

Central European Forum
for Migration Research



Środkowoeuropejskie Forum
Badań Migracyjnych

Did enlargement make any difference? The legal position of scientists and their families on the European labour markets

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Structure of the presentation

1. The Europe we live in
2. Transitional periods and their consequences
3. Did enlargement make any difference – case studies of the UK and Germany
4. Are the transitional periods an obstacle to researchers' mobility in an enlarged Europe?



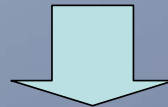
The Europe we live in

- European Union v. Member States – turf war?
- EU competences in the field of migration
- Member State competences in the field of migration



The Europe we live in

Economic goals of Lisbon Strategy and the
renewed Lisbon Strategy:



„Knowledge and Innovation are the beating heart
of European growth”

COM (2005) 24, J.M. Barroso,



The Europe we live in

DEMOGRAPHY - „the ageing societies of Europe”

- Increasing longevity;
- Low birth rates;
- Changing age structure;
- The loss of working age population (15-64) – 20.8 milion till 2030.

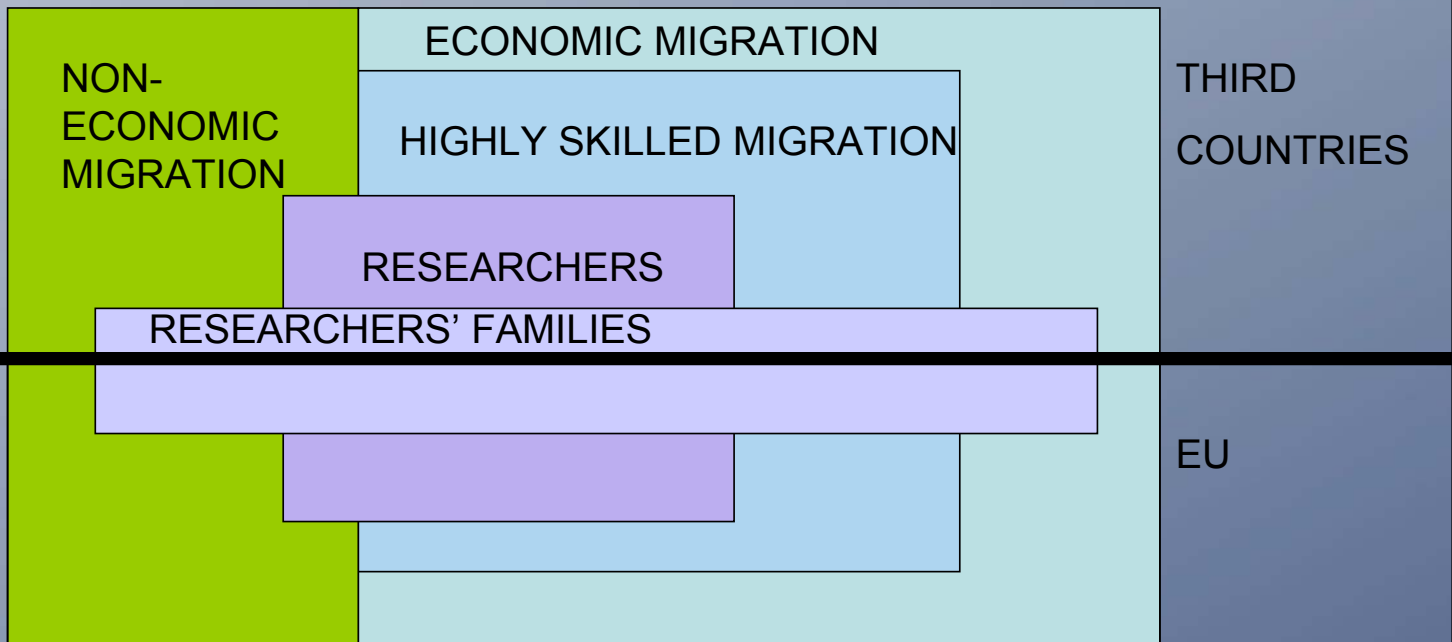


The Europe we live in

- Europe aiming to be the Europe of Knowledge;
- Europe creating European Research Area;
- Europe creating European Higher Education Area;
- Europe entering the global competition to attract the best;



The Europe we live in

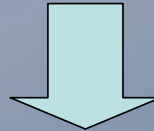


Source: own elaboration



The Europe we live in

ENLARGEMENT



TRANSITIONAL PERIODS

(2+3+2 formula according to the Treaty on
Accession).



