



11TH ASEM CONFERENCE OF THE DIRECTORS-GENERAL OF IMMIGRATION AND
MANAGEMENT OF MIGRATORY FLOWS



30 – 31 October 2012

“Filoxenia” Conference Centre, Nicosia, Cyprus

CHAIRMAN’S STATEMENT

PARTICIPANTS

The 11th Asia Europe Meeting (ASEM) Conference of Directors General of Immigration and Management of Migratory Flows between Asia and Europe was hosted by the Ministry of the Interior of the Republic of Cyprus at the “Filoxenia” Conference Centre, Nicosia, Cyprus, on 30-31 October 2012. The meeting was attended by 63 delegates from 30 ASEM members. Cyprus welcomed the participation of the European Commission and Observers from Asia Europe Foundation (ASEF) and the International Organization for Migration (IOM).

For the list of participants, please see Annex I.

INAUGURATION

H.E. Ambassador George Chacalli who chaired the Meeting, welcomed the participants in his capacity as Chairman of the Conference and thanked the European Commission for co-funding the event, as well as the IOM for its expert support.

Andreas Ashiotis (Permanent Secretary, Ministry of Interior, Republic of Cyprus) stated his appreciation for the strong attendance of the 11th ASEM Conference. He also noted the high relevance of the topics on the agenda to policymakers in both regions, as highly skilled migration may contribute substantially to the economic vitality and the global competitiveness of participating countries. Mr. Ashiotis stressed the particular importance for the Cyprus EU Presidency of the ASEM cooperation platform, in order to reflect on how EU Member States can coordinate their efforts towards improved migration and mobility policies with their Asian partners.

Georgios Papageorgiou (Permanent Secretary, Ministry of Labour and Social Insurance of Cyprus, Republic of Cyprus) reflected on the key recent developments in advancing the EU common legislation on immigration, such as the EU Directive on conditions of entry and residence of third-country nationals in the framework of intra-corporate transfers. He also emphasized the importance of a rights-based approach to migration management, and the key role of enhancing integration opportunities for migrants and combating discrimination in order to maximize the benefits of migration and in particular attracting the highly skilled migrants.



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Diane Schmitt (Head of Unit Immigration and Integration, Directorate-General for Home Affairs, European Commission) noted that although Europe is experiencing high levels of unemployment, labour shortages persist in certain sectors at all skill levels. She stressed the good cooperation between the EU Commissioners for Home Affairs; Education and Culture, and Employment, Social Affairs and Inclusion on migration issues. In relation to highly skilled and student migration, Ms. Schmitt referred to the ongoing recast and merging of the 2005 “Researchers” and 2004 ‘Students’ Directives of the EU; a recent study by the European Migration Network (EMN) on Immigration of International Students to the EU Member States; and the “Blue Card” Directive had to be transposed into the national legislation in 2011. Noting that additional Directives on intra-corporate transferees (ICT) and seasonal workers are under discussion in the Council of the European Union and the European Parliament, and the EU Immigration Portal that provides online information on immigration rules into the EU and individual Member States, Ms. Schmitt stressed the need for the EU to develop a well-organized and flexible immigration policy in cooperation with partners in other regions.

Bambang Irawan (Director General of Immigration, Ministry of Law and Human Rights of the Republic of Indonesia) praised the ASEM forum for being an effective platform for bridging gaps between the two regions since its inception and thanked the Government of Cyprus as the current Chair and the Government of Mongolia as the preceding Chair of the 10th ASEM Conference in 2011 for their contributions to this process. Mr. Irawan noted that due to the contribution of highly skilled workers, the topic of facilitating highly skilled migration remains prominent on governments’ agenda despite the economic crisis. Mr. Irawan also commented on the predominantly temporary character of migration in Asia, and that irregular migration remains a concern. Indonesia promotes and facilitates immigration of the highly skilled migrants and foreign students, but also strives to develop its tertiary education institutions to provide further incentives to these categories of foreigners.

