

GAO

Report to the Chairman, Committee on  
the Judiciary, House of Representatives

September 2006

# FOREIGN WORKERS

## Information on Selected Countries' Experiences





Highlights of [GAO-06-1055](#), a report to the Chairman, Committee on the Judiciary, House of Representatives

## Why GAO Did This Study

The opportunity for employment is an important magnet attracting immigrants, including unauthorized immigrants, to countries. The policies and practices used by other countries to manage foreign workers, including actions to limit illegal immigration and to reduce the employment of unauthorized foreign workers, have been shaped by country-specific economic, demographic, and political factors. Immigration reform is a matter of continuing debate in the United States. This report examines selected countries' (1) programs for admitting foreign workers; (2) efforts to limit the employment of unauthorized foreign workers; and (3) programs for providing unauthorized immigrants with an opportunity to obtain legal status, referred to as regularization. To address these objectives, we examined reports from foreign countries, intergovernmental organizations, and research organizations. We also interviewed government officials and experts from 8 countries—Australia, Belgium, Canada, France, Germany, Spain, Switzerland, and the United Kingdom—and surveyed 6 other countries. We selected these countries based on their net immigration rate, population size, membership in the Organisation for Economic Co-operation and Development or World Bank classification as high income, range of immigration policies, and geographic location.

[www.gao.gov/cgi-bin/getrpt?GAO-06-1055](http://www.gao.gov/cgi-bin/getrpt?GAO-06-1055).

To view the full product, including the scope and methodology, click on the link above. For more information, contact Richard M. Stana, 202-512-8777, stanar@gao.gov.

## FOREIGN WORKERS

### Information on Selected Countries' Experiences

#### What GAO Found

The countries GAO studied have programs for admitting foreign workers, most of which are focused on recruiting high-skilled or seasonal foreign workers. To recruit foreign workers, some countries use bilateral agreements with other countries. For example, Canada uses bilateral agreements with Mexico and several Caribbean nations to recruit seasonal agricultural workers. Some countries manage foreign worker admissions by various means, such as quotas or points-based systems. However, officials stated that it is difficult to implement a system that responds to changing labor market needs and does not create incentives for employers to hire unauthorized foreign workers. Some countries regulate foreign worker admissions by specifying requirements for participation in a foreign worker program, such as work permit fees. Moreover, foreign worker programs differ in their requirements for workers to return home. Some temporary programs require workers to return upon expiration of work permits, while others allow foreign workers to renew their permits and apply for permanent resident status.

The countries GAO studied use a variety of efforts in enforcing laws designed to limit the employment of unauthorized foreign workers. In some of these countries, employers are required to report workers' information to government agencies or to verify workers' authorization status. Among these countries, the employment of unauthorized foreign workers is largely considered one of several illegal labor practices, including failure to pay taxes or social insurance contributions, and government agencies generally focus their enforcement efforts and investigate employers to detect all such practices. Government officials and experts have noted that conducting frequent employer investigations and publicizing those investigations helps deter employers' hiring of unauthorized foreign workers. Countries can penalize unscrupulous employers for employing unauthorized foreign workers, including imposing monetary fines on employers. However, countries have faced difficulties, such as the prevalence of document fraud, in penalizing employers.

Some countries have implemented large-scale regularization programs that allow unauthorized immigrants to apply for legal status on either a temporary or a permanent basis. Countries have implemented regularization programs for different reasons, such as to help reduce the size of the underground economy or to facilitate immigrant integration, and governments believe they derive some benefits from implementing these programs, such as increased collection of tax and social insurance contributions. Under these programs, countries require illegal immigrants to meet specified eligibility requirements, such as residency and work requirements, before applying for or receiving legal status. Employers and unauthorized foreign workers have incentives to participate in regularization programs but may not want to because, for example, some employers can save money by employing unauthorized foreign workers from whom they do not pay taxes or social insurance contributions. However, countries have faced difficulties in implementing these programs, such as in ensuring timely review of applications. Moreover, some experts have reported that regularization programs may attract further illegal immigration, while others have concluded that programs' effect on illegal immigration is unclear.

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## Abbreviations

ANAEM	Agence Nationale de l'Accueil des Etrangers et des Migrations
CIC	Citizenship and Immigration Canada
COLTI	Comité Opérationnel de Lutte contre le Travail Illégal
DILTI	Délégation Interministérielle à la Lutte contre le Travail Illégal
DDTEFP	Direction Départementale du Travail, de l'Emploi et de la Formation Professionnelle
DHS	Department of Homeland Security
EEA	European Economic Area
EU	European Union
FARMS	Foreign Agricultural Resource Management Services
HRSDC	Human Resources and Skills Development Canada
ICE	U.S. Immigration and Customs Enforcement
IIRIRA	The Illegal Immigration Reform and Immigrant Responsibility Act
ILO	International Labour Organization
INS	U.S. Immigration and Naturalization Service
IOM	International Organization for Migration
IRCA	Immigration Reform and Control Act
OECD	Organisation for Economic Co-operation and Development
SAWS	Seasonal Agricultural Workers Scheme
USCIS	U.S. Citizenship and Immigration Services

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United States Government Accountability Office  
Washington, DC 20548

September 8, 2006

The Honorable F. James Sensenbrenner, Jr.  
Chairman  
Committee on the Judiciary  
House of Representatives

According to various studies, immigration affects nearly every country in the world, as countries are points of origin for immigrants, places of transit, final destinations, or can serve as all three. Migrants move between countries for a variety of reasons, including family reunification, political protection, and employment. However, the opportunity for employment is one of the most important magnets attracting immigrants, including unauthorized immigrants, to countries. Reports indicate that migrants, especially labor migrants, help to keep viable segments of certain labor-intensive industries, expand foreign trade, provide valuable language and cultural expertise to companies, and contribute to the economic revitalization of some communities. Yet these reports also note that immigration, particularly illegal immigration, may have adverse consequences, such as helping to depress wages for low-skilled workers and creating net fiscal costs for some levels of governments.<sup>1</sup>

Countries use a variety of policies and practices related to foreign worker programs, including actions to limit illegal immigration and to reduce employment of unauthorized foreign workers. These policies and practices have been shaped by country-specific economic, demographic, and political factors, such as countries' unemployment rates and population characteristics. They may include visa categories to allow migrants to enter and work in a country on a legal basis, mechanisms to regularize the status of unauthorized migrants currently residing in a country,<sup>2</sup> means to

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<sup>1</sup> See U.S. Commission on Immigration Reform, *Becoming an American: Immigration and Immigrant Policy* (Washington, D.C.: 1997) and National Academy of Sciences, *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration*, 2003.

<sup>2</sup> The term "regularization" describes programs that provide unauthorized migrants already residing in a country with the opportunity to secure legal status on a permanent or temporary basis. In some countries, regularization programs have provided unauthorized migrants with temporary work permits and residence status, while in other countries, regularization programs have provided unauthorized migrants with permanent residence status.

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verify workers' employment authorization status, and efforts to enforce laws that prohibit the employment of unauthorized workers.

As in other countries, immigrants can legally enter and reside in the United States through different channels, such as work visa programs, but some also illegally enter or overstay their visas and illegally remain in the United States. Various reports have estimated that the U.S. unauthorized immigrant population was about 11 million in 2005. Congress has passed laws to provide legal channels for immigrants to live, work, and become naturalized citizens and to prohibit unauthorized migrants from entering and working in the United States. In 1986 Congress passed the Immigration Reform and Control Act (IRCA),<sup>3</sup> making it illegal for individuals or entities to knowingly employ unauthorized workers and establishing an employment eligibility verification process and a sanctions program for fining employers who do not comply with the act. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996<sup>4</sup> revised some provisions of IRCA and established voluntary pilot programs for employers to electronically verify employees' work eligibility.

More recently, the House of Representatives and the Senate passed different bills to further revise certain elements of U.S. immigration law. Among other things, these proposals would revise current border and interior enforcement measures and require employers' mandatory participation in an electronic employment eligibility verification system. The Senate proposal would also establish a new temporary foreign worker program and allow certain unauthorized immigrants currently residing in the United States to apply to regularize their status.

You asked us to review other countries' efforts to reduce the unauthorized employment of foreign workers. This report addresses the following questions: (1) What are selected countries' programs for admitting foreign workers, and what are the reported advantages and disadvantages of these programs? (2) What are selected countries' efforts to limit the employment of unauthorized foreign workers, and what are the reported advantages and disadvantages of these efforts? (3) What are selected countries' programs for providing unauthorized immigrants with an opportunity to obtain legal status, referred to as regularization, and what are the reported advantages and disadvantages of these programs? In addition, this report

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<sup>3</sup> Pub. L. No. 99-603, §101(a)(1) (codified at 8 U.S.C. §1324a).

<sup>4</sup> Pub. L. No. 104-208, div C, §§ 401-405, 411, 412, 416, 110 Stat. 3009-547, 3009-649, 655-69.



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provides information on selected countries' foreign worker programs, worksite enforcement efforts, and regularization programs in appendixes II through X.

To answer these questions, we obtained government agency reports and other documents and interviewed officials during site visits to Belgium, Canada, France, Germany, Spain, Switzerland, and the United Kingdom. We also interviewed officials and obtained documents from, but did not visit, Australia. In addition, we sent four questionnaires to government agencies in 13 countries and received responses from Argentina, Austria, the Netherlands, New Zealand, Portugal, and Singapore.<sup>5</sup> We selected the countries for our review based on their net immigration rate, size of population, membership in the Organisation for Economic Co-operation and Development (OECD) or World Bank classification as high income, range of immigration policies, and geographic location. In the 7 countries we visited and Australia, we interviewed officials from the labor ministries, interior ministries, finance ministries, treasury departments, social security agencies, immigration agencies, law enforcement agencies, and local government agencies. We analyzed information and documents, such as agency annual reports, manuals, and briefing materials, from these countries to determine the characteristics, functions, resources, and outputs of the countries' programs to admit foreign workers, enforce laws that prohibit the employment of unauthorized foreign workers, and regularize unauthorized immigrants. Our questionnaires included general questions about the characteristics, functions, outputs, and agency views on the advantages and disadvantages of these programs in the surveyed countries. We did not independently examine countries' laws and regulations, but rather based characterizations of countries' programs on information provided by countries in response to the questionnaires or in interviews as of July 2006.

In addition, we interviewed officials and analyzed reports from the International Labour Organization (ILO),<sup>6</sup> the International Organization for Migration (IOM), OECD, and the European Union (EU). We also examined reports and studies from research organizations and immigration experts, including reports from the Migration Policy Institute;

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<sup>5</sup> See appendix XI for copies of the questionnaires.

<sup>6</sup> In addition, we reviewed studies from the International Labour Office and the International Labour Conference, which are two of the main bodies of the International Labour Organization.

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the Center on Migration, Policy and Society at Oxford University; and the Center for Comparative Immigration Studies. In addition, we interviewed officials from the United Nations High Commission for Refugees; the United Nations High Commission for Human Rights; the Intergovernmental Consultations on Asylum, Refugee, and Migration Policies; 6 employer associations; 10 labor groups; and 1 advocacy group, as well as 19 immigration experts in Belgium, Canada, France, Germany, Spain, Switzerland, the United Kingdom, and the United States.<sup>7</sup> We selected the experts based on the following criteria: type and depth of experience; recognition in the professional community; relevance of published work; employment history; and researchers' recommendations. We also interviewed officials from the Departments of Labor and Homeland Security in the United States. We analyzed information from these sources to determine their views on the advantages and disadvantages of countries' temporary foreign worker programs, efforts to enforce laws that prohibit the employment of unauthorized foreign workers, and regularization efforts. For more detailed information on our scope and methodology, see appendix I. We conducted our work from September 2005 through August 2006 in accordance with generally accepted government auditing standards.

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## Results in Brief

The countries in our review have programs for admitting foreign workers, which have advantages, such as providing employers with a legal workforce, and disadvantages, such as difficulties in ensuring that foreign workers under temporary foreign worker programs return to their home countries. Countries' programs are generally focused on recruiting high-skilled or seasonal foreign workers, and countries do not recruit significant numbers of low-skilled workers.<sup>8</sup> Some countries manage the recruitment of workers by bilateral agreements or the use of private sector entities, often called third party entities. For example, Canada uses

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<sup>7</sup> See appendix XII for a list of the experts we interviewed.

<sup>8</sup> For the purposes of our report, we define "high-skilled foreign workers," also referred to as "skilled foreign workers," as workers brought in or allowed entry from foreign countries by the government for a specified amount of time, on the basis of intermittent, peak load, or one time labor market needs for jobs requiring specialized knowledge or skills, generally gained through the completion of higher education, training, or professional experience. We define "low-skilled foreign workers," also referred to as "unskilled foreign workers," as those workers brought in for non-seasonal jobs that require limited education, training, or experience. We define "seasonal foreign workers" as workers brought in to meet the seasonal, intermittent, peak load, or one time needs of seasonal jobs, such as those of agricultural producers.

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bilateral agreements with Mexico and several Caribbean nations to recruit seasonal foreign workers to work in agricultural sectors.<sup>9</sup> The countries we studied determine the number of foreign workers that can be admitted by a variety of means, such as quota systems. However, experts stated that it is difficult to implement a system that flexibly responds to changing labor market needs and does not provide an incentive for employers to hire unauthorized workers. In addition, countries regulate foreign worker admissions by specifying requirements for participation in a foreign worker program. These requirements may state, among other things, that the foreign worker or potential employer must pay a fee to obtain a work permit and specify whether the foreign worker is entitled to bring family members. Moreover, the foreign worker programs we studied differ in their requirements for foreign workers to return to their home countries. Some temporary programs require temporary foreign workers to return upon expiration of the work permit, while others allow a foreign worker to apply for permanent resident status. Programs that require a foreign worker to return home after a work permit expires may include a variety of tools to encourage or enforce the return of temporary foreign workers, such as allowing foreign workers to collect withheld earnings upon return. However, experts and government officials noted that it is difficult to successfully ensure foreign workers' return, and as a result, countries we studied estimated that a significant number of immigrants overstayed their work permits, thus lapsing into illegal status.

Countries we studied use a variety of efforts in enforcing laws designed to limit the employment of unauthorized foreign workers, which have helped countries address the underground economy,<sup>10</sup> but they have also faced difficulties in effectively implementing these efforts, such as identifying those who are not authorized to work and collecting employer monetary fine amounts. In many of the countries, employers are required to register the employment of workers with government agencies, and in some of these countries, employers are also required to verify workers' authorization status. For example, employers in the United Kingdom are required to verify the work authorization status of all workers to establish

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<sup>9</sup> Canada also maintains bilateral agreements with Barbados, Jamaica, Trinidad and Tobago, and the Organization of Eastern Caribbean States for the admission of seasonal workers.

<sup>10</sup> According to studies, the underground economy includes any employment in a country for which employers do not pay taxes or social insurance contributions and is thus composed of both unauthorized foreign workers and native workers for whom appropriate contributions are not paid.