Transitional periods – main provisions:

- Decision on introduction was left up to the States – national law and bilateral agreements contra Community law;
- Scope of application of restrictions: WORKERS
- Reciprocity;
- Standstill clause;
- Safeguard clause;
- Preference rule.



Results of transitional periods:

- Diversity of legal regulations in different countries;
- Overlapping European and member states legal orders;
- Second-class citizens of Europe?



Did enlargement make any difference?

EU researchers in Poland before the enlargement:

The crucial instrument regulating access to Polish labour market for foreigners is the work permit issued by voivod who is obliged to consider the situation on the labour market before issuing the work permit



Did enlargement make any difference?

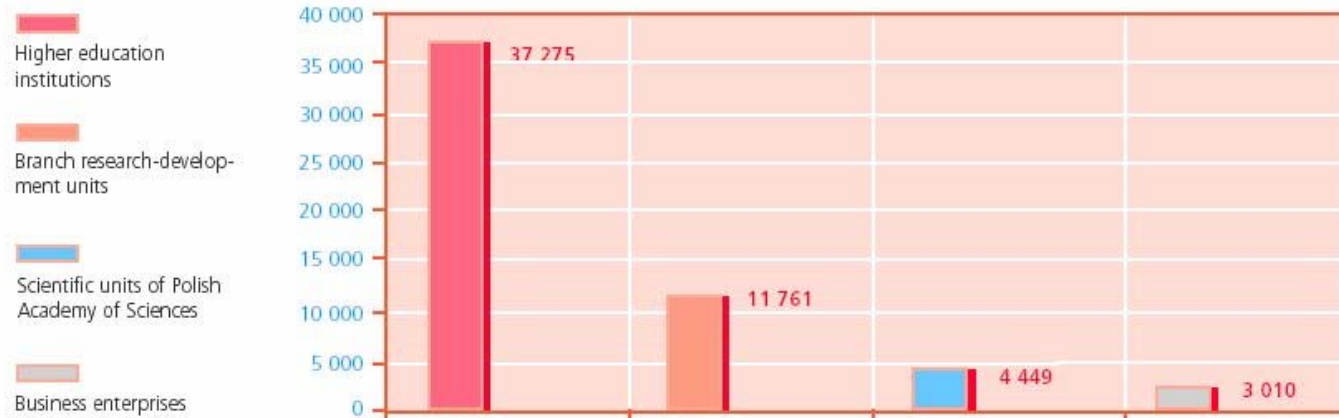
EU researchers in Poland before enlargement:

R&D sectors	Higher Education	Polish Academy of Science	Research and Development Units	Business enterprises
Is there obligation for work permit for foreigner	NO (art. 84 of the Act on HE)	NO (art. 74 of the Act on PAS)	YES	YES

Source: own elaboration

Did enlargement make any difference?

Researchers (FTE) in R&D 2002



Source: Ministry of Science and Information Society Technologies



Did enlargement make any difference?

EU researchers in Poland after the EU accession:

R&D sectors	Higher Education	Polish Academy of Science	Research and Development Units	Business enterprises
Is there obligation for work permit for foreigner	NO (art. 84 of the Act on HE)	NO (art. 74 of the Act on PAS)	NO – for UK, Sweden, Ireland, and 9 New Member States YES – for the rest	NO – for UK, Sweden, Ireland, and 9 New Member States YES – for the rest