STRUCTURE OF DISCUSSIONS

The Conference consisted of plenary sessions on the general theme of highly skilled migration. Three specific subthemes were discussed during the meeting, including: highly skilled migrants and student migration between Asia and the EU; procedures and legislation for entry of highly skilled migrants and their recruitment; skills and certificate recognition between the EU and Asia. These themes built on general discussions on management of migratory flows discussed at the 10th ASEM Conference held in Ulan Bator, Mongolia on 5-7 November 2011.



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The sessions aimed at enhancing the understanding of the issues and challenges related to highly skilled migration, to share the knowledge of the different countries’ way of managing highly skilled migration and to address the issues and challenges related to recognition of qualifications and validation of skills.

PLENARY SESSIONS

The first plenary session addressed the topic of “**Highly skilled migrants and student migration between Asia and the EU**”. During this session presentations were made by the representatives of the European Commission (Directorates-General for Education and Culture and for Employment, Social Affairs and Inclusion), Ireland and the People’s Republic of China.

The Chair moderated this session and suggested that mobility of highly skilled persons and tertiary education students enhances the global accumulation and transfer of knowledge and skills, and fosters innovation. He also noted that the European and Asian countries have sought to better manage and facilitate the mobility of skilled persons to address potential skills imbalances. As the internationalization of labour markets is increasingly leading countries to draw from the same pools of highly skilled workers, the value of enhancing the local education, science and research capacities and to facilitate the mobility of highly skilled persons and students across borders becomes all the more apparent.

Constantinos Fotakis, Adviser, Directorate-General for Employment, Social Affairs and Inclusion of the European Commission, analyzed the key concerns with regard to the future developments in the European labour markets. In particular, Mr. Fotakis touched upon the demographic trends and ageing workforce, changes in the skill levels of the workforce and labour markets and the ensuing policy implications of these shifts. Even strong efforts towards increased labour market participation and upskilling of the domestic workforce will be insufficient to sustain positive growth without facilitating economic immigration. In particular, labour demand in highly skilled jobs in the EU continues to grow despite persisting high unemployment. The challenge for the European policymakers and politicians is to promote a balanced and evidence-based public debate on immigration and its potential role in supporting future growth. Finally, Mr. Fotakis presented an overview of existing EU tools for tackling the employment aspects of immigration, namely the new EU Skills Panorama, the EU Employment Guidelines (including the focus on improving labour market outcomes for migrants), the European Social Fund and others.



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Ragnhild-Solvi Berg, International Policy Coordinator, Directorate-General for Education and Culture of the European Commission presented the EU initiatives aimed at facilitation mobility of international students. These initiatives aim to support, among other goals, increasing the quality of the European universities, facilitating long-term cooperation with academic partners worldwide and capacity-building within the EU development cooperation framework. Ms. Berg noted a number of current trends in the area, such as increasing global competition for talent, and the development of the new regional higher education hubs, including those in Asia. She also gave an overview of the Bologna process that promoted the development of comparable, compatible and coherent education systems in Europe since 1999. The EU also launched a renewed Agenda for Modernization of Higher Education in 2011, which highlights internationalisation as a policy priority and focuses on attracting students and academic staff from outside the EU. The Agenda also recognizes the existing obstacles to mobility related to visa and admission rules, as well as recognition of diplomas and skills. In 2013 the EC will release its Communication on Higher Education in the Global Context that will discuss the role that the EU could play in supporting the Member States and their higher education institutions in their internationalization endeavours. Finally, Ms. Berg affirmed the role of multilateral and bilateral policy dialogue in promoting cooperation and mobility of students and researchers, and discussed the existing EU funding programmes, such as Erasmus Mundus, Tempus, Alfa, Edulink, and ICI-ECP. The EC also proposes to integrate current mobility initiatives into one instrument – Erasmus for All – since 2014, which would focus on the three key actions of learning mobility, cooperation projects and policy support.