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an affirmative defense against a charge of employing unauthorized foreign workers,<sup>11</sup> while in Belgium, employers are required to review foreign workers' authorization. In the countries we studied, the employment of unauthorized foreign workers is generally considered one of various illegal labor practices, including failure to pay taxes or social insurance contributions or provide fair wages and safe working conditions. As a result, government agencies in these countries generally focus their enforcement efforts and allocate resources to detect any illegal labor practices on the part of employers. Countries in our review use different tools to conduct enforcement actions against employers engaged in such practices. To obtain information on potential cases of unauthorized foreign worker employment, for example, enforcement agencies may examine various sources, such as tips from the public or data in government databases. On the basis of this and other information, enforcement agencies may inspect or investigate employers' worksites. According to governmental and nongovernmental officials, conducting frequent employer investigations and publicizing those investigations helps deter employers from hiring unauthorized foreign workers, although countries have faced challenges, such as the prevalence of document fraud, in investigating and penalizing employers. Government agencies may monetarily sanction employers for hiring unauthorized foreign workers, although the deterrent effect of monetary fines on employers' hiring of unauthorized foreign workers is unclear. In addition, countries use other tools, such as excluding employers from receipt of public contracts and seizing employers' assets, to penalize employers for hiring unauthorized foreign workers.

Some of the countries we studied have implemented large-scale regularization programs that allow unauthorized immigrants to apply for legal status on either a temporary or a permanent basis. While regularization programs have provided benefits to countries, such as reducing employment in the underground economy, countries have also faced challenges in implementing and assessing the programs. Countries have implemented regularization programs for various reasons, such as to help socially and economically integrate unauthorized foreign workers. Under most programs, countries required unauthorized immigrants to

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<sup>11</sup> It is a criminal offense in the United Kingdom for employers to employ someone subject to immigration control who has no right to work in the country, or no right to do the work being offered. Employers can establish a defense against conviction for employing an unauthorized worker by checking and copying certain original documents presented by potential new workers.

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meet specified eligibility requirements, such as residency and employment requirements, before applying for or receiving legal status. In these countries, employers and unauthorized foreign workers have incentives for participation in regularization programs, but may not want to participate for different reasons. For example, experts have noted that employers save money by employing unauthorized foreign workers for whom they do not pay taxes or social insurance contributions, and thus, employers may choose not to participate in a country's regularization program. Governments in countries that have implemented regularization programs to provide unauthorized immigrants with legal status perceive benefits from such programs. According to government officials and experts, governments can collect taxes and social insurance contributions from unauthorized immigrants who gain legal status and did not previously pay these contributions. Yet governments may incur costs and face difficulties in implementing regularization programs, such as in managing the application process and in determining whether immigrants granted temporary legal status renew their status. In addition, experts have reported that the effect of regularization programs on illegal immigration and employment in countries that have implemented such programs is unclear. For example, some have suggested that regularization programs encourage further illegal immigration, while others have noted that a lack of evaluation hinders efforts to determine the impact of regularization programs on future illegal immigration.

The policies and practices employed by other countries to regulate the employment of foreign workers are shaped by each country's unique political, social, cultural, and economic characteristics. These characteristics inform countries' decision-making processes and may not be readily applicable to the United States. In particular, the unauthorized workers who could be affected by a regularization program in this country far outnumber the participants in past programs in the countries we studied. However, the experiences of other countries in addressing foreign worker flows and employment are useful in identifying a broad range of issues for consideration by any country that attempts to reform its immigration policy and can illuminate the potential advantages and pitfalls associated with them.

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## Background

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### Political and Social Factors Related to Immigration

Individuals migrate between countries for different reasons, including for family reunification, humanitarian, and work purposes. Many countries provide channels through which immigrants can legally enter to live with their immediate family members, and most countries we studied also admit immigrants who are refugees or claim asylum. Countries also have established temporary and permanent migration channels through which individuals can legally enter for employment.

Social and political factors in countries may affect countries' immigration policies. For example, studies have noted that a country's perception of its national identity can affect the country's policies for admitting and integrating immigrants.<sup>12</sup> A country that perceives itself as being culturally homogeneous may view immigration differently than countries with long histories of immigration. Relatedly, countries' policies for granting permanent residence or citizenship to immigrants may affect countries' immigration programs. For instance, policies regarding permanent residency and citizenship may help shape the types of programs countries implement for admitting immigrants and facilitating immigrants' social and economic integration.

Studies have noted the importance of social and economic integration for immigrants.<sup>13</sup> Programs to integrate immigrants into a country provide benefits to both the country and immigrants by promoting social cohesion; fostering immigrants' support for and participation in the country's political, economic, and social systems; and helping to ensure the protection of immigrants' rights and to enhance their ability to access the labor market. These programs may provide immigrants with job training or work experience, language or civics courses, and other educational opportunities.

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<sup>12</sup> See, for example, International Organization for Migration, *World Migration 2005: Costs and Benefits of International Migration* (Geneva, Switzerland: 2005).

<sup>13</sup> See, for example, Organisation for Economic Co-operation and Development, *Trends in International Migration* (Paris, France: 2005), and Organization for Security and Co-operation in Europe, International Organization for Migration, and International Labour Office, *Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination*, 2006.

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Countries may implement changes to existing immigration policies, including to reduce immigrant admissions or, conversely, to provide increased opportunities for legal immigration, based on different factors or events. Countries may revise their immigration policies to respond to external events, such as humanitarian crises in other countries or international conflicts by, for example, changing the number of refugees and asylum seekers admitted to the countries. Moreover, countries may strengthen their border control efforts, for instance, in response to increased illegal immigration flows from neighboring countries.

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## Economic and Demographic Factors Related to Immigration

Various economic and demographic characteristics are linked to countries' immigration policies. In particular, studies have noted that economic factors, such as unemployment rates, economic growth rates, and the size of the underground economy, may affect countries' immigration policies.<sup>14</sup> For example, high unemployment rates may limit the number of foreign workers countries admit, as unemployed native workers take jobs typically filled by foreign workers. Therefore, high unemployment rates in certain countries may encourage foreign workers to seek employment in other countries with lower unemployment rates. Likewise, studies have suggested that the relative difference in the size and growth of countries' economies can affect immigration flows. Countries with large or fast-growing economies are attractive to foreign workers—including unauthorized immigrants.

The employment of unauthorized foreign workers contributes to countries' underground economies. The underground economy includes any employment in a country for which employers do not pay taxes or social insurance contributions and is thus composed of both unauthorized foreign workers and native workers for whom appropriate contributions are not paid. Studies have noted that both employers and workers benefit from working in the underground economy because in doing so, neither group pays taxes or social insurance contributions.<sup>15</sup> Employment in the underground economy may negatively affect government revenue because governments do not collect taxes and social insurance contributions on

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<sup>14</sup> See, for example, International Organization for Migration, *World Migration 2005* and International Labour Office, *Towards a Fair Deal for Migrant Workers in the Global Economy* (Geneva, Switzerland: 2004).

<sup>15</sup> See, for example, Friedrich Schneider and Robert Klinglmair, *Shadow Economies Around the World: What Do We Know?* Johannes Kepler University of Linz, (Linz-Auhof, Austria: April 2004).

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underground employment. Likewise, workers in the underground economy may find it more difficult to access social insurance benefits and may be more at risk for exploitation.

Demographic factors, particularly countries' birthrates and population characteristics, may also affect immigration policies. Studies have noted that aging, low-growth populations may have long-term effects on countries' fiscal and economic outlook, and these countries may be more disposed to admitting foreign workers than other countries.<sup>16</sup> For example, as the number of younger people in a country decreases relative to the increase in the number of older people, contributions made by younger workers to countries' social insurance systems may not be sufficient to provide insurance benefits for the increasing older population. Therefore, countries with aging, low-growth populations may have an incentive to encourage legal immigration and admit large numbers of foreign workers who can contribute to countries' tax and social insurance systems and may be more at risk for exploitation.

Yet foreign workers in countries may also be eligible to receive some social insurance benefits, and foreign workers' access to such benefits varies among countries. For example, in some countries foreign workers, including unauthorized foreign workers, can access unemployment and health insurance but cannot receive retirement benefits. Given that foreign workers contribute to tax and social insurance systems but also can receive social insurance benefits, in most countries it is unclear whether foreign workers' contributions are greater than the benefits they receive or whether foreign workers, particularly unauthorized workers, create net fiscal costs for governments. In addition, studies suggest that unauthorized foreign workers create other costs for governments, such as costs for social services as well as for border and interior enforcement efforts.

Experts have reported that immigration provides economic benefits to countries that may exceed any fiscal costs to governments resulting from unauthorized immigration.<sup>17</sup> These experts have suggested that migration helps to allocate labor resources among global labor markets, creating net

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<sup>16</sup> See, for example, International Organisation for Migration, *World Migration 2005*.

<sup>17</sup> See, for example, Global Commission on International Migration, *Migration in an Interconnected World: New Directions for Action* (Switzerland, October 2005) and Organisation for Economic Cooperation and Development, *Combating the Illegal Employment of Foreign Workers* (Paris, France: 2000).



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gains for migrants and countries receiving the migrants. For example, in some countries there is little direct competition between immigrants and local workers for jobs in most sectors. In such instances, foreign workers can fill needed jobs for which no native workers are available. In countries with more direct competition between immigrant and resident workers, particularly for low-skilled jobs, immigrants tend to compete with native workers as well as with other immigrants already residing in the country with similar skills. In these cases, resident workers, both citizens and noncitizens, may experience declining wages or wages that rise slowly and increasing unemployment rates. Moreover, studies have suggested that a high concentration of foreign workers in certain industries or geographical areas can depress employment and working conditions in the local labor force.<sup>18</sup>

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## Free Movement among EU Countries

Among EU countries, policies and practices established by the EU may affect member countries' immigration policies. In particular, within the EU, nationals or citizens of member countries can move freely between other member countries without being subject to border controls. In June 1985, five EU countries initially signed a treaty to create a territory within the EU that did not have internal border checkpoints and controls, which became known as the Schengen area. This treaty includes EU members, other than the United Kingdom and Ireland, and does not yet fully apply to the 10 new members that acceded to the EU in May 2004.<sup>19</sup> When the Schengen area came into effect, it abolished the internal borders of the signatory states and created a single external border for immigration checks for all states within the Schengen area.

In addition to the right of free movement, nationals of EU member countries have the right to work in any other member country. However, this right has not yet been fully extended to new member countries that acceded to the EU in May 2004. For the first 2 years following accession, new member countries' access to labor markets in the existing member

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<sup>18</sup> See, for example, International Organisation for Migration, *World Migration 2005*.

<sup>19</sup> The members of the Schengen area are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, and Sweden. All these countries except Norway and Iceland are European Union members. The member states that joined the European Union on May 1, 2004, are bound by the entire Schengen agreement, but certain provisions will apply to them only after border controls have been abolished. These 10 new EU members are: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia.

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countries depended on the national policy of each existing member country. Among the existing member countries, Ireland, Sweden, and the United Kingdom fully opened their labor markets to workers from all the new member states. Other existing member countries limited workers' access to labor markets under transitional arrangements for various reasons, including to limit competition among domestic and foreign labor forces. At the end of the initial 2-year period, the European Commission assessed the transitional arrangements for workers from the new EU countries.<sup>20</sup> In addition, existing member countries decided whether to continue the arrangements for an additional 3 years or to allow workers from the new member countries full access to labor markets. Finland, Greece, Portugal, and Spain opened their labor markets to workers from the new EU countries as of May 1, 2006, while the other EU member countries decided to continue the transitional arrangements. At the end of this 3-year period, existing member countries can, under limited conditions, restrict labor access for an additional 2-year period. Member countries cannot extend the transitional arrangements beyond 7 years after the new members' EU accession.

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## Immigration-Related Programs in the United States

United States immigration policy distinguishes between temporary and permanent admissions by providing for two types of U.S. visas for foreign nationals entering the country. Immigrant visas are issued to foreign nationals who intend to live permanently in the United States, while nonimmigrant visas are for foreign nationals wishing to enter the country on a temporary basis, such as for temporary work, study, or tourism. The immigrant visas generally provide a path to eventual citizenship, while the nonimmigrant visas require that, upon expiration of the visa, the visa holder must either leave the country or change status to a new visa category.

Permanent immigrant visas are issued for family reunification, employment, or humanitarian reasons. Immigrants who apply to enter the United States for work purposes are required to follow a multistep process. First, the potential worker and employer determine if the worker is eligible for a permanent employment-based visa based on the applicant's skills. Second, most employment categories require that the U.S. employer

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<sup>20</sup> Commission of the European Communities, *Report on the Functioning of the Transitional Arrangements set out in the 2003 Accession Treaty* (Brussels, Belgium: 2006).

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complete a labor certification request for the applicant and submit it to the Department of Labor's Employment and Training Administration Office of Foreign Labor Certification. This office provides labor certifications to employers once employers have demonstrated that there are insufficient qualified U.S. workers available and willing to perform the work at wages that meet or exceed the prevailing wage paid for the occupation, and employment of the immigrant will not adversely affect the wages and working conditions of U.S. workers similarly employed. Third, once the employer receives the labor certification, the employer files an immigrant visa petition, which must be approved by U.S. Citizenship and Immigration Services (USCIS) in the Department of Homeland Security (DHS). Finally, the Department of State provides the applicant an immigrant visa number. The visa number indicates that a visa has been assigned to the applicant, but the applicant is required to wait, sometimes for years, for the visa number to become available in order to complete the process of becoming a permanent resident.

Current U.S. law allows for 140,000 permanent employment-based visas per year and preferentially grants these visas based on skill level, with highly skilled applicants receiving the highest preference. The first level of preference is provided to persons of "extraordinary ability" in the arts, sciences, education, business, or athletics; outstanding professors and researchers; and multinational executives and managers all of whom must meet certain specified criteria.<sup>21</sup> The second level of preference is provided to members of professions holding advanced degrees or persons of "exceptional ability" in the sciences, art, or business who meet certain specified criteria.<sup>22</sup> The third preference level is provided to skilled workers with at least 2 years' training or experience, professionals with baccalaureate degrees, and up to 10,000 unskilled shortage workers performing work that is not of a temporary or seasonal nature.

The majority of work-related visas that are granted in the United States are for a temporary period and require the employer to file a petition with USCIS. The beneficiaries of the visa petition generally must provide

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<sup>21</sup> "Extraordinary ability" must be demonstrated by sustained national or international acclaim and achievements that have been recognized in the field through extensive documentation. 8 U.S.C. § 1153(b)(1)(A).

<sup>22</sup> According to 8 U.S.C. § 1153(b)(2)(A), individuals with "exceptional ability" are those who will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

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evidence that they are not coming to live permanently in the country, and in some cases, as discussed above, employers must receive an employment certification from the U.S. Department of Labor. The United States currently has 72 specific types of temporary visas, and a subset of these permit the visa holder to be employed while in the United States. Table 1 provides examples of some of these temporary, employment-based visa programs. Some work visas are designed to attract workers in specific labor market sectors, such as nursing or corporate managers. One of the largest categories for work-related visas is the H visa, which includes the H-1B, H-2A, and H-2B visas, and is not specific to a particular market. H-1B visas are for professional specialty workers with highly specialized knowledge or distinguished fashion models and are renewable for up to 6 years. The H-2A visa is for seasonal or temporary agricultural workers and allows for a maximum stay of 3 years. Finally, the H-2B visa is a general, temporary visa for nonagricultural workers; is limited to 66,000 visas annually; and does not have requirements for skill levels. After the temporary visas expire, the foreign worker is required to leave the United States. Migrants who overstay their visas contribute to the unauthorized foreign worker population in the United States, despite provisions in the law that limit or control the ability of unauthorized migrants to find employment. We have previously reported that the United States has difficulty in tracking the status of immigrants who enter the country legally and then overstay their visas.<sup>23</sup>

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<sup>23</sup> GAO, *Overstay Tracking: A Key Component of Homeland Security and a Layered Defense*, [GAO-04-82](#) (Washington, D.C.: May 21, 2004).