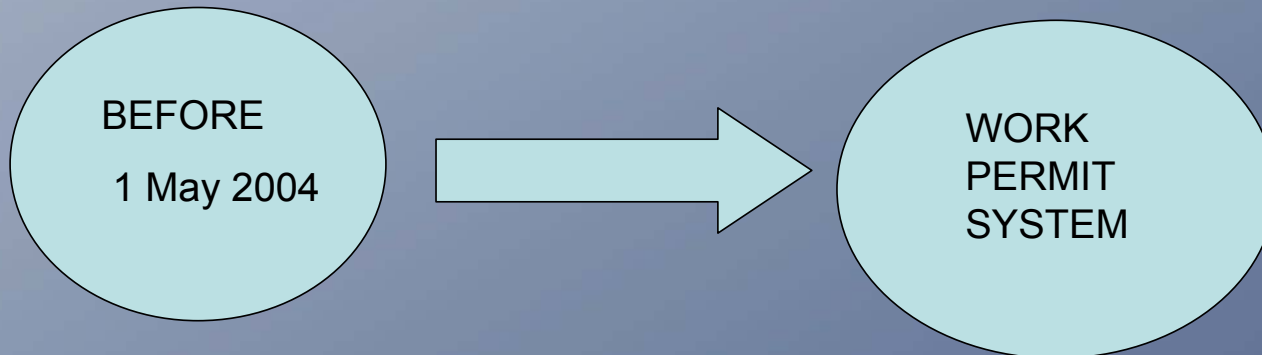
Did enlargement make any difference?

EU researchers' family member access to Polish labour market:

Before 1 May 2004	Work permit required
After 1 May 2004	Work permit required only for nationals of 12 Member States (reciprocity rule applied)

Did enlargement make any difference?

Polish researchers and their partners on the European labour markets. Cases of Germany and the UK.





Did enlargement make any difference?

After the enlargement – the case of the UK:

- No restrictions to seek and take up employment on Polish nationals;
- Workers' Registration Scheme;
- Limited access to social benefits;
- Safeguard clause



Did enlargement make any difference?

After the enlargement – the case of Germany:

- Continued application of national legislation and bilateral agreements (probably till 2011);
- Preferential position v. third country nationals;
- New Immigration Law of July 2004:
 - Work permit system (section 18, 39 and following)
 - Highly-qualified foreigners (section 19).



Are the transitional periods an obstacle to researchers' mobility in an enlarged Europe?

→ YES – from the legal perspective

→ BUT: there are some factors
alleviating this negative impact



➔ Researchers has been treated as a special group even before the enlargement

There is no problem with that. Even if it is necessary to have visa, it is organized very fast because researcher is a special type of worker who is desired and whose employing is profitable because their education was financed by another country and it's worth to use them. (S2P)

Practically nothing has changed. The only thing that is now more convenient is the fact that you don't need a visa for stays abroad but it used to be only the procedural formality that you had to fulfill in the past. (S4P)

Like I said at the beginning [European Enlargement] has no influence on the science level; it really is no influence. [M04D]

Source: supervisor and key informant in depth interviews in Poland (October 2004 - January 2005) within the MOBEX2 project.



➔ Mobility as an important part of researcher's career – strong determination to overcome all possible obstacles;

May of this year was not really threshold; threshold was (...) when Poland joined science programmes of the European Union. That brought a change. (S1P).

We should remember that the EU enlargement is a process that started in the nineties. (K5P)

➔ Prestige of the research centre is the main pulling factor in decision on the country of destination;

They are much more demanding now, they won't go to any lab, and they seek for a year or two to find what they really want. (S3P)

Source: supervisor and key informant in depth interviews in Poland (October 2004 - January 2005) within the MOBEX2 project.



➡ Mobility and family life cycle;

Anna: So if the partners go they do not have to work?

S3P: Yes. They have small children; their wives take care of them.

➡ Partner's fear to lose „good job” in Poland is becoming more important in decision on migration;

it can be a problem when you want to go abroad and your husband has a good job here in Poland (S2P)

There are new cases when wife won't go as she would have to take a husband with her and it is not possible because he would lose his good position in Poland.(S3P)

Source: supervisor and key informant in depth interviews in Poland (October 2004 - January 2005) within the MOBEX2 project.



Further information:

www.praca.gov.pl/eures

europa.eu.int/eures

www.eracareers-poland.gov.pl

europa.eu.int/eracareers

www.britishembassy.pl

www.workingintheuk.gov.uk

www.ambasadaniemiec.pl

www.arbeitsagentur.de

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Thank you for your attention!

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