Peter Jones, Irish Naturalization and Immigration Service, Department of Justice and Equality, presented the recent government-led initiatives in the field of international education aimed at increasing revenues from international education, and attracting higher numbers of the international degree and English language students. In recent years Ireland has taken steps towards creating a high quality environment for students with stronger and clearer regulation, and to better link student migration with the economic policy objectives. Since 2011, the new regime regulating immigration of full-time non-EU students is in place, and is a result of a public consultation carried out with various stakeholders. The new regulations have introduced a limit on the length of stay, and clarified rules for student work concession and post-study pathways to the labour market. The National Framework of Qualifications is the key reference point of the new system. A new supervisory body –Quality and Qualifications Ireland – was also established. Ireland also strengthened its marketing activities by developing the “Education in Ireland” brand. Based on Ireland’s experience, Mr. Jones emphasized the following key prerequisites for an effective policy: (i) coordinated government strategy to maximize benefits



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from the international education; (ii) defined outcomes and opportunities for international students; and (iii) constant review and appraisal of the system’s performance.

Hong Jian Zhang, Division Chief, Bureau of Exit-Entry Administration, Ministry of Public Security of the People’s Republic of China, provided an overview of the recent relevant policy developments in China, including a new law on entry and exit that would enter into force on 1 July 2013. The law covers biometric identification in migration control, intergovernmental coordination and data sharing, and provides a stronger basis for welcoming foreign talent alongside existing measures. He stressed the role of cooperation with European and other Asian countries, but also other regions to facilitate legal economic migration. Receiving foreign students in China and encouraging Chinese students to study abroad is another important element of China’s policy. The Ministry of Public Security works with the national education authorities to support international students’ stay in China. Mr. Hong Jian Zhang suggested to further develop regular Asia-Europe policy exchanges and pragmatic cooperation in various areas, including expanding legal channels for mobility of workers and students, and capacity-building on migration management. Furthermore, he stressed the need to jointly work on protecting the rights of workers throughout the migration process, and to increase awareness on the risk of irregular migration among the migration professionals, general public and potential migrants.

Discussion:

The Director of Tertiary and Higher Education of the Ministry of Education and Culture of the Republic of **Cyprus** presented the efforts to promote Cyprus as a regional education centre that is attractive and accessible for international students. In 2010 Cyprus organized a conference on quality assurance in higher education in the framework of ASEM meeting for education. Other directions for action include cooperation within the Bologna process, the EU academic mobility programmes and the international education fairs, as well as the development of bilateral agreements in the area.

The representative from **Indonesia** confirmed its determination to effectively facilitate the work of ASEM education secretariat next year.

The representative from **The Philippines** commented on the importance of international student migration for The Philippines (including the inflows of students coming for short-term English language classes) and noted the importance of measures to combat human trafficking in supporting legal and safe migration.



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The representative from **Cyprus** inquired about the experience of Ireland in managing international student migration in terms of ensuring that genuine students use the system. The representative from **Hungary** also asked for data on compliance of student applicants in Ireland with the new rules. In response to the question from the representative of **Cyprus, Ireland**, stressed the importance of permit renewal criteria linked to attendance and academic performance, as well as the overall limits on stay. The rate of approval of the applications could be as high as 85-90 per cent, with the continuous rise in the approval rates since the system’s entry into force.

The representative from the Ministry of the Interior of the Republic of **Cyprus** presented the main provisions of the EU Blue Card Directive and the two EU directives currently under discussion – on intra-corporate transferees and seasonal workers, and informed that the Cyprus Presidency of the Council of the European Union would further promote these negotiations by December 2012.

The second plenary session addressed the topic of “**Procedures and legislation for entry of highly skilled migrants and their recruitment in the EU and Asia**”. Representatives from the Japan, Sweden and IOM made presentations. Mr. Eugenio Ambrosi, Senior Regional Advisor for Europe and Central Asia, IOM moderated the session.

The Chair introduced the session by stating that migration is one of several ways to address the imbalances generated either by structural labour-and-skills shortages or by technological and occupational changes. While policies may influence migration, the decisions of highly skilled persons and tertiary education students are affected by many variables that could be loosely classified into two broad issues: security, in terms of the actual benefits that skilled persons can have, and attractiveness, or the perceived opportunities that legislative frameworks and the socioeconomic environment in receiving contexts can guarantee to skilled persons. Many European and Asian countries have introduced measures to identify and facilitate the mobility of skilled persons and international students.