**Table 1: Examples of Temporary Employment-Based Visas in the United States**

Visa	Type of foreign workers	Annual numeric limit	Length of stay
E	International investors and traders	None	Renewable up to 2 years with possible extension of stay
H-1B	Temporary workers in professional specialty occupations with highly specialized knowledge or fashion models of distinguished merit and ability	65,000 (with certain exceptions)	Renewable up to 6 years
H-2A	Temporary agricultural workers	None	Maximum stay of 3 years
H-2B	Temporary nonagricultural workers	66,000	Maximum stay of 3 years
J	Instructors or researchers in education and cultural exchange programs designated by the Department of State	None	No maximum stay restriction
L	Intercompany transfers in a capacity that is managerial, executive, or involves specialized knowledge	None	5-7 years
O	Persons with extraordinary ability in the sciences, arts, education, business, or athletics or certain persons accompanying or assisting them	None	3-4 years
P	Internationally recognized athletes, members of an entertainment group, or certain other individual performing artists or entertainers	None	10 years
Q-1	Providers of practical training, employment or experience in cultural exchange programs approved by USCIS	None	Maximum stay of 15 months
R	Religious workers	None	Maximum stay of 5 years
TN	Temporary workers under the North American Free Trade Agreement	None	Renewable up to 2 years

Source: GAO analysis of USCIS data.

U.S. immigration laws have also established a variety of means by which immigrants can change their status after entering the country. For example, some temporary visa categories allow a legal visa holder to apply to adjust to lawful permanent resident status under a permanent employment- or family-based category after a specified period of time of working legally in the United States. In addition, IRCA established a regularization program to provide legal status to aliens who had continuously resided in the United States illegally prior to January 1, 1982. It is estimated that the programs under IRCA regularized the status of nearly 3 million unauthorized immigrants.

IRCA also established procedures for verifying the work authorization of foreign employees and for enforcing laws to limit the employment of

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unauthorized workers. The act made it illegal for individuals to knowingly hire, continue to employ, or recruit or refer for a fee unauthorized workers and established a two-pronged approach for helping to limit the employment of unauthorized workers: (1) an employment verification process through which employers verify newly hired employees' work eligibility and (2) a sanctions program for fining employers who do not comply with the act.

Under the employment verification process, employees and employers must complete the Employment Eligibility Verification Form (Form I-9) to certify that the employees are authorized to work in the United States. Employers must request that newly hired employees present a document or documents that confirm employees' identity and work eligibility. Currently, there are 27 different documents that can be used to establish work eligibility. On the Form I-9, employees must attest that they are U.S. citizens, lawfully admitted permanent residents, or aliens authorized to work in the United States. Employers must then certify that they have reviewed the documents presented by their employees to establish identity and work eligibility and that the documents appear genuine and relate to the individual presenting them. In making their certifications, employers are expected to judge whether the documents presented are obviously counterfeit. Employers are deemed in compliance with IRCA if they have followed the verification procedures, including instances when an unauthorized alien may have presented fraudulent documents that appeared genuine. We have previously reported that current weaknesses, such as difficulty in detecting document and identity fraud and the large number of acceptable documents for proving work eligibility, have undermined the effectiveness of the employment verification process.<sup>24</sup>

Those employers who do not follow the verification process can be sanctioned for knowingly hiring or continuing to employ unauthorized workers, or for improperly completing the Form I-9. Employers who fail to properly complete, retain, or present for inspection a Form I-9 may face civil or administrative fines ranging from \$110 to \$1,100 for each employee

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<sup>24</sup> GAO, *Immigration Enforcement: Weaknesses Hinder Employment Verification and Worksite Enforcement Efforts*, [GAO-05-813](#) (Washington, D.C.: Aug. 31, 2005).

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for whom the form was not properly completed, retained, or presented.<sup>25</sup> IIRIRA of 1996 limited employer liability for certain technical violations of Form I-9 paperwork requirements. According to the act, a person or entity is considered to have complied with the employment verification process if the person or entity made a good faith attempt to properly complete the Form I-9.<sup>26</sup> Employers who knowingly hire or continue to employ unauthorized aliens may be fined from \$275 to \$11,000 for each employee, depending on whether the violation is a first or subsequent offense. Employers who engage in a pattern or practice of knowingly hiring or continuing to employ unauthorized workers are subject to criminal penalties consisting of fines up to \$3,000 per unauthorized employee and up to 6 months' imprisonment. Efforts to enforce these sanctions are referred to as worksite enforcement and are primarily the responsibility of U.S. Immigration and Customs Enforcement (ICE) in DHS.

We reported in 2005 that worksite enforcement has been a relatively low priority under both the U.S. Immigration and Naturalization Service (INS)<sup>27</sup> and ICE, and that since fiscal year 1999, INS and ICE have dedicated a relatively small portion of overall agent resources to the worksite enforcement program.<sup>28</sup> Since September 11, 2001, INS and then ICE focused worksite enforcement efforts mainly on detecting and removing unauthorized workers from critical infrastructure sites, such as airports and nuclear power plants, consistent with the DHS mission to combat terrorism. Yet employers, particularly those not located at or near critical infrastructure sites, who attempt to circumvent IRCA have faced little likelihood that ICE would investigate them for knowingly hiring

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<sup>25</sup> In 1999, the Department of Justice increased the amounts of the civil penalties from those established in IRCA to the current levels to reflect a 10 percent adjustment for inflation. 8 C.F.R. § 274a.10(b). Under the Federal Civil Monetary Penalties Inflation Adjustment Act of 1990, as amended, federal agencies are to make regular adjustments for inflation of civil monetary penalties that they are charged with enforcing. 28 U.S.C. §2641 note.

<sup>26</sup> According to IIRIRA, a person or entity with certain Form I-9 paperwork violations must be informed of the violation and provided with a period of not less than 10 business days to correct the violations. If the person or entity does not correct the violations within the specified time period, the person or entity would not be considered to have made a good faith attempt to comply with the Form I-9 requirement.

<sup>27</sup> In March 2003, INS was merged into the Department of Homeland Security. The service's immigration functions were divided between USCIS, ICE, and U.S. Customs and Border Protection. ICE is responsible for managing and implementing the worksite enforcement program.

<sup>28</sup> [GAO-05-813](#).

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unauthorized foreign workers. We reported that INS and ICE have faced difficulties in setting and collecting fine amounts that meaningfully deter employers from hiring unauthorized foreign workers and in detaining unauthorized workers, though we noted that ICE has taken steps to address these difficulties. In addition, in 2006 we reported that data on individuals' earnings collected by various agencies, including the Social Security Administration and the Internal Revenue Service, could help DHS detect unauthorized work and enforce immigration laws.<sup>29</sup> However, while our prior work has highlighted the benefits of earnings information for detecting unauthorized work, we noted that additional disclosure of earnings information should be carefully weighed against the various drawbacks—especially privacy considerations.

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## Countries' Programs for Admitting Foreign Workers

The countries in our review have programs designed to recruit foreign workers to fill jobs that cannot be filled by native workers, and these programs generally focus on recruiting high-skilled or seasonal foreign workers. Some countries facilitate the recruitment of workers by using bilateral agreements or third party entities. The countries we studied determine and manage the number of foreign workers that can be admitted by studying labor market conditions or by implementing a quota system. The countries also have admission requirements that employers and potential foreign workers are required to meet in order to participate in a foreign worker program. The majority of foreign worker programs implemented in countries we studied are temporary, and the countries use a variety of mechanisms to encourage or enforce the return of temporary foreign workers after expiration of work permits.

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<sup>29</sup> GAO, *Immigration Enforcement: Benefits and Limitations to Using Earnings Data to Identify Unauthorized Work*, [GAO-06-814R](#) (Washington, D.C.: July 11, 2006).



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## Countries Recruit Foreign Workers Based on Skill Level and Can Use Bilateral or Other Agreements

### Countries Recruit Foreign Workers with Different Skill Levels but Generally Focus Recruitment on High-Skilled and Seasonal Workers

Foreign countries in our review have programs designed to fill high-skilled, low-skilled, and seasonal jobs with foreign workers, but countries vary in the ways they recruit foreign workers for these types of positions. Countries such as Australia, Germany, and Belgium have programs designed to actively recruit highly skilled workers.<sup>30</sup> For example, according to government officials, Australia offers numerous foreign worker programs to recruit highly skilled foreign workers in specific industry sectors that have experienced labor market shortages. The country recruits high-skilled workers through, among other means, the use of promotional campaigns within specific industrial sectors or foreign countries to target foreign workers with specific business or trade skills for positions in Australia, such as medical practitioners, visiting academics, and business workers. In addition, Canadian officials stated that about 55 percent of the temporary foreign workers admitted to Canada in 2004 were employed in skilled occupations, such as professionals, academics, and engineers. According to one expert, because the education and training required to become high-skilled takes time to acquire, an efficient way for a country to increase its numbers of high-skilled workers is to recruit these workers from abroad. For example, during the 1990s, most industrial countries made it easier for foreign professionals to enter and work temporarily or permanently in response to the economic growth of that period.

While countries we studied, such as Canada, Australia, and Germany, have programs designed to legally admit low-skilled foreign workers, they generally do not focus their recruitment efforts on this type of worker.<sup>31</sup> However, jobs in low-skilled sectors, such as manufacturing, construction, and cleaning services, are also the sectors in which employers with large

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<sup>30</sup> See appendix II for more information on high-skilled worker programs in the countries we studied.

<sup>31</sup> See appendix II for more information on low-skilled worker programs in the countries we studied.

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numbers of unauthorized workers are typically found. Government officials and experts told us that the high amount of illegal work in these sectors can be an incentive for governments to develop programs designed to legally admit low-skilled workers. In addition, countries' need for foreign workers to fill low-skilled jobs is at least partially determined by the economic situation of the countries. For example, experts from Germany stated that the high unemployment rate in their country has decreased the need for low-skilled foreign workers, and the German government has taken steps to fill low-skilled job vacancies with unemployed German citizens. In contrast, Canadian officials stated that their country's need for temporary foreign workers, of which about 45 percent are low-skilled, has increased as the economy has strengthened.

While most of the countries in our review do not recruit significant numbers of low-skilled foreign workers, government officials generally told us they recruit foreign workers on a seasonal basis and have implemented programs designed to fill those needs.<sup>32</sup> For example, Germany recruits seasonal workers by allowing employers to specify individual foreign workers to fill positions or by allowing an employer to request foreign workers through a local employment agency without specifying particular workers. Seasonal work, while considered to be a type of low-skilled employment, is generally regulated under specific programs different from those regulating other types of foreign work because seasonal work is of a defined amount of time. Seasonal work is generally in the agricultural or tourism industries in which the length of such work is defined by growing season and peak tourist season, respectively. Foreign workers may therefore have the opportunity to participate in seasonal programs on an annual basis. Government officials and experts told us that this process of repeatedly participating in seasonal programs provides an incentive for foreign workers to return to their home countries at the end of the season because lapsing into illegal status by overstaying their permits may jeopardize workers' ability to participate in future programs. In addition, government officials and experts suggested that employers benefit from seasonal worker programs under which the same workers participate year after year because employers gain benefits from their investments in the seasonal workers, such as in the provision of training. However, experts also noted that

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<sup>32</sup> See appendix II for more information on seasonal worker programs in the countries we studied.

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## Countries Can Use Bilateral Agreements or Third Party Entities to Recruit Foreign Workers

seasonal workers may be vulnerable to exploitation because they may not be fully aware of their rights or may not report mistreatment if they fear doing so would jeopardize their employment.<sup>33</sup>

Some countries we studied use bilateral agreements to manage the flow of workers between two countries or to manage foreign worker admissions in specific labor sectors. For example, the Canadian government uses bilateral agreements with Mexico and Jamaica to recruit and admit seasonal foreign workers in the agricultural industry. Australia runs its Working Holiday Maker Program through reciprocal bilateral agreements with other countries. Under this program, Australia admits foreigners aged 18 to 30 from specific countries to enter Australia for up to 1 year for travel around the country. During their time in the country, these individuals can earn money by working for up to 6 months each with different employers. An Australian government official stated that the working holiday maker program has contributed to the Australian economy because it allows employers to hire visiting foreigners to do short-term work that the employers would likely not be able to obtain Australian workers to do.

Government officials and experts told us that both the receiving and sending countries have incentives to enter into a bilateral agreement. The agreements provide the receiving countries with mechanisms to help control the flow of illegal migration from sending countries by, for example, including provisions that require the sending countries to repatriate citizens who are found to be in the receiving country illegally. In addition, bilateral agreements allow receiving countries to recruit foreign workers from specific sending countries or with specific skills or other characteristics to fill jobs in certain sectors with labor shortages. Bilateral agreements also may provide employers in the receiving countries with some control over recruiting workers with appropriate skills to fill job positions, allow employers to compare foreign workers' education with the receiving country's standards, and help ensure sending countries' assistance in repatriating workers after work permits expire. In particular, some receiving countries have set up offices in sending countries to recruit and provide training for workers to be admitted. In other cases, companies themselves have become involved in the recruiting process by

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<sup>33</sup> See, for example, Organization for Security and Co-operation in Europe, International Organization for Migration and the International Labour Office, *Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination* (Geneva, Switzerland: 2006)

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sending personnel to countries to train and recruit foreign workers. For example, in Spain, the autonomous community of Madrid recently signed an agreement with Colombia that allows employers to train and guarantee jobs to potential workers while they are still in Colombia. France has bilateral agreements with Romania and other countries that facilitate unauthorized immigrants' repatriation by stipulating that deported foreign workers will not be able to secure a tourist visa enabling them to return to France for at least a few months after repatriation. Moreover, experts told us that receiving countries can use bilateral agreements to help manage the flows of unauthorized immigrants by providing financial assistance to the sending countries, helping to improve financial conditions in the sending countries and thus reducing immigrants' incentives to migrate illegally.

Likewise, sending countries have a variety of incentives for participating in bilateral agreements to manage foreign worker flows. Sending countries' economies benefit from the remittances that foreign workers send back to the countries, and bilateral agreements provide sending countries with a vehicle to negotiate appropriate wages, living conditions, and job security for their citizens abroad. In addition, sending countries may benefit economically and socially from the skills and experiences that temporary foreign workers bring back to the countries by, for example, encouraging small business and community development. Experts have indicated that helping to improve financial conditions in the sending countries reduces immigrants' incentives to migrate illegally.

