, then, do we manage the risk of non-compliance and a forced early return?

The second “watch out” is the language level that the employee has to reach. The Common European Framework (CEF) is probably the most widely-known language scale to measure ability. It assesses how many hours it takes for an average person to progress from one level to another; from beginner (A1) all the way to advanced (C2). For a person with no prior knowledge of Italian, the CEF indicates that it would take approximately 200 hours of language training to reach this level. In our experience very few companies have a language benefit within policy that provides anywhere near that number of hours for the employee, let alone the spouse or children over 16 years old. This is a clear example of a shifting immigration requirement that will impact mobility policy benefits for language training for assignees going into countries with this new requirement.

Recent developments in a number of countries, discussed below, illustrate how governments are using language requirements to help ensure the successful integration of economic migrants and immigrants.

Canada



On June 26, 2010, Citizenship and Immigration Canada (CIC) introduced a minimum language threshold component to all Federal Skilled Worker applications in Canada. Skilled Workers are chosen as permanent residents based on their education, work experience, knowledge of English and/or French and other factors. Language ability is now the most important factor, representing a total of up to 28 points.

In Quebec, the level of French language proficiency for Federal Skilled Workers is being increased, with Advanced Intermediate proficiency becoming the minimum level. The previous minimum point-granting requirement was Low Beginner, three levels lower than the new requirement. The new language requirements stipulate that testing must be conducted prior to submission of the application, and must be completed at CIC-approved testing centers.

Germany



The German government considers language skills to be a key element of successful integration. Non-EU foreigners who wish to join their spouses in Germany are required to pass a language test before entering the country, exceptions withstanding. This requirement has caused some controversy, because the European

Commission is of the view that the requirement violates EU law. If an agreement is not reached, Germany may face fines and a lawsuit from the European Court of Justice.

Australia



Australia requires all prospective economic migrants to take an International English Language Testing System (IELTS) test. Speaking, reading, writing and listening are the four main components of this test, which has become an integral part of the immigration process under the Australian Skilled Migration Visa. Not just the principal

applicant, but also their spouse and accompanying children above 18 years of age must take this test. As of July 2013, 457 visa applicants are required to demonstrate "Vocational English" unless they earn a salary over AUS \$96,400.

Austria



Austria requires an Integration Agreement that is intended to enable the integration of foreign nationals lawfully settled in Austria. Its purpose is to provide in-depth German language skills, in particular reading and writing skills, with the aim of enabling third-country nationals to participate in the country's social, economic and cultural

life. Non-European Union (EU) and non-European Free Trade Association (EFTA) citizens who apply for a residence permit (Blue Card or Red-White-Red Card) to stay in Austria for more than 24 months must sign an Integration Agreement. If the applicant fails to pass both courses after four years the permission for settlement will not be extended, with the consequence of deportation.

United Kingdom



On October 1, 2013, the U.K. Border Agency (UKBA) changed its eligibility requirements by removing the English language component for Tier 2 (intra-company transfers). However, under the points-based immigration system Tier 2 (General), there remains an English language requirement and an applicant must score ten points for

English language skills. Points can be scored if the applicant is a national of a majority English-speaking language country, holds a degree that was taught in English and is equivalent to a U.K. Bachelor's degree, or passes an English language test on the UKBA list of approved English tests.

Recent changes have also been introduced for individuals wishing to apply for settlement or citizenship in the U.K. On October 28, 2013, the UKBA introduced two parts to the Knowledge of Language and Life requirement, both of which must be met by all applicants for settlement and citizenship unless the applicant is exempt. Applicants must pass the Life in the U.K. test and possess a speaking and listening qualification in English at B1 CEFR or higher, or its equivalent.



Conclusion

Who would have ever thought that an increasing focus on immigration compliance in global mobility would include assessing our assignees' cultural knowledge and language skills? It is an interesting shift, and the following points should be borne in mind:

- Linguistic skills and language requirements have become key components of a number of countries' immigration and integration policies.
- There is a growing tendency among many countries to make the issuance of work visas conditional upon language proficiency.
- Changes to recent immigration regulations have forced us to look at immigration and employee competencies together as inter-related factors.
- Governments have added linguistic skills or cultural knowledge as immigration requirements and placed responsibility for compliance upon both the employee and the employer.
- Motivating factors for this shift have encompassed changes in political landscapes, economic downturns and generational perspectives to integration versus intolerance.

Three tips from Crown World Mobility

We already walk the line between the desire for globally consistent policies and those that meet the differing needs driven by variables such as locations, business needs or employee level. Changing immigration requirements may feel like another layer of complexity.

Here are three practical tips to manage these changes:

Tip 2

The individual employee has a role to play here, too. It is up to your mobile employees to use the language and cultural training policy benefits that are offered to them.

Tip 1

It is important that global mobility professionals are aware of these compliance issues and manage them just like any others.



Tip 3

Identifying your key destinations with these new language and cultural requirements and counseling your employees accordingly is a crucial first step to keeping your employees compliant and avoiding unnecessary exposure.

This article was authored by Jo Danehl, Global Practice Leader, Intercultural and Language Services & Partner Support and Said Boskovic, Director of Immigration, of Crown World Mobility. For more information on this topic please contact them at jdanehl@crownew.com and sboskovic@crownew.com