Akihiko Kitamura, Director of the Adjudication Division, Immigration Bureau, Ministry of Justice, Government of Japan, focused on the point-based system for highly skilled professionals that Japan introduced in 2012 in order to support national economic growth and innovation creation. The provisions of stay include an opportunity to undertake “multiple residence activities” including employment; research and business. The requirements for granting the permanent residence have also been relaxed for highly skilled professionals as has



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the ability of the highly skilled professional to bring his\her parents and/or a domestic worker to Japan.

Johanna Peyron, Deputy Director, Division for Migration and Asylum, Ministry of Justice of Sweden, stated that the Swedish immigration system, which was reformed three years ago, is the most open economic immigration system in the OECD. The main reason for the shift in this direction was that labour shortages could not be filled by the Swedish or EU nationals. Labour migration is one of the instruments that can be used to fill shortages - other tools generally aim to increase active participation of resident population in the labour market. The system is demand-driven (not based on quotas or bilateral agreements), by employers, based on the notion that it is the individual employer who knows the labour needs the best. On this basis too, the system welcomes migrants at all skill levels. An offer of employment is a prerequisite and the employment conditions have to be equal to those of the Swedish workers (usually established by collective agreements). Trade unions give a consultative opinion. A permit is granted for a maximum of two years or for the duration of the contract and can be renewed for an additional two years. After four years, permanent residence may be granted. Migrant workers may bring family members and accompanying spouses also gain full access to the labour market. If the employment contract of the worker ceases, he/she can stay in Sweden for up to 3 months to find new employment. The OECD has conducted a study of the Swedish system and a report was published in December 2011. According to the OECD, the system works well but could be improved through greater use of electronic applications, as well as by strengthening post-arrival monitoring.

Andrew Bruce, Regional Director for Asia and the Pacific, IOM, suggested that in the coming years, migration in Asia will be affected by several key demographic and socio-economic changes, including decreasing fertility, ageing populations and declining working age populations in several Asian countries. Currently, Asia is the main region of origin of highly skilled economic migrants in North America, but also in some EU countries – with China and India as key countries of origin. However, Asia’s economic growth in the past decade made migration less attractive for some Asian workers, boosted intra-regional migration and also attracted skilled workers and students from other parts of the world. More students and skilled workers are returning from North America and the EU, in response to rising wages and more opportunities at home. Policies to attract and retain highly skilled workers and international students have evolved in recent years in several Asian countries, such as Singapore, Malaysia, Japan, South Korea and Hong Kong, China. Importantly, several Asian countries also consider international student mobility as one of the tools for facilitating highly skilled migration. In this



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regard, possibilities are emerging in several Asian countries for foreign students to stay and work after the graduation. Another key source of highly skilled workers in some Asian countries are returning workers from abroad. Countries have been developing various incentives for return, including tax exemption and recognition of skills. Policy areas that may warrant further consideration and collaboration, both between Asia and the EU and among Asian countries include: skills recognition, considering other factors beyond the admission rules that contribute to attracting the highly skilled workers, including facilitated entry and stay for accompanying family members, diaspora engagement to promote transfer of skills and capital and increased inter-state collaboration on migration management.

Discussion:

The representative from **Denmark** provided information on relevant provisions in Denmark, which welcomes highly skilled workers and aims to facilitate their entry and integration in the labour market and the education system while maintaining the prevention of social dumping is also a priority. Cooperation with third countries is important to promote the mobility of the highly skilled and prevent abuses.

The representative from the **Netherlands**, noted that an effective policy acknowledges the diversity among the highly skilled and their specific needs. Therefore, the Netherlands have a mix of measures . For highly skilled workers a simple and quick procedure is in place where salary is the dominant criterion. In addition, anyone who can demonstrate a diploma from one of the top 200 universities in the world can get a residence permit to search for a highly skilled job in the Netherlands for one year. Students who follow their studies in The Netherlands also have one year after the studies to find a highly skilled job. The choice of highly skilled workers seems to be driven by salary, career perspectives and an attractive living environment. The role of admission policy seems to be limited in this regard.