Bilateral agreements also help sending countries ensure their workers' rights, such as ensuring employers provide safe working conditions. According to studies, the rights granted to foreign workers under bilateral schemes vary by agreement and the terms and conditions negotiated between the sending and receiving countries. Bilateral agreements can ensure that workers admitted are entitled to the same working conditions and wages as native workers, and some agreements also specify whether and how foreign workers are able to collect social insurance contributions made in receiving countries upon the workers' return to their home countries. However, nongovernmental officials and experts have stated that sending countries, in some cases, may be reluctant to advocate for their workers' rights if the countries perceive that doing so may hinder their participation in the bilateral agreements and thus the flow of remittances.

In addition, countries use private sector entities, called third party entities or operators, to recruit, select, or transport foreign workers from sending

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to receiving countries. For example, the United Kingdom allocates a defined number of work permits to several third party operators, who then independently recruit workers from other countries to work in the agricultural sector. Studies suggest that the use of third party entities is a means to link employers in the receiving countries with appropriate foreign workers. Government officials told us that the use of third party entities requires the government to regulate these groups to ensure they are complying with program requirements. For example, researchers have stated that third party entities can exploit foreign workers by soliciting money from foreign workers in exchange for job placement.

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## Countries Control the Admissions of Foreign Workers by Limiting Their Numbers and Setting Eligibility Requirements

### Countries Manage Foreign Worker Admissions Using Various Methods But May Find It Difficult to Effectively Respond to Changing Labor Market Needs

Most of the countries we studied assess the need for foreign workers by studying the labor market and using the results to determine the number of foreign workers to admit to work in specific sectors, but the countries varied in the extent to which they have formalized processes to assess labor market needs for foreign workers. The officials and experts with whom we spoke told us that basing the number of allowable admissions of foreign workers on the results of labor market determinations helps ensure that the number of foreign workers legally admitted matches the actual economic need for workers in specific industries. For example, Spain's regional governments determine the need for foreign workers in different labor sectors by discussing labor market needs with employer and worker associations and submit the results to the national government, which then uses the information to determine the number of foreign worker admissions for each sector. Experts and officials told us that a process for assessing labor market needs helps countries match the number of foreign worker admissions to labor market needs for those workers. In addition, many countries, including Argentina, the Netherlands, and Switzerland, require a potential employer to prove that no native workers are available to fill a job before the employer can apply to bring in a foreign worker. Countries such as France and Canada require employers to advertise job vacancies in local newspapers, trade publications, or an employment office before the employers can seek foreign workers. However, officials and experts told us that the burden on

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employers for completing this requirement can encourage employers to circumvent the assessment process and hire unauthorized foreign workers, resulting in the need for enforcement tools to address unauthorized foreign workers' employment.

In addition to using labor market assessments to determine the need for foreign workers, some countries we studied use quota systems to indicate the number of legal foreign worker admissions. Quotas can be set at a predetermined number or allow for some flexibility in the number of foreign workers to admit based on labor market needs. Governments may set quotas on an annual basis in consultation with relevant bodies such as employers, trade unions, and local labor or employment offices to account for labor market needs. Quotas can be set for each labor sector or geographic region or by foreign workers' countries of origin. For example, Switzerland has implemented a national quota for both temporary and long-term workers that limits the number of foreign workers admitted to Switzerland each year. The United Kingdom introduced a sector-based scheme in 2003 that created a quota of 10,000 workers in the hospitality and food-processing sectors and limited the annual number of foreign workers admitted to the United Kingdom in those sectors, although the United Kingdom is moving towards an employment-based immigration system based on a general points scheme to admit foreign workers, as discussed below. Additionally, in Austria, the government sets quotas of seasonal workers by sector. In 2006, Austria set quotas of 7,500 for workers in the tourism sector; 7,500 for workers in the agriculture or forestry sector; and 7,000 for seasonal harvesters.

However, it is difficult to implement a quota program that effectively responds to changing labor market needs when the number of foreign worker admissions has been set under a quota system. Government officials, labor unions, and experts told us that quotas may not necessarily respond to labor market needs, a situation that creates an incentive for employers to hire unauthorized workers and necessitates enforcement efforts to control the employment of unauthorized workers. Officials and experts also stated that as a country's economy changes, the need for foreign workers may shift from one employment sector to another.

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Some countries, including Australia, Canada, New Zealand, and the United Kingdom,<sup>34</sup> have used points-based systems for managing immigration flows, which allow countries to tailor their admission requirements for residence or work permits to migrants who meet certain characteristics. In general, under points-based systems, immigrants, such as temporary foreign workers, obtain points based on various skills and characteristics, including educational or professional experience and ability to speak a country's native languages. These characteristics may be chosen based on a country's perception of attributes that predict a migrant's potential to succeed in the labor market. Immigrants whose point totals meet a minimum point requirement can qualify for work permits and, in some cases, permanent residence status. Under Australia's points-based system, immigrants can earn points for such things as skill, age, English language ability, specific work experience, an occupation in demand, a job offer, an intention to reside in regional Australia, and spouses' skills. Under Canada's system, points are assigned to applicants based on age, education, work experience, intended occupation, and knowledge of Canadian national languages, among other things. Experts have said that points-based systems are advantageous because they are transparent to both the migrant and employer about the requirements a migrant must meet in order to qualify for entry to the country.

### Countries' Foreign Worker Programs Specify Employer and Worker Requirements for Participation

Countries we studied have foreign worker programs with requirements that employers and potential foreign workers are required to meet in order for the government to issue a work permit.<sup>35</sup> Most countries require either the worker or employer to pay a fee in order to be granted a work permit. For example, Canada charges individual workers a C\$150 (about \$140) fee to apply for a work permit. The United Kingdom charges employers a £153 (about \$280) fee to apply for a work permit on behalf of each potential foreign worker. Experts have suggested that requiring employers to pay a fee for foreign workers' permits helps to ensure that employers hire only those foreign workers for whom they truly have a need. However, government officials and experts stated that the fee requirement may create an incentive for workers to seek illegal employment and for

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<sup>34</sup> The United Kingdom implemented a pilot scheme in January 2002 called the Highly Skilled Migrant Programme, which uses a points-based system to select migrants. In March 2006, the United Kingdom government announced that a points-based migration system will be introduced for managing labor migration. See appendix X for more information.

<sup>35</sup> See appendix II for more information on the specific work permit requirements in the countries in our review.

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employers to hire unauthorized workers in order to avoid having to pay the fee. In other cases, unscrupulous employers may illegally deduct the cost of the fees from foreign workers' wages.

Many countries' work permits also stipulate that foreign workers can only be employed by the employer listed on the permit. Therefore, if foreign workers would like to change jobs, the workers must reapply for a new permit or work for an alternate employer illegally. While such a requirement can help regulate foreign workers' employment, experts and other nongovernmental officials told us that the requirement can also make it difficult for foreign workers to escape unscrupulous employers who may exploit the workers. In addition, the requirements of work permits granted under foreign worker programs generally state whether family members may accompany a foreign worker. For example, under Austria's seasonal worker program, foreign workers are not permitted to bring their family members. According to government officials, employer and employee groups, and experts, temporary workers may be less likely to return to their home countries if their family members are permitted to accompany them.

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### Countries' Foreign Worker Programs Are Generally Temporary but Vary in Their Requirements for Return

Regardless of the skill level of the foreign worker, the majority of work permits offered by the countries we studied are temporary, although the permits vary in their requirement for the workers' return at the end of the permit's duration. These permits generally expire after a set amount of time—for the countries in our review from 3 months to 5 years after issuance. However, not all temporary work permits require workers to return home at the end of the permit. Some temporary work permits are renewable and allow workers to renew the permit an unlimited number of times. For example, the Spanish government offers foreign workers a 1-year temporary permit that is renewable indefinitely, and participants in this program have the option to apply for permanent residency after 5 years. Nongovernmental officials and experts told us that an advantage of renewable temporary work permits is that they provide a means for employers to employ a legal workforce, help governments obtain financial benefits from hiring legal foreign workers, and reduce employers' incentives to hire unauthorized foreign workers.

Some countries' foreign worker programs offer temporary work permits that require the foreign worker to leave the country when the permit expires, but government officials and experts noted that it is difficult to ensure that the workers return to their home countries. Government officials and experts noted that temporary programs are most successful



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in ensuring worker return when the work is of a short, defined duration, such as in seasonal labor sectors. Workers may also be more willing to return to their home countries if they have the opportunity to participate in future programs. For example, Canadian officials and experts stated that employers in Canada have an incentive to hire legal foreign seasonal workers because they have assurance that the workers will be available to work in subsequent years. In addition, the foreign workers have incentives to return home because they do not want to jeopardize their status in the program and, because the agricultural work is located in rural areas of Canada, it can be difficult for the foreign workers to integrate into or travel to more populated areas of the country.

Experts and government officials noted that because it is difficult to successfully ensure foreign workers' return to their home countries, a significant number of foreign workers overstay their work permits and become unauthorized immigrants, contributing to countries' illegal immigrant populations. The countries we studied use a variety of tools to encourage or enforce foreign workers' return to their home countries when their permits have expired (see table 2), and these tools are used in conjunction with the countries' laws and policies that limit the employment of unauthorized workers. For example, government officials stated that hiring foreign workers who have an existing attachment to their home countries may help ensure that workers return when their work permits expire. According to government officials, under Spain's seasonal agricultural worker program, the government recruits primarily married women, because these workers may be more likely to return to their countries in order to see their families. The United Kingdom's seasonal worker program primarily recruits foreign students who are on vacation from their schools, as these workers have an existing reason to return to their home countries. In addition, countries may withhold foreign workers' social insurance benefits or earnings, which workers can only collect upon return to their home countries. Singapore requires employers of non-Malaysian temporary foreign workers to post a bond of S\$5,000 (about \$3,200) per worker, which is returned to the employer after the worker has returned home.

**Table 2: Examples of Tools to Encourage Foreign Worker Return, as Reported by Government Officials and Experts**

<b>Tools to encourage foreign worker return</b>	<b>Definition and use</b>
Deportation or expulsion	Unauthorized migrants are forcibly removed from the country.
Collection of social insurance benefits	Workers can only collect pension or social insurance benefits upon return to their home countries.
Collection of withheld earnings	Employers or governments withhold a portion of foreign workers' earnings that workers can collect only upon return.
Bonds	Employers or workers put up a monetary bond for work permits, which they can only collect upon workers' return.
Proof of intent	Foreign workers must provide proof of their intent to return to their home countries before admission, such as by showing they have sufficient funds to purchase a return ticket.
Reentry requirements	Countries grant reentry only if foreign workers return home upon expiration of the work permits.
Recruit specific type of worker	Countries recruit foreign workers who have an existing attachment to their home countries, such as married workers or students.
Admission of family members	Family members may not be permitted to accompany temporary foreign workers, making it more likely that the workers will return to their home countries. Countries may also subject family members to a waiting period, such as for 1 year, which effectively precludes them from reunification with shorter-term workers.
Encouraging circular migration	Countries establish short-duration work permits that are available annually. Foreign workers may be more willing to return to their home countries if they perceive that they will be able to return to the receiving country at a later date. Furthermore, allowing foreign workers to periodically return to their home countries helps workers maintain familial and other social networks in their home countries, helping to facilitate workers' return.
Facilitated reentry	Governments may require departing migrant workers to register their return with the government's consulate in the receiving country. In exchange, the migrant worker may gain facilitated reentry for employment purposes in the future.
Sponsorship	Government may require employers and educational institutions to be approved to accept foreign workers or students and to receive a certificate of sponsorship, which requires, among other things, that they notify the government if the migrant is leaving their employment. Failure to do so results in removal of the government's approval for the employer or institution to accept foreign workers or students.

Source: GAO analysis of country- and expert-reported data.

Some programs allow for permanent resident status after a certain period of employment and residence, although countries' programs for foreign workers generally do not allow for workers to become naturalized citizens. Experts stated that granting permanent status can help ensure economic growth and sustain social welfare contributions, as well as allow employers to retain high-quality workers. Experts, government officials, and nongovernmental officials stated that offering permanent status is generally reserved for high-skilled foreign workers and therefore can be used as a means to recruit and retain skilled foreign workers. For

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example, Germany instituted a program for recruiting information technology specialists in which foreign specialists could reside and work in Germany for a 5-year period, after which they could apply for permanent residency and bring in family members if the specialists met a minimum salary requirement. In Switzerland, settlement permits can be granted to individuals who have resided continuously in the country for 10 years; foreigners from European Economic Area countries and the United States can receive permits after 5 years of residence.

Some of the countries in our review have implemented measures to assist with the integration of foreign workers and their families who are granted long-term residency status and who may face difficulties in socially and economically integrating into the countries. For example, immigration experts in Germany stated that long term residents from Turkey may have difficulty integrating into German society as, in general, neither they nor their children could become German citizens. Germany has initiated programs to help integrate new immigrants, such as requiring them to take language and civics classes. France has also faced difficulties in integrating immigrant populations, which, according to a government official, have contributed to protests and civil unrest. The French government has taken steps to help better integrate immigrants, such as establishing a dialogue with immigrant organizations and providing scholarships for immigrants. Other countries have also initiated programs to help immigrants' integration, such as language and culture classes and programs to assist immigrants in obtaining employment.

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### Additional Insights from Countries' Temporary Foreign Worker Programs

The countries whose temporary foreign worker programs we studied noted that such programs have provided a variety of benefits to those countries by, for example, helping countries fill labor market shortages in specific sectors, such as in sectors where there are no native workers available or willing to fill jobs. Temporary foreign worker programs have also provided channels for legal immigration flows, which according to experts, may have helped to reduce employers' demand for unauthorized foreign workers and foreign workers' incentives to illegally migrate to receiving countries. Yet, governmental and nongovernmental officials have noted challenges faced by countries in implementing temporary foreign worker programs. Experts have suggested that temporary foreign worker programs or other initiatives that increase the number of foreign workers legally admitted to countries do not help reduce illegal immigration flows but rather help increase immigrant populations in receiving countries, which may encourage further legal and illegal immigration flows. In addition, countries have faced challenges in developing temporary foreign

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worker programs that flexibly respond to changing labor market needs. Countries have also experienced difficulties in enforcing requirements specified on work permits, particularly in ensuring temporary foreign workers' return to their home countries upon expiration of their work permits.

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## Countries Use Various Means to Limit Employment of Unauthorized Foreign Workers

The countries we studied generally require employers to report information on workers' employment, such as workers' names and social insurance numbers, to government agencies, and in some countries, employers are required to review employees' work authorization documents. In taking worksite enforcement actions against unscrupulous employers and unauthorized foreign workers, including those who do not follow government reporting and verification requirements, some countries focus enforcement efforts on detecting and penalizing all illegal labor practices, while others focus more specifically on the employment of unauthorized foreign workers. As part of their worksite enforcement efforts, countries use a variety of enforcement tools, which are generally focused more on employers than on unauthorized foreign workers. To identify employers for investigation, enforcement agencies in these countries obtain information or leads from sources, such as the public and government databases, and use this information to investigate worksites. According to government officials and experts, the frequency and publicity of employer investigations helps deter employers from hiring unauthorized foreign workers, but countries have faced challenges in investigating and sanctioning employers and unauthorized foreign workers. These officials also stated that monetary fines penalize employers for hiring unauthorized foreign workers and may help deter future unauthorized employment, but others have noted that fines alone may not be effective in deterring unauthorized foreign worker employment. In addition to monetary fines, countries we studied use other means, such as seizure of employers' assets, to penalize employers for hiring unauthorized foreign workers.