The representative from **Ireland** noted that the Irish Green Card applies to anyone with a job in line with the salary criteria.

The representative from **Finland** stated that Finland has a flexible system for admission of highly skilled professionals and students, admission rules include six-month period to seek a job after graduation for the students. However, language barriers are a constraint. Incentives to attract highly skilled professionals should go beyond the admission rules, for example by further developing the system for recognizing qualifications and facilitating immigrants’ access to supplementary training.



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The representative from **Belgium** inquired about the Swedish experience in tackling possible abuses of the national labour immigration system, thus highlighting the need to ensure adequate pre- and post-arrival monitoring and checks of the employers and the actual working conditions.

The representative from the **Russian Federation** informed the participants that the Government has launched a new migration plan up to 2025. With a workforce reduction of one million workers per year projected, immigration is a positive phenomenon and key for Russia’s further development. One of the aims of the plan is to increase population and stimulate economic growth by attracting immigrants, including highly skilled workers and students. New categories of visa were introduced in 2010. The salary requirements for scientists and teachers have been since lowered and employers have been tasked with assessment of the workers’ qualifications.

The representative from **Germany**, said that in Germany, admission is limited to highly qualified workers. The EU Blue Card is the central residence title for highly skilled residence in Germany. Permanent residence title is possible after 3 years (or 2 if high German language skills are demonstrated). In terms of foreign students, Chinese nationals are a significant group. Foreign students have permission to stay in Germany for 18 months after graduation to seek employment.

The third and last plenary session addressed the topic of “**Skills and certificate recognition between the EU and Asia**”. During this session the presentations were made by the representatives of the IOM Independent Network for Labour Migration and Integration Experts (LINET), the Academic Affairs of the Higher Education and Training Awards Council of Ireland, and the University of Nicosia. The session was moderated by Mr. Michael Tetzlaff, Director of Unit “Migration, Integration and Asylum Policy – European Harmonization”, Ministry of Interior of Germany.

The Chair noted that the recognition of qualifications and skills is an important aspect of the management of highly skilled persons’ mobility, insofar as it affects their integration and labour market outcomes. As such, it is an issue directly related to rendering the receiving environments more attractive for highly skilled persons.

Anke Schuster, Project Manager, Independent Network of Labour Migration and Integration Experts (LINET), IOM Brussels presented findings of a study on *Recognition of Qualifications and Competences of Third-Country Nationals in the EU* carried out by the LINET network as



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requested and funded by the DG Employment, Social Affairs and Inclusion of the European Commission. Ms. Schuster highlighted the distinctions between the formal, non-formal and informal qualifications. She further commented on various areas where differences are visible among the various recognition systems. Such fragmentation of system discourages many migrants to seek to have their qualifications assessed. In this regard, Ms. Schuster suggested that harmonization of various recognition procedures were to be promoted to make promote transparency and accessibility. Shortcomings in access for information for migrants were further noted, suggesting the need to provide multilingual information to migrants in the context of integration programmes. Further challenges include the lack of awareness among employers who have difficulties in adequate assessment of foreign qualifications. Assessing foreign credentials as early as possible in the migration process could be helpful in order to reduce the relative disadvantages. Ms. Schuster also noted the high levels of overqualification of immigrant workers evident across the EU. She recommended to adopt recognition procedures which formalise an approach based on formal qualifications with one based on the learning outcomes; to reduce complexity of the systems; increase employer involvement, and awareness among migrants and employers, as well as encourage early recognition. The process of the recognition of qualifications could also be more tightly linked to other immigrant integration measures.