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## Countries Require Employers to Report or Verify Workers' Employment Information

In some countries we studied, the governments typically require employers to report information on workers, including workers' names and social insurance numbers, to government agencies when the workers are hired, and the agencies maintain this information for collecting taxes and social insurance contributions, administering social insurance benefits, and, in some cases, conducting worksite enforcement actions. For example, in France employers are required to submit a declaration of hire to the social security administration. In Belgium, employers are required to submit native workers' names and social insurance numbers to

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the government's social insurance database. In Germany, employers are required to report workers' employment information to the government for the payment of taxes and social insurance contributions. In some of these countries, employers are generally required to review noncitizens' work authorization documents, such as work or residence permits, at the time of hire because noncitizens typically do not have social insurance numbers to report to government agencies. Employers can be subject to penalties if they employ unauthorized foreign workers and failed to check those workers' work authorization documents. Government officials and experts have stated that requirements for employers to report workers' information to government agencies help governments maintain records on individuals for tax and social insurance purposes, and can help agencies detect possible cases of illegal employment. However, officials and experts also stated that document fraud may undermine countries' reporting requirements and adversely affect governments' ability to hold employers liable for hiring unauthorized foreign workers.

Some countries we studied require employers to review all workers' work authorization documents. In the Netherlands, employers are required to check workers' identity and work authorization documents, such as passports, residence permits, or identity cards, before the workers start their employment. Employers are required to maintain a copy of these documents for at least 5 years after the workers cease their employment with the employers. In the United Kingdom, employers are not required to check workers' employment authorization documents, such as passports, birth certificates, or work permits, but they cannot establish an affirmative defense against a charge of hiring unauthorized foreign workers unless they have reviewed workers' documents.<sup>36</sup> While requirements for employers to review workers' employment authorization documents may help employers ensure that they hire only authorized workers, according to governmental and nongovernmental officials, the vulnerability of verification processes to document fraud has made it difficult for employers to verify individuals' authorization to work. Officials told us that unauthorized foreign workers have used false documents to illegally obtain employment in their countries.

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<sup>36</sup> United Kingdom government guidance suggests that in reviewing work authorization documents provided by workers, employers check documents' photographs, dates of birth, expiration dates, and government endorsements for their validity.

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**Some Countries Focus Enforcement Efforts on All Illegal Labor Practices, while Others Focus More Specifically on the Employment of Unauthorized Foreign Workers**

In some of the countries we studied, labor agencies are primarily responsible for enforcing workplace laws and focus their enforcement efforts broadly on identifying all types of illegal labor practices, of which the employment of unauthorized foreign workers is part, including employers' provision of substandard working conditions or failure to appropriately pay minimum wages, taxes, or social insurance contributions (see table 3). In Germany, for example, worksite inspectors can check employers' records and practices to determine whether employers have paid proper amounts of taxes and social insurance contributions for workers and hired only authorized workers. Likewise, in Belgium, France, and Switzerland, enforcement actions at worksites are coordinated among multiple agencies and are focused on detecting illegal labor practices by employers, though agencies focus on different elements of those practices. These countries may have focused their enforcement on all illegal labor practices for various reasons. For example, because employers' failure to appropriately pay taxes or social insurance payments contribute to the underground economy, enforcement agencies may focus on detecting all illegal labor practices that are linked to the underground economy. Furthermore, by targeting employers for failure to provide appropriate wages and working conditions along with other illegal labor practices, nongovernmental officials have stated that government agencies can improve working conditions for all workers and thus help reduce employers' incentives for employing unauthorized foreign workers.

In other countries we studied, particularly Australia and the United Kingdom, the employment of unauthorized foreign workers is generally considered less of a labor issue than it is in other countries we studied. In these countries, immigration agencies are primarily responsible for enforcing laws that prohibit the employment of unauthorized foreign workers and more specifically focus enforcement efforts in that area than similar agencies in other countries we studied. Other agencies in Australia and the United Kingdom focus on enforcing labor standards, such as ensuring provision of safe working conditions and appropriate payment of wages, taxes, and social insurance contributions, and these agencies often coordinate their enforcement efforts with the countries' immigration enforcement agencies.

**Table 3: Resources for Enforcement of Illegal Labor Practices as Reported by Various Countries**

<b>Country</b>	<b>Primary enforcement agency</b>	<b>Enforcement resources</b>	<b>Enforcement responsibilities</b>
Belgium	Labor agency	Approximately 1,100 labor agency inspectors	Investigations of employers' hiring of unauthorized foreign workers for at least 3 days each month.
Spain	Labor agency	Approximately 800 inspectors and 850 deputy inspectors in the labor ministry	Investigations of occupational health and safety conditions, payment of social insurance contributions, and other labor issues, including the employment of unauthorized foreign workers.
Australia	Immigration agency	Approximately 4,000 immigration agency staff	Activities related to nonhumanitarian entry and stay, refugee and humanitarian entry and stay, enforcement of immigration law, and asylum seeker management.
Canada	Immigration agency	Approximately 350 to 400 immigration agency officers	Inland enforcement activities, including employers' hiring of unauthorized foreign workers.
United Kingdom	Immigration agency	Data not available	Interior enforcement efforts, which are currently focused primarily on the removal of failed asylum seekers from the United Kingdom.
Germany	Customs authority in the finance ministry	Approximately 7,000 staff in the finance ministry	Investigations of employers' payment of social insurance contributions and employers' hiring of unauthorized foreign workers.

Source: GAO analysis of country-reported data.

Regardless of the focus of enforcement agencies, nongovernmental officials and experts have suggested that requiring employers to improve working conditions for all workers may help deter employers from hiring unauthorized foreign workers. In particular, they have suggested that enforcement of laws that require employers to provide safe and equal working conditions for all workers would help eliminate the advantage employers may gain by hiring unauthorized foreign workers. They noted that because employers often provide substandard wages and working conditions for unauthorized foreign workers, it is less costly for employers to hire unauthorized foreign workers than authorized workers. According to these officials, requiring employers to provide the same standard wages and working conditions to all workers, regardless of their work authorization status, helps reduce employers' incentives to employ unauthorized foreign workers.

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## Countries Use Various Tools to Limit Unauthorized Foreign Worker Employment, but Face Difficulties in Enforcement Efforts

### Countries' Enforcement Efforts Are Employer-focused but Also Include Deportation of Unauthorized Immigrants

In some of the countries we studied, officials told us that enforcement efforts at worksites are more focused on employers, but countries we studied also implement enforcement actions to target unauthorized foreign workers. Government officials in France and Spain noted that their agencies focus worksite enforcement on investigating and penalizing employers for illegal labor practices and place less emphasis on penalizing unauthorized foreign workers. In particular, in countries such as Spain and France, unauthorized foreign workers are viewed and treated as victims. In France, government officials told us that unauthorized workers have the same workplace rights as authorized workers and, therefore, in some instances, can sue employers for back wages, payment of social insurance contributions, or compensation for poor working conditions. As a result, employers can be required to forfeit any profits gained from employing unauthorized foreign workers, which can help deter employers from employing such workers in the future.

Nevertheless, countries in our review also take enforcement actions against unauthorized immigrants, including those detected at worksites. Unauthorized immigrants can be deported and may also be prohibited from reentry. Yet according to governmental and nongovernmental officials, it can be difficult for countries to repatriate unauthorized immigrants to their home countries, and countries may not be able to deport all unauthorized immigrants they identify. In some cases, immigrants' home countries may delay or deny issuing necessary travel documents for unauthorized immigrants' readmission. These home countries may seek benefits, such as visa facilitation or border control training, in return for readmitting their citizens who worked illegally in the other countries. Some countries we studied used tools, such as limiting numbers of visas issued to individuals from sending countries, to encourage other countries' readmission of unauthorized immigrants.



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## Governments Receive Tips and Check Multiple Databases to Identify Employment of Unauthorized Foreign Workers

To help detect illegal labor practices by employers, government agencies receive information and tips from different sources. These sources include workers, other government agencies, and the public. In addition to these sources, agencies in some countries share information across government databases to help identify possible illegal labor practices. If information in social insurance or tax databases does not match employers' records, it may indicate that employers are engaged in illegal labor activities, including the employment of unauthorized foreign workers. For example, in France, government officials stated that when inspecting worksites, labor inspectors may compare information reported by employers to the French social security administration with information in employers' records to determine whether employers have properly registered their workers with the social security administration and whether workers are authorized. In Spain, government agencies plan to use database information collected under the country's 2005 regularization program to target employers for inspection and to identify unauthorized foreign workers. Government officials and experts told us that the sharing of information across government agencies and databases can generate leads for investigating employers for illegal labor practices. However, some governmental and nongovernmental officials noted data protection and privacy concerns with the use of tax and social insurance information in identifying possible illegal labor practices among employers. In Switzerland, for example, a nongovernmental official told us that data protection laws prohibit Swiss labor inspectors from comparing social insurance and work authorization records.

## Frequency and Publicity of Employer Inspections May Help Deter Unauthorized Foreign Worker Employment

In countries we studied, enforcement agencies conducted inspections or investigations of employers to examine employers' compliance with laws that prohibit various illegal labor practices, including the employment of unauthorized foreign workers. According to governmental and nongovernmental officials, the frequency and publicity of these employer investigations help deter employers from hiring unauthorized foreign workers. For example, nongovernmental agency officials noted that an increased frequency of employer investigations helps deter employers from hiring unauthorized workers. Immigration experts and governmental officials also suggested that to help deter employers' hiring of unauthorized foreign workers, government agencies should conduct frequent inspections so as to increase employers' perception that they are likely to be investigated, contributing to the deterrent effect of employer investigations and monetary fines on employers' hiring of unauthorized foreign workers. However, countries have faced challenges in conducting employer investigations. For example, governmental and nongovernmental officials told us that during investigations some

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employers may claim that they did not knowingly hire unauthorized foreign workers because workers presented false information at the time of hire. The ability of employers to make such a claim creates difficulties for government agencies in proving that employers knowingly hired those workers. Additionally, nongovernmental officials and experts have noted the importance of resources in conducting frequent employer investigations. For instance, one expert told us that enforcement efforts do not deter the employment of unauthorized foreign workers if countries do not provide sufficient resources for enforcement actions so as to increase the likelihood that employers will be investigated.

Furthermore, publicizing enforcement actions against employers helps to deter employers' hiring of unauthorized foreign workers. For example, government and nongovernmental officials noted that publicizing employer investigations and sanctions can be an important deterrent to employers' hiring of unauthorized foreign workers. Moreover, experts stated that publicizing sanctions imposed on employers serves as a deterrent to increase employers' perception that they have a significant chance of being penalized for employing unauthorized foreign workers.

Countries Use Monetary Fines to Penalize Employers' Use of Unauthorized Foreign Workers, but the Deterrent Effect of Fines Is Unknown

Most of the countries we studied use civil or criminal fines to penalize and deter employers from hiring unauthorized workers. As shown in table 4, the amounts of civil and criminal monetary fines reported by country officials, as well as the conditions under which fines can be imposed, vary across the countries we studied.

**Table 4: Civil and Criminal Monetary Fine Amount Ranges for Hiring Unauthorized Workers Reported by Various Countries**

Country	Civil monetary fine amount range	Criminal monetary fine amount range
Australia	None	Individuals and entities can be fined up to A\$10,000 (about \$7,500) for aiding and abetting the employment of unauthorized foreign workers
Belgium	Minimum €3,750 (\$4,700) per unauthorized worker for workers without residence and work permits; minimum €375 (\$470) per unauthorized workers for workers without work permits	Minimum €15,000 (\$18,800) per unauthorized worker for workers without residence and work permits; minimum €1,700 (\$2,100) per unauthorized workers for workers without work permits
Canada	None	Depending on the type of conviction, maximum C\$50,000 (\$43,800) or maximum C\$10,000 (\$8,800)
France	€3,110 (\$3,900) per unauthorized worker	Maximum €15,000 (\$18,800) per offense
Germany	€5 to €500,000 total (\$6 to \$628,800)	Fines imposed on a daily basis ranging from 5 to 360 days. Daily fine rates range from €1 to €5,000 per day (\$1 to \$6,300)
Spain	€6,000 to €60,000 (\$7,500 to \$75,500) per unauthorized worker	None
Switzerland	None	Maximum of SwF 5,000 (\$4,000) per unauthorized worker
United Kingdom	None	Unlimited amount with criminal conviction

Source: GAO analysis of country-reported data.

Note: Amounts in U.S. dollars are rounded, based on the exchange rate from July 25, 2006.

Government officials noted that employer monetary fines may help deter employers' hiring of unauthorized foreign workers, but officials from other countries suggested that the deterrent effect of current monetary fine amounts in their countries is unclear. For example, nongovernmental agency officials from France, Germany, and Spain noted that employer monetary fines have helped to deter employers in those countries from hiring unauthorized foreign workers. In 2005, Germany imposed about €67 million (about \$84.2 million) in civil fines, and France imposed about €2.7 million (about \$3.4 million) in civil fines. However, other officials stated that fine amounts may be too low to provide a meaningful deterrent. Governmental and nongovernmental officials noted that employers often view monetary fines as the cost of doing business, and therefore, monetary fines do not meaningfully deter employers from hiring unauthorized workers. Officials suggested that it can be difficult to set fine amounts that deter employers from hiring unauthorized foreign workers but do not drive employers out of business or into the underground economy.

In addition, in some countries we studied, agencies have experienced difficulties in imposing fines on employers and in collecting fine amounts from employers. For example, governmental and nongovernmental

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officials told us that document fraud hinders the ability of enforcement agencies to prove employers hired unauthorized foreign workers and to sanction them. Officials also noted that enforcement agencies in some countries lack the resources needed to effectively investigate and sanction employers, affecting the frequency with which employers are fined for employing unauthorized foreign workers. Moreover, Belgian government officials told us that the government has difficulty collecting monetary fines from employers because employers have declared bankruptcy or sold off company assets to avoid paying the fine amounts. French and German officials similarly told us that employers have declared bankruptcy to help avoid paying fine amounts, and other government officials noted that, in many cases, employers went out of business before the government collected fine amounts. French officials also stated that the government plans to primarily pursue civil, rather than criminal, penalties against employers, as civil penalties can be imposed and collected more easily than criminal penalties in that country.

Countries we studied have developed tools to help collect fine amounts from employers. In Spain, for example, government officials stated that if an employer decides to appeal the government's imposition of a monetary fine, the employer is required to pay the fine amount to the government prior to the appeal, and the government holds the fine amount in escrow. One Spanish government official told us that as a result of this process, the Spanish government collects payment on most of the fines imposed on employers for hiring unauthorized foreign workers. In Switzerland, government authorities may, in some cases, require employers to pay fine amounts at the time of the worksite inspections. Additionally, some countries, such as France and Belgium, have developed initiatives to address the problems they have encountered when attempting to collect fine amounts from subcontractors who may go out of business before paying fine amounts. Under these initiatives, governments can hold main contractors responsible for penalties assessed against their subcontractors for employing unauthorized foreign workers.

### Some Countries Require Employers to Forfeit Benefits or Pay Various Costs for Hiring Unauthorized Foreign Workers

Some countries use other means in addition to monetary fines to penalize employers for hiring unauthorized foreign workers, but may face difficulties in applying the penalties. These penalties include prohibiting employers from receipt of public contracts; requiring employers to pay back wages, taxes, and social insurance contributions for unauthorized foreign workers; closing businesses; seizing employers' assets; requiring employers to pay costs for deporting unauthorized foreign workers; and sentencing employers to prison terms. Some government officials told us that by requiring employers to pay back wages, taxes, and social insurance

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contributions for unauthorized foreign workers, government agencies eliminate any profits employers gained as a result of employing unauthorized workers. In addition, in France and Spain, unauthorized foreign workers may denounce, or report, their employers to government agencies if the employers are engaged in illegal labor practices. In Spain, unauthorized foreign workers who denounce their employers may be eligible to obtain legal status.

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### Additional Insights from Countries' Worksite Enforcement Efforts

The opportunity for employment is a strong motivator for migrants to illegally enter a country and employers have a variety of incentives for hiring unauthorized workers, including the employers' desire to lower costs to be more competitive in the economy. For this reason, strong and workable enforcement of labor and immigration laws is a critical part of implementing a credible immigration system in any country. By preventing unauthorized migrants from finding employment, governments may reduce the motivation for migrants to illegally enter the country. The countries we studied use different mechanisms and government agencies to enforce their laws against employing unauthorized foreign workers, yet all countries face challenges in implementing effective worksite enforcement policies. These challenges include making decisions about how to leverage resources to meet the goals of their worksite enforcement programs. Within that framework, it is important for countries to determine how best to coordinate the various government agencies and to allocate resources for enforcing employment laws. While employer sanctions play an important role in countries' worksite enforcement efforts, it can be difficult to set penalties that are neither so low as to be considered simply the cost of doing business by unscrupulous employers nor so punitive that they are unlikely to be imposed for fear of bankrupting businesses, which may cause native workers to lose their jobs. In addition, publicizing worksite enforcement efforts can leverage enforcement resources by reinforcing with employers the risk they take when they employ unauthorized workers.

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### Countries' Experiences with Regularization Programs

Some countries we studied have implemented regularization programs that provide eligible unauthorized immigrants with the opportunity to obtain legal status on a temporary or permanent basis for various reasons, and countries have established different eligibility requirements for program participation. Employers and unauthorized foreign workers may have incentives for participating in regularization programs, but may choose not to participate because they gain benefits from unauthorized employment. Governments in countries that have implemented

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regularization programs reported benefits from these programs, such as collecting increased tax and social insurance contributions, yet governments face a variety of challenges in managing such programs. In addition, some experts have suggested that regularization programs can create a magnet for future illegal immigration flows, but others have stated that the impact of regularization programs on unauthorized immigration and employment is unclear.

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### Countries Have Implemented Regularization Programs for a Variety of Reasons

Countries we studied have implemented regularization programs for various reasons, according to experts. Greece, Italy, France, and Spain have implemented regularization programs to help reduce the amount of employment that occurs in the underground economy by collecting tax and social insurance contributions from unauthorized foreign workers who did not previously pay their taxes or required contribution amounts. Moreover, regularization programs in France have been intended to help facilitate the social and economic integration of immigrants and their families. Countries, including Greece, Italy, Spain, and Portugal, have also implemented regularization programs to address perceived deficiencies of previous regularization or other immigration policies, such as unauthorized immigrant populations who failed to participate or who subsequent to their regularization lapsed into an unauthorized status. In addition, Italy, France, and the United Kingdom have initiated regularization programs to allow family members to legally remain together in a country or to meet humanitarian needs, such as those of asylum seekers or individuals with health concerns.

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### Countries Require Unauthorized Immigrants to Meet Criteria for Participation in Regularization Programs

Some countries we studied, including Italy, Greece, and Spain, have implemented programs through which unauthorized immigrants could regularize or change their status to gain temporary or permanent legal residency, and in some countries, such as Greece and Argentina, unauthorized immigrants could eventually apply for citizenship. Other countries, including the United Kingdom, France, Belgium, and the Netherlands, have implemented regularization efforts on a case-by-case basis for humanitarian or family reunification purposes, for individuals residing in the countries for long periods of time, or for immigrants awaiting decisions on asylum claims. Only a limited number of immigrants are typically eligible for participation in these programs. In the United Kingdom, individuals who applied for asylum before October 2000 and had

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a dependent residing with them in the country between October 2000 and October 2003 could apply for legal status for themselves and their dependents.<sup>37</sup> Moreover, unauthorized immigrants residing in the United Kingdom continuously for at least 14 years are eligible for permanent residency. Beginning in 1998, France implemented a program through which unauthorized immigrants resident in the country for at least 10 years could apply for regularization.

Other regularization programs are designed to address countries' large unauthorized immigrant populations by providing these immigrants with an opportunity to obtain legal status, typically on a temporary basis. Governments established eligibility criteria, such as employment or residency requirements, that unauthorized immigrants were required to meet to be eligible for participation in the programs. For example, under Spain's 2005 regularization program, the Spanish government required unauthorized immigrants to have job offers from employers in order to be eligible for regularization. The government required employers to apply for regularization on behalf of their unauthorized foreign workers and, in doing so, demonstrate that the workers had been present in Spain for at least 6 months and possessed a current contract for a job for a minimum period of 6 months.<sup>38</sup> Some unauthorized foreign workers, such as those who worked in part-time jobs or for several employers, could directly apply to the Spanish government for regularization without applying through their employers. The Spanish government did not penalize employers or unauthorized foreign workers who applied for regularization, and only those unauthorized immigrants who met the residency and employment criteria could apply for legal status. About 700,000 unauthorized foreign workers applied and qualified for the regularization program out of an estimated 800,000 workers projected to be eligible for program participation.<sup>39</sup>

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<sup>37</sup> According to United Kingdom officials, individuals were eligible to apply if their asylum application (1) had not yet been decided, (2) had been refused and was subject to an appeal, (3) had been refused and there was no further avenue of appeal but the applicant had not been removed, or (4) had been refused but limited leave had been granted.

<sup>38</sup> For work in the agricultural sector, illegal immigrants in Spain required an offer for a job for a minimum period of 3 months to be eligible for the change of status program.

<sup>39</sup> The 700,000 unauthorized foreign workers who applied and qualified for Spain's 2005 regularization program do not include the approximately 400,000 family members of those workers who qualified for regularization.

Similarly, other countries' regularization programs have required applicants to meet residence or employment requirements. For example, experts have reported that under Italy's 2002 regularization program, unauthorized immigrants were required to provide proof of employment and payment of 3 months' social insurance contributions in order to apply for the program. Under Greece's 2001 program, unauthorized immigrants were required to prove that they previously had legal residence status in Greece and had continuously resided in the country since expiration of their status or that they had lived in Greece for at least 1 year prior to enactment of the program. Under France's 1981-1982 regularization program, unauthorized immigrants were required to show that they had resided in France prior to January 1982 and were currently employed or had a work contract valid for at least 1 year. Table 5 provides information on selected countries' regularization programs.

**Table 5: Selected Countries' Regularization Programs**

Country	Year of program initiation	Program requirements	Type of status granted	Estimated number regularized <sup>a</sup>
Argentina	2004	Applicants were required to have resided and worked in Argentina since June 30, 2004.	2 year residence permit renewable for 2 additional years; after 4 years, immigrants are eligible for permanent residence status	11,300
Belgium	2000	Applicants were required to have been in Belgium before October 1, 1999, and to have a pending asylum petition; an inability to return to their home country for humanitarian reasons; serious illness; or residence in the country for 6 years without receiving an order to leave in the past 5 years.	Long-term residence status	(52,000 applications) <sup>b</sup>
Canada	1973	Applicants were required to have resided in Canada before November 1972 and show a stable employment history and family ties in Canada.	Long term residence status	50,000
France	1997	Applications were for family reunification or families in irregular situations.	Permanent resident status	78,000
	1981-1982	Applicants were required to have resided in France prior to January 1982 and been employed at the time of application or had a valid work contract for at least 1 year. The program was expanded to include other types of unauthorized immigrants.	Permanent residence status	121,000



Country	Year of program initiation	Program requirements	Type of status granted	Estimated number regularized <sup>a</sup>
Greece	2001	Applicants were required to prove that they previously had legal residence status in Greece and had continuously resided in the country since expiration of their status or that they had lived in Greece for at least 1 year prior to enactment of the program.	2 year renewable residence permit; after 10 years, immigrants are eligible for permanent residence status	(351,000 applications) <sup>b</sup>
	1998	Applicants were required to apply first for a "white card," under which they received a 6-month residence permit before receiving a "green card" application, which was a renewable work and residence permit for 1 to 5 years. For a green card, applicants had to prove that were legally employed since January 1, 1998 at the minimum wage.	White card: 6-month residence permit Green card: 1 to 5-year renewable work and residence permit	371,000 <sup>c</sup>
Italy	2002	Applicants were required to provide proof of employment and payment of 3 months' social insurance contributions.	1-year renewable permit	635,000 <sup>d</sup>
	1998	Applicants were required to have resided in Italy prior to March 27, 1998 and employers who paid taxes on their wages.	Temporary permit	217,000
	1995	Applicants were required to have been residing in Italy, were employed during the past 6 months or had a job offer from an employer, and had paid 3 months of social insurance contributions.	1- or 2-year renewable residence permit	245,000
	1990	Applicants were required to have resided in Italy prior to December 31, 1989.	2-year renewable residence permit	218,000
	1987	Applicants were required to have an employer sponsor and to have been in Italy prior to January 27, 1987.	Temporary work permit	119,000
New Zealand	2000	Applicants were required to have been in New Zealand for 5 years or more; to have been a parent of a child born in New Zealand; to have been a partner of a New Zealander for 1 year or more; or to have been married to a New Zealander.	2-year work permit after which individuals are eligible for permanent residence	3,700
Portugal	2001	Applicants were required to have been present in the country and have a work contract.	1-year permit renewable a maximum of 4 times; after 5 years, individuals are eligible for permanent residence	179,000 <sup>e</sup>
	1996	Applicants were required to prove that they were involved in a professional activity, had a basic ability to speak Portuguese, had housing, and had not committed a crime. Applicants from Portuguese-speaking countries could apply if they had been in the country since December 31, 1995, and applicants from non-EU states could apply if they had been in the country prior to March 25, 1995.	Temporary residence permit	22,000
	1992	Applicants were required to have been in Portugal before April 15, 1992.	Temporary residence and work permit	39,000

Country	Year of program initiation	Program requirements	Type of status granted	Estimated number regularized <sup>a</sup>
Spain	2005	Applicants were required to have proof of registration with a local municipality in Spain before August 7, 2004; to have been in the country at the time they applied; and to have a work contract and a clean criminal record. Employers were required to demonstrate that they were enrolled in and paying into social security, had no history of breaking immigration laws in the previous 12 months, and had not been sanctioned for violating the rights of workers or immigrants.	1-year renewable residence permit	549,000
	2001	Applicants were required to have resided in Spain since January 23, 2001, and were employed or were family members of a legal foreign worker or Spanish citizen.	1-year renewable temporary residence permit	235,000
	2000	Applicants were required to have resided in Spain prior to June 1, 1999; had either a work permit or residence permit in the previous 3 years; or had applied for a work or residence permit.	1-year renewable temporary residence and work permit	164,000
	1996	Applicants were required to have worked in Spain since January 1, 1996, have a work or residence permit issued after May 1986, or to be a member of the family of a migrant living in Spain before January 1996.	5-year residence permit	21,000
	1991	Applicants were required to have been in Spain since May 15, 1991, or were asylum seekers whose applications were rejected or pending.	3-year residence permit	110,000
	1985	Applicants were required to have a job offer and to have been in Spain prior to July 24, 1985.	1-year renewable residence permit	(44,000 applications) <sup>b</sup>

Source: GAO analysis based on information reported by countries and studies, particularly Amanda Levinson, *The Regularization of Unauthorized Migrants: Literature Survey and Country Case Studies*, Centre on Migration, Policy and Society (Oxford, United Kingdom: 2005). Data on the estimated number of regularizations are from the OECD.

Note: In some countries, such as Argentina and Greece, immigrants whose status was regularized can eventually apply for citizenship.

<sup>a</sup>Under each program, individuals are regularized over different periods of time.

<sup>b</sup>Data on the estimated number regularized were not available.

<sup>c</sup>Data refer to persons who were issued a white card.

<sup>d</sup>Data refer to the number of permits issued at the beginning of 2004.

<sup>e</sup>Data refer to the number of 1-year residence permits provided between January 2001 and March 2003.

In addition, experts have suggested development and implementation of earned regularization programs, which are generally characterized by countries' use of a points system for determining whether to regularize an

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unauthorized immigrant's status.<sup>40</sup> Although experts differ on specific requirements for earned regularization programs, in general, these programs would link regularization to a temporary worker program and allow unauthorized immigrants to apply for regularization only after meeting specified criteria over a certain period of time. For example, migrants residing illegally in a country would first be granted a temporary residence and work permit for a certain amount of time, such as for 3 years, during which they would be required to collect credits or points to eventually qualify for a permanent residence and work permit. The points could be based on a variety of different criteria, like stable employment, payment of taxes and social security contributions, legal presence of a family member in the country, and documented language fluency. Unauthorized migrants would be required to obtain a minimum number of points during the length of their temporary permit in order to be eligible to apply for permanent residency. Those migrants who failed to obtain the required number of points could be required to return to their home countries.

Experts have pointed out advantages to earned regularization programs. They suggest that initially providing unauthorized foreign workers with temporary legal status allows the largest possible number of unauthorized immigrants to participate in the program and transfers work that previously occurred in the underground economy into the formal economy. Earned regularization programs also allow unauthorized foreign workers who would like to work toward permanent residence status to do so based on specific criteria for earning points. However, experts have also noted drawbacks to earned regularization programs. For example, requiring unauthorized foreign workers to earn the opportunity to apply for permanent residence status may complicate these workers' ability to economically and socially integrate into a country. Moreover, an earned regularization program based on a points system could favor high-skilled workers over low-skilled workers, making it difficult for low-skilled workers to obtain permanent residence status.

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<sup>40</sup> See, for example, Demetrios Papademetriou, *The "Regularization" Option in Managing Illegal Migration More Effectively: A Comparative Perspective*, Migration Policy Institute (Washington, D.C.: September 2005).

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## Employers and Unauthorized Foreign Workers Have Incentives to Participate in Regularization Programs but Have Not Always Done So

According to officials and studies, employers and unauthorized foreign workers have incentives to participate in regularization programs but have not always participated for various reasons. For example, employers may participate in programs by applying for regularization on behalf of their workers so as to avoid possible civil, also called administrative, or criminal penalties for employing unauthorized foreign workers after implementation of the programs. In implementing regularization programs, countries such as Spain and France have introduced new or strengthened enforcement programs, including increased employer monetary penalties, for employing unauthorized foreign workers. Experts have suggested that the credible threat of enforcement helps create an incentive for employers, as well as workers, to participate in regularization programs.