Dr. Bryan Maguire, European Qualifications Framework Expert, Director of Academic Affairs of the Higher Education and Training Awards Council of Ireland (HETAC) spoke on the qualifications systems and the emergence of the national qualifications frameworks (NQFs) that relate different qualifications to one another, promote transparency and reform. NQFs are based on learning outcomes. Dr. Maguire further commented on the qualifications framework for the European Higher Education Area (Bologna Process), which includes among its various action lines measures on quality assurance, qualifications systems, and recognition. Each country participates in the process to develop its own national qualifications framework based on learning outcomes and quality assured according to European Standards and Guidelines. Vocational education and training also sees an EU-led reform (Copenhagen Process) towards a quality assurance and overarching qualifications framework. The European Qualifications Framework for Lifelong Learning (2008) comprises learning outcomes descriptors for 8 reference levels, including school and Bologna (higher education) levels. Recognition of non-formal and informal learning is included in the EQF. Finally, Dr. Maguire mentioned that ASEM Ministers of Education in 2011 urged the ASEM members to improve recognition of qualifications, and ASEM Education Secretariat held several meetings on the topic. Further



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relevant frameworks are supported by the Lisbon Recognition Convention (also a core part of the Bologna Process) and Tokyo Convention, but also bilateral initiatives comparing the NQFs.

Dr. Nicos Trimkliniotis, University Professor, Migration and Integration Expert commented on the economic migration and immigrant integration trends in the past three years, particularly highlighting overqualification. In particular, young people with migrant background face specific issues across the EU including: barriers to inclusion, discrimination and limited social mobility which result in difficulties in labour market and wider societal integration. In this regard, recognition of qualifications would need to also be considered in the framework of combating discrimination in employment and society, with particular importance attached to recognition of non-formal and informal learning.

Discussion:

The representative from the Department of Labour of the Ministry of Labour and Social Insurance of the Republic of **Cyprus** briefed the participants about an ongoing revision of the EU Directive that facilitates recognition of qualifications within the EU. New elements could include measures towards recognition of professional training in other Member States, simplifying the procedures and recognition and support mobility. Discussion on the number of the regulated professions is also ongoing. EU Member States are asked to evaluate the situation and find ways to deregulate and minimize the number of regulated professions.

CONCLUSIONS

The Conference welcomed the offer of the Government of Japan to host the 12th ASEM Conference of Directors General on Management of Migratory Flows.

The 11th ASEM Conference has demonstrated the extent of the challenges related to managing highly skilled migration, while the delegations recognized its importance in tackling skill shortages, fostering innovation and potential for job creation. It was acknowledged that migration of the highly skilled workers and student mobility are fundamental elements of economic growth and regional competitiveness, a challenge currently faced by both European and Asian countries. Special mention was made of IOM's support.



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It was recognized that demographic and economic factors create labour shortages, and that effective migration management, including of students and highly skilled professionals, is one of the instruments that can help fill the labour shortages. Moreover, increased mobility of highly skilled workers and students can have positive impacts for both countries of origin and destination and create additional talent synergies beneficial for advancement in science and economic growth. Policies to attract highly skilled migrants should be viewed as one of the policy tools to tackle workforce development, and are to be accompanied by efforts to improve the national education systems and labour markets.

Attention was brought to a wide range of incentives to attract highly skilled professionals that go beyond admission procedures. These include clear processes for labour market integration and career development. To attract highly skilled professionals, several countries also have immigration and employment regulations that facilitate the migration and labour market access of accompanying family members. The overall dynamism, attractive living environment and inclusiveness of the receiving societies were acknowledged as having crucial impact on the long-term choices of the highly skilled migrants.

In terms of student mobility, it was recognized that while attracting students is an important aspect of the management of skilled migration, retaining students once they have completed their studies could also be part of comprehensive student mobility policies if the benefits of student mobility are going to be maximized. Therefore, student mobility policies could be closely linked to labour market integration of students and human resource development policies of countries of destination. Similarly, consideration could be given to immigration policies related to admission and stay that facilitate holders of student visas to secure work permits.

Recognition of qualifications and skills was acknowledged as one of the challenges to increased mobility of highly skilled professionals, and the role of developing national qualifications frameworks was highlighted alongside that of bilateral and multilateral cooperation in this area. The role of employers and trade union engagement was noted as one of the prerequisites for designing relevant skills assessment and validation mechanisms.