Unauthorized foreign workers may want to participate in regularization programs to be better able to seek fair or higher wages and safe working conditions from their employers, and regularization programs thus can help to address any employer exploitation of unauthorized foreign workers. As a result of regularization, formerly unauthorized foreign workers may also be better able to compete for higher-paying jobs and obtain opportunities for acquiring or enhancing their work skills. Regularization programs also allow formerly unauthorized foreign workers to access social insurance benefits. In addition, participation in regularization programs may help formerly unauthorized foreign workers better integrate into a country by, for instance, helping them to acquire education and language skills. Participation in regularization programs may also provide formerly unauthorized foreign workers with the opportunity to visit their home countries.

Government officials and experts have noted that not all employers and workers may choose to participate in regularization programs. For example, unscrupulous employers may not help unauthorized foreign workers apply for regularization programs because the employers gain benefits from employing unauthorized foreign workers and do not fear the possibility of government penalties. Employers can save money or gain greater profits by employing unauthorized foreign workers and thus not paying taxes or social insurance contributions or providing safe working conditions for those workers. Employers who hire unauthorized foreign workers may have a competitive advantage over other employers who hire only authorized workers and, as a result, may be less willing to provide unauthorized foreign workers who want to regularize their status with the documents needed to prove that the workers meet program eligibility requirements. For example, studies have reported that during France's 1981-1982 regularization program, some employers were unwilling to

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provide unauthorized foreign workers with the appropriate documentation, as initially required under the program, and in some cases, employers fired unauthorized foreign workers who requested their employers' assistance in applying for regularization. To address this problem, the French government modified program requirements to allow third parties to assist unauthorized foreign workers rather than relying solely on employers to do so.

In addition, unauthorized foreign workers may not want to participate in regularization programs for various reasons. For example, workers granted temporary legal residency status under regularization programs may deliberately allow their legal status to expire and revert to unauthorized status in order to better obtain employment. Because employers can benefit from employing unauthorized foreign workers, unscrupulous employers may seek to fill jobs held by workers who obtained legal status with other unauthorized foreign workers, hindering the ability of workers with new legal status to compete with unauthorized foreign workers for jobs. Therefore, government officials and experts have stated that it is important to implement new or enhanced worksite enforcement efforts in conjunction with a regularization program to maximize participation in the program by employers and eligible immigrants and to help deter employers from hiring unauthorized foreign workers in the future. Unauthorized foreign workers may also choose not to participate in regularization programs because they lack knowledge about program requirements and may fear expulsion if they register for program participation. According to government officials and experts, lack of information about regularization program requirements may hinder unauthorized immigrants' participation in such programs.

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### **Governments Perceive Benefits from Regularization Programs but Face Difficulties in Implementing Such Programs**

According to officials and experts, countries' governments benefit from regularization programs but may incur costs and face challenges in implementing these programs. In particular, workers who resided and worked illegally in a country likely did not pay taxes and social insurance contributions to the government. However, after changing their status to legal residency under regularization programs, governments could collect taxes and social insurance contributions from formerly unauthorized foreign workers by, for example, requiring workers to pay these contributions prior to changing their status. As a result, formerly unauthorized workers' employment is transferred from the underground economy to the formal economy. Furthermore, governments can collect social insurance contributions from these workers who previously accessed benefits but did not contribute to the social insurance system.

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This collection of social insurance contributions from a greater segment of countries' populations may also help in the short term to address demographic challenges faced by countries with aging, low-growth populations and declining levels of social insurance contributions. In Spain, for example, the government collected social insurance contributions from previously unauthorized foreign workers by requiring employers to pay 1 month's contributions for their workers. As of February 2006, officials from Spain reported that approximately 560,000 of the nearly 700,000 individuals who applied for the regularization program had paid the required social insurance contribution, and government officials noted that as a result of the regularization program, the percentage of individuals contributing to the social insurance system increased.

In addition, governments may gain information on and estimates of the size of the unauthorized immigrant population in the country as a result of implementing regularization programs. For example, officials and studies reported that regularization programs may provide governments with data that can help in estimating the number of unauthorized immigrants residing in the country prior to program implementation. Regularization programs may also provide governments with information about the demographics of migrants, which could assist countries in developing policies to manage future migrant flows and employment. In addition, regularization programs may help countries better understand and regulate their underground economies by providing them with information on unauthorized immigrants' labor market participation.

Yet governments may incur costs and face challenges in implementing regularization programs, according to officials and experts. For example, while in many of the countries we studied unauthorized immigrants can receive some social insurance benefits, particularly health and unemployment insurance, these immigrants generally cannot access other benefits, such as retirement benefits. After unauthorized immigrants' status is regularized, these immigrants can fully access social insurance benefits, and though they also contribute to the social insurance system, it is uncertain whether immigrants' contributions are greater than the benefits they draw. In addition, according to studies, some unauthorized foreign workers may qualify for regularization but continue to work in the

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underground economy after gaining legal status.<sup>41</sup> In such cases, the formerly unauthorized foreign workers could continue to receive some social insurance benefits available to all individuals residing in the country regardless of their immigration status but may not be contributing to the social insurance system. As a result, regularization programs may not necessarily increase countries' tax and social insurance revenue over time.

Governments also face difficulties in managing the application process for regularization programs, particularly in reviewing large numbers of applications and detecting fraud in the process. In Spain, nongovernmental officials reported that in past regularization programs, large numbers of applicants initially overwhelmed the application review process, resulting in long lines of individuals waiting to apply and requiring the government to modify application procedures. During the 2005 regularization program, government officials told us that the Spanish government took steps, such as developing an electronic database for processing applications, to address some of the challenges experienced under prior regularization programs. In Portugal, Italy, and Greece, studies have reported significant delays in the application review process and a lack of government oversight of the process. They also noted that unauthorized immigrants have used fraudulent documents to apply for regularization. During Canada's 1974 regularization program, the government provided training to immigration agency staff for reviewing and processing regularization applications, which helped limit some problems in the application review process, according to studies.

Moreover, governmental and nongovernmental officials told us that regularization programs may be particularly difficult to implement in cases where the programs require immigrants to return to their home countries before applying for the programs. For example, between 1993 and 2000, the Spanish government managed a program through which employers could apply to hire unauthorized foreign workers residing in Spain, but workers were required to return to their home countries to receive a legal work permit. According to officials, the government granted exemptions to this requirement for the majority of unauthorized workers because of low participation in the program and limited government enforcement of the return requirement. Because many unauthorized foreign workers

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<sup>41</sup> See, for example, Aspasia Papadopoulou, *Regularization Programmes: An Effective Instrument of Migration Policy?* Global Commission on International Migration (Geneva, Switzerland: May 2005).

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developed social and communal ties in the country, they did not want to leave Spain to apply for regularization and chose rather to remain in the country in an unauthorized status. According to some officials and experts, it is important to implement enforcement efforts in conjunction with a regularization program to help ensure that individuals comply with program requirements and immigration law and to maximize participation in the program.

In addition, governments have faced difficulties when individuals granted temporary legal status under regularization programs do not renew their status or lapse into an unauthorized status, contributing to countries' decisions to initiate other regularization programs in the future. For example, under regularization programs in Spain, unauthorized foreign workers were granted temporary legal residence and work status and were required to periodically renew this status. However, officials and studies noted that a significant number of workers initially granted legal status under Spain's programs did not subsequently renew their status for various reasons, such as unclear criteria for permit renewals or lack of knowledge about renewal procedures, and lapsed into an unauthorized status. Likewise, under other countries' regularization programs, such as Greece's and Italy's programs, studies have suggested that large numbers of immigrants initially granted temporary legal status did not renew their legal status and reverted to an unauthorized status. According to experts, countries have faced difficulties in determining the number of unauthorized immigrants eligible for regularization who were granted legal status under previous programs but had reverted to illegal status. Thus, countries that have implemented multiple regularization programs that provide immigrants with temporary legal status may repeatedly provide this status to the same group of unauthorized immigrants. As a result, while countries claimed that each large-scale regularization program would be the last such program offered, these countries have repeatedly initiated such programs not only to address new unauthorized immigrant inflows, but also to reregularize previously authorized immigrants.

Furthermore, experts have noted that countries have experienced challenges in developing and implementing policies to address the status of unauthorized immigrants who were not eligible or did not complete applications for the programs. For example, Spanish government officials stated that not all unauthorized immigrants eligible for the 2005 program completed the application process. The Spanish government estimated that about 140,000 immigrants who initially registered for the program did not pay the required 1-month social insurance contribution, and thus these immigrants remained unauthorized. Studies have also noted that



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unauthorized immigrants' difficulties in proving their eligibility, such as providing documents that prove residency and employment status, may undermine immigrants' ability to complete the application process.<sup>42</sup> Additionally, experts have stated that countries such as Spain may face challenges in implementing programs to address unauthorized immigrants who do not gain legal residency status. Because not all unauthorized immigrants are eligible for or participate in regularization programs, it can be difficult for countries to develop policies to address remaining unauthorized immigrant populations, such as determining whether to deport these unauthorized immigrants or to provide them with other opportunities to obtain legal status. According to experts, large-scale removals are extremely expensive and require consideration of humanitarian factors, such as impacts on families with members of mixed legal statuses.

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### Impact of Regularization Programs on Illegal Immigration and Employment Is Unknown

Experts have noted that regularization programs may be viewed as a pull factor in encouraging further illegal immigration. For example, unauthorized immigrants may illegally enter or stay in a country that has previously implemented regularization programs with the expectation that the country will implement a similar program in the future. To guard against such a perception, experts suggested that it is important for countries that implement a regularization program to clearly indicate that the program is a one time program by, for example, introducing new or enhanced enforcement efforts in conjunction with a regularization program.

However, other experts have suggested that the extent to which regularization programs affect additional illegal immigration flows and employment is unclear. Countries generally have not evaluated the results of regularization programs, including the extent to which such programs encourage further illegal immigration, and as a result, the long-term effects of these programs are not known. Moreover, a variety of factors can affect illegal immigration and employment, making it difficult to directly link regularization programs to increased illegal immigration flows and employment. For example, because employers have economic incentives to hire unauthorized foreign workers, employers may continue to recruit

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<sup>42</sup> See, for example, Amanda Levinson, *The Regularization of Unauthorized Migrants: Literature Survey and Country Case Studies*, Centre on Migration, Policy and Society (Oxford, United Kingdom: 2005).

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and employ those workers instead of hiring legal workers, such as those whose status has been regularized. In addition, the extent to which countries enforce laws that prohibit unauthorized employment as part of regularization programs varies and thus affects programs' outcomes differently.

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### Additional Insights from Countries' Regularization Programs

There are a number of difficult issues for countries contemplating a regularization program to consider. For example, it is important for countries to estimate the likely number of migrants that would be eligible for regularization in order to effectively plan for the administrative responsibilities that will be required for implementation. Countries we studied have faced various administrative challenges in implementing their regularization programs, and the largest of the programs in our study regularized the status of approximately 635,000 immigrants. In addition, it is critical for countries to evaluate the most appropriate legal status to grant regularized immigrants—temporary, temporary yet renewable, or permanent status—and to determine the extent to which regularized immigrants granted temporary status renew their status or leave the country upon expiration of their status. Furthermore, a committed effort by countries to enforce laws that prohibit the employment of unauthorized workers is a key element of a successful regularization program, as not all unauthorized immigrants may qualify for the program and the opportunity for employment may continue to motivate individuals to migrate illegally. Regularized immigrants granted temporary legal status may also subsequently lapse into an unauthorized state, which, in the absence of effective worksite enforcement, may increase the likelihood that a country undertakes future regularization programs.

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### Concluding Observations

Other countries' programs for admitting foreign workers, enforcing laws that prohibit the employment of unauthorized foreign workers, and regularizing the status of unauthorized immigrants are shaped by each country's unique political, social, cultural, and economic characteristics. Therefore, these programs may not be readily applicable to the United States. However, other countries' experiences in developing and implementing these programs are useful in identifying a range of issues for consideration by any country contemplating reforms to its immigration policy and can help highlight the potential advantages and pitfalls associated with them.

Even with implementation of a range of foreign worker, enforcement, and regularization programs, all countries, including the United States, face

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challenges in fully eliminating all unauthorized immigration and employment. Not all employers may want to comply with laws that prohibit the employment of unauthorized workers, as it is often less costly for employers to employ unauthorized, rather than authorized, workers. Likewise, workers have economic incentives to illegally migrate to and obtain employment in other countries, and even if given the opportunity to gain legal status, they may perceive that there are benefits to remaining in an unauthorized status. No one program or mechanism can fully address the employment of unauthorized foreign workers. Therefore, efforts to effectively address this problem may require development and implementation of a strategic approach, including programs to assess labor market needs for foreign workers and admit any needed workers, to reliably verify the employment authorization status of workers, and to enforce laws that prohibit the employment of unauthorized foreign workers.

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As arranged with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 7 days after the date of this report. At that time, we will send copies of this report to the Secretary of Homeland Security, the Secretary of Labor, the Secretary of State, the Director of the Office of Management and Budget, and the appropriate congressional committees. We will also make copies available to others upon request. In addition, the report will be available at no charge on GAO's Web site at <http://www.gao.gov>.

If you or your staff have any questions regarding this report, please contact me at (202) 512-8777 or [stanar@gao.gov](mailto:stanar@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix XIII.



Richard M. Stana  
Director, Homeland Security and Justice Issues

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# Appendix I: Scope and Methodology

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To determine how countries' programs for foreign worker admissions, enforcement of workplace laws, and regularization function, we interviewed officials and obtained documents from 8 countries and sent questionnaires to 13 other countries. We interviewed government officials during site visits to the following countries: Belgium, Canada, France, Germany, Spain, Switzerland, and the United Kingdom. We also interviewed officials from, but did not visit, Australia. We selected these countries based on the following criteria: net immigration rate; size of population; membership in the Organisation for Economic Co-operation and Development (OECD); classification by the World Bank as high income; range of immigration policies; and geographic location. In these countries, we met with officials from the labor ministries, interior ministries, finance ministries, treasury departments, social security agencies, immigration agencies, law enforcement agencies, and local government agencies. We also sent questionnaires to government agencies in 13 countries. We selected these 13 countries based on the following criteria: net immigration rate; population; membership in the OECD or classification by the World Bank as high income; and geographic location.

We analyzed information and documents, such as agency annual reports, manuals, and briefing materials, from the 8 countries to determine the characteristics, functions, resources, and outputs of the countries' programs to admit foreign workers, enforce laws that prohibit the employment of unauthorized foreign workers, and regularize unauthorized immigrants. We also examined this information to determine government officials' views on foreign worker programs, efforts to enforce laws that prohibit the employment of unauthorized foreign workers, and regularization efforts, including to identify the advantages and disadvantages of these programs. We did not independently examine countries' laws and regulations, but rather based characterizations of countries' programs on information provided by countries as of July 2006. In addition, we analyzed this information to determine the extent to which countries' programs may provide insights or examples for development and implementation of similar programs in the United States.

To develop the questionnaires, we analyzed reports and studies from the International Labour Organization (ILO), the International Organization for Migration (IOM), the OECD, and other organizations. We also spoke with and examined reports from six experts. We received technical comments on draft versions of the questionnaires from officials at the Department of State and the ILO and from 2 experts. We also pretested the questionnaires with officials from 4 countries. We made relevant changes to the questionnaires based on the technical comments and pretests.

We sent the questionnaires to Department of State officials responsible for each country. These officials then sent the questionnaires to U.S. embassy officials in each country we surveyed. The embassy officials provided the questionnaires to the appropriate foreign government agencies and returned the agencies' questionnaire responses to us upon completion. As of August 1, 2006, we received questionnaire responses from 6 countries—Argentina, Austria, the Netherlands, New Zealand, Portugal, and Singapore. We encouraged countries to complete and return the questionnaires by contacting Department of State desk officers and embassy officials on multiple occasions and sending additional copies of questionnaires when requested. We performed this work from October 2005 through August 2006.

Because our sample was not designed to be representative of a defined universe of countries, questionnaire results cannot be generalized beyond the countries we surveyed. Moreover, since our survey used a nonprobability selection of countries, there are no sampling errors. However, the practical difficulties of conducting any survey may introduce errors, commonly referred to as nonsampling errors. For example, measurement errors are introduced if difficulties exist in how a particular question is interpreted or in the sources of information available to respondents in answering a question. In addition, coding errors may occur if mistakes are entered into a database. We took extensive steps in the development of the questionnaires, the collection of data, and the editing and analysis of data to minimize total survey error. As noted above, to reduce measurement error and ensure questions and response categories were interpreted in a consistent manner, we pretested the questionnaires with several countries.

We analyzed data reported by countries during interviews and on the questionnaires regarding the outputs and resources of their foreign worker programs, worksite enforcement efforts, and regularization efforts. We assessed the reliability of this data by reviewing the data for obvious errors and inconsistencies and interviewing agency officials knowledgeable about the data. If necessary, we contacted respondents and government officials we had interviewed to clarify responses and, when documentation about the data was provided, we reviewed it. We determined that the data were sufficiently reliable for the purposes of our review. However, we could not compare data on resources and outputs across the countries because each country we reviewed collects and maintains information on resources and outputs differently.

In addition to interviewing and surveying government officials, we interviewed officials from ILO, IOM, OECD, the European Union (EU), the United Nations High Commission for Refugees, the United Nations High Commission for Human Rights, and the Intergovernmental Consultations on Asylum, Refugee, and Migration Policies. We also interviewed officials from 6 employer associations, 10 labor groups, and 1 advocacy group, as well as 19 immigration experts, in Belgium, Canada, France, Germany, Spain, Switzerland, the United Kingdom, and the United States (see app. XII). We selected the experts based on the following criteria: type and depth of experience, recognition in the professional community, relevance of published work, employment history, and researchers' recommendations. We also interviewed officials from the Department of Labor and the Department of Homeland Security in the United States. We analyzed information from these groups and experts to determine their views on the advantages and disadvantages of countries' temporary foreign worker programs, regularization efforts, and efforts to enforce laws that prohibit the employment of unauthorized foreign workers.

We also examined reports from various nongovernmental agencies and immigration experts. We analyzed reports from ILO, IOM, OECD, and the EU. We also examined reports and studies from various research organization and immigration experts, including reports from the Migration Policy Institute; the Center on Migration, Policy and Society at Oxford University; and the Center for Comparative Immigration Studies. We selected these reports and studies based on their relevance to our review, recognition in the professional community, and experts' recommendations. We analyzed information in these reports and studies to identify the advantages and disadvantages of countries' temporary foreign worker, enforcement, and regularization programs.

We conducted our work from September 2005 through August 2006 in accordance with generally accepted government auditing standards.

# Appendix II: Information on Immigration-Related Programs in Selected Countries

**Table 6: Selected Information on Countries' Population Characteristics**

Country	Total population	Total legal migrant population	Total migrant population as a percentage of total population	Net migration rate (per 1,000 persons)
Argentina	39.9 million	1.5 million	4 percent	1
Australia	20.3 million	4.7 million	25 percent	5
Austria	8.2 million	756,000	9 percent	1
Belgium	10.4 million	880,000	9 percent	1
Canada	33.1 million	5.8 million	19 percent	5
France	60.9 million	6.3 million	11 percent	1
Germany	82.4 million	7.3 million	9 percent	2
Netherlands	16.5 million	1.6 million	10 percent	2
New Zealand	4.1 million	850,000	23 percent	2
Portugal	10.6 million	233,000	2 percent	1
Singapore	4.5 million	1.4 million	34 percent	20
Spain	40.4 million	1.3 million	3 percent	1
Switzerland	7.5 million	1.8 million	25 percent	1
United Kingdom	60.6 million	4 million	7 percent	2

Source: Total population data are from the Central Intelligence Agency World Factbook; other data are from the International Labour Organization.

Note: All data are estimated and numbers rounded. Total population data are from 2006. Other data are from 2000.

**Appendix II: Information on Immigration-Related Programs in Selected Countries**

**Table 7: Selected Information on High-Skilled Temporary Foreign Worker Programs**

Country	Program characteristics
Argentina	<ul style="list-style-type: none"> <li>• Employers can hire foreign workers only when they cannot find native workers for needed positions.</li> <li>• Employers and foreign workers must pay a fee for work permits.</li> <li>• Workers can bring in family members.</li> <li>• Workers can work only for employers and in job positions specified on the permit.</li> <li>• Foreign workers are required to return to their home countries.</li> <li>• Workers are required to return to their home countries before applying for a new permit.</li> <li>• Employers are required to post a bond that is returned to them after workers' return to their home countries.</li> <li>• Workers can apply for permanent residence status after a specified period of time in the country.</li> </ul>
Australia	<p>Australia has numerous programs for admitting high-skilled workers, and each program has different requirements. In general,</p> <ul style="list-style-type: none"> <li>• Employers are required to pay a fee for work permits.</li> <li>• Workers can bring in family members.</li> <li>• Workers can apply for permanent residence status and may be eligible for citizenship.</li> </ul>
Austria	<ul style="list-style-type: none"> <li>• Employers and foreign workers must pay a fee for work permits.</li> <li>• Workers can bring in family members.</li> <li>• Workers can work only for employers and in job positions specified on the permit.</li> <li>• Foreign workers are required to return to their home countries, but can apply to extend their permits.</li> <li>• Workers are required to return to their home countries before applying for a new permit.</li> <li>• Austria admitted approximately 3,000 workers in 2005.</li> </ul>
Belgium	<ul style="list-style-type: none"> <li>• Belgium admits foreign workers under various types of permits—A, B, or C—with differing admission requirements.</li> <li>• Under permit B, employers must show that there are no native or EU workers available for needed positions.</li> </ul>
Canada	<ul style="list-style-type: none"> <li>• Employers can hire foreign workers only when they cannot find native workers for needed positions.</li> <li>• Foreign workers must pay a fee for work permits.</li> <li>• Temporary foreign workers can be nominated by the provinces in which they work for permanent residence status.</li> </ul>
France	<ul style="list-style-type: none"> <li>• Temporary work permits are issued for 1 year to foreigners who can prove family ties, scientists, artists, students, and visitors.</li> <li>• Permanent work permits are generally issued to employers who cannot find native workers to fill needed positions.</li> </ul>
Germany	<ul style="list-style-type: none"> <li>• Workers can work only for employers and in job positions specified on the permit.</li> <li>• Workers can be granted permanent residence.</li> </ul>
Netherlands	<ul style="list-style-type: none"> <li>• Workers can bring in family members.</li> <li>• Workers can apply for permanent residence status.</li> <li>• The Netherlands admitted approximately 2,000 workers in 2005.</li> </ul>
New Zealand	<ul style="list-style-type: none"> <li>• Employers can hire foreign workers only when they cannot find native workers for needed positions.</li> <li>• Employers and foreign workers must pay a fee for work permits.</li> <li>• Foreign workers are required to return to their home countries.</li> <li>• Workers can apply for permanent residence status.</li> <li>• New Zealand admitted approximately 51,500 workers in 2004-2005.</li> </ul>



**Appendix II: Information on Immigration-Related Programs in Selected Countries**

<b>Country</b>	<b>Program characteristics</b>
Portugal	<ul style="list-style-type: none"> <li>• Employers can hire foreign workers only when they cannot find native workers for needed positions.</li> <li>• Foreign workers must pay a fee for work permits.</li> <li>• Workers can bring in family members.</li> </ul>
Singapore	<ul style="list-style-type: none"> <li>• Employers must pay a fee for employment passes.</li> <li>• Employment passes can be renewed.</li> <li>• Workers are required to return to their home countries.</li> </ul>
Spain	<ul style="list-style-type: none"> <li>• Employers must receive authorization from the government to employ unauthorized foreign workers.</li> <li>• Foreign workers can apply for permanent residence status after a specified period of time.</li> </ul>
Switzerland	<ul style="list-style-type: none"> <li>• Employers can hire foreign workers only when they cannot find native workers for needed positions.</li> <li>• Employers must pay a fee for work permits.</li> <li>• Workers can work only for employers and in job positions specified on the permit.</li> <li>• Foreign workers are required to return to their home countries.</li> <li>• Switzerland admitted approximately 7,000 workers from November 2004 through October 2005.</li> </ul>
United Kingdom	<ul style="list-style-type: none"> <li>• Foreign workers are not required to have a job offer before entering the United Kingdom.</li> <li>• The United Kingdom admitted approximately 7,000 workers in 2005.</li> </ul>

Source: GAO analysis of country-reported data.

Note: For more detailed information on programs in Australia, Belgium, Canada, France, Germany, Spain, Switzerland, and the United Kingdom, see appendixes III through X.

**Appendix II: Information on Immigration-Related Programs in Selected Countries**

**Table 8: Selected Information on Low-Skilled Temporary Foreign Worker Programs**

<b>Country</b>	<b>Program characteristics</b>
Argentina	<ul style="list-style-type: none"> <li>• Employers must show that there are no native workers available for needed positions.</li> <li>• Employers and foreign workers must pay a fee for work permits.</li> <li>• Workers can bring in family members.</li> <li>• Workers can work only for employers and in job positions specified on the permit.</li> <li>• Workers must provide proof of intent to return.</li> <li>• Workers must return to their home countries before applying for a new permit.</li> <li>• Employers are required to post a bond that is returned to them after workers' return to their home country.</li> </ul>
Australia	<ul style="list-style-type: none"> <li>• Under Australia's Working Holiday visas, foreigners can enter Australia for up to 1 year for travel and are able to supplement their travel funds through incidental employment.</li> </ul>
Austria	<ul style="list-style-type: none"> <li>• None reported</li> </ul>
Belgium	<ul style="list-style-type: none"> <li>• Belgium admits foreign workers under various types of permits—A, B, or C—with differing admission requirements.</li> <li>• Under permit B, employers must show that there are no native workers available for needed positions.</li> <li>• Belgium admitted approximately 4,300 workers in 2004.</li> </ul>
Canada	<ul style="list-style-type: none"> <li>• Employers must show that there are no native workers available for needed positions.</li> <li>• Foreign workers must pay a fee for work permits.</li> <li>• Temporary foreign workers can be nominated by the provinces in which they work for permanent residence status.</li> </ul>
France	<ul style="list-style-type: none"> <li>• None reported</li> </ul>
Germany	<ul style="list-style-type: none"> <li>• Germany admitted approximately 44,000 workers in 2003 under bilateral agreements.</li> </ul>
Netherlands	<ul style="list-style-type: none"> <li>• None reported</li> </ul>
New Zealand	<ul style="list-style-type: none"> <li>• None reported</li> </ul>
Portugal	<ul style="list-style-type: none"> <li>• None reported</li> </ul>
Singapore	<ul style="list-style-type: none"> <li>• Employers must pay a fee for work permits.</li> <li>• Workers can work only for employers and in job positions specified on the permit.</li> <li>• Foreign workers are required to return to their home countries.</li> <li>• Workers can apply for permanent residence status after a specified period of time in the country.</li> <li>• Employers are required to post a bond that is returned to them after workers' return.</li> <li>• Workers must return to their home countries before applying for a new permit</li> </ul>
Spain	<ul style="list-style-type: none"> <li>• Employers must receive authorization from the government to employ foreign workers.</li> <li>• Foreign workers can apply for permanent residence status after a specified period of time.</li> </ul>
Switzerland	<ul style="list-style-type: none"> <li>• None reported</li> </ul>
United Kingdom	<ul style="list-style-type: none"> <li>• Employers in the food processing sector only can apply to bring in foreign workers.</li> <li>• Workers are required to return to their home countries, but can apply for another temporary permit if they resided in their home countries for at least 2 months after expiration of the initial permit.</li> <li>• The United Kingdom admitted approximately 17,000 Sector-Based Scheme workers in 2005.</li> </ul>

Source: GAO analysis of country-reported data.

Note: Austria, France, the Netherlands, New Zealand, and Portugal did not report specific foreign worker programs for admitting low-skilled workers. For more detailed information on programs in Australia, Belgium, Canada, France, Germany, Spain, Switzerland, and the United Kingdom, see appendixes III through X.

**Appendix II: Information on Immigration-Related Programs in Selected Countries**

**Table 9: Selected Information on Seasonal Temporary Foreign Worker Programs**

Country	Program characteristics
Argentina	<ul style="list-style-type: none"> <li>• Employers can hire foreign workers only when they cannot find native workers for needed positions.</li> <li>• Employers and foreign workers must pay a fee for work permits.</li> <li>• Workers can bring in family members.</li> <li>• Workers can work only for employers and in job positions specified on the permit.</li> <li>• Workers must provide proof of intent to return.</li> <li>• Workers must return to their home countries before applying for a new permit.</li> <li>• Employers post a bond that is returned to them after workers' return.</li> </ul>
Australia	<ul style="list-style-type: none"> <li>• Under Australia's Working Holiday visas, foreigners can enter Australia for up to 1 year for travel and are able to supplement their travel funds through incidental employment.</li> </ul>
Austria	<ul style="list-style-type: none"> <li>• Seasonal workers can be admitted in the following sectors: tourism, agriculture and forestry, and harvest.</li> <li>• Employers can hire foreign workers only when they cannot find native workers for needed positions.</li> <li>• Employers must pay a fee for work permits.</li> <li>• Workers can work only for employers and in job positions specified on the permit.</li> <li>• Workers must return to their home countries before applying for a new permit.</li> <li>• Austria set quotas for admissions in the following sectors in 2006: tourism—7,500; agriculture and forestry—7,500; and harvest—7,000.</li> </ul>
Belgium	<ul style="list-style-type: none"> <li>• Employers can hire foreign workers only when they cannot find native workers for needed positions.</li> <li>• Workers can work only for employers and in job positions specified on the permit, depending on the type of permit.</li> </ul>
Canada	<ul style="list-style-type: none"> <li>• Seasonal foreign workers admitted from Mexico, Jamaica, Barbados, Trinidad and Tobago, and the Organization of Eastern Caribbean States.</li> <li>• Workers can work only for employers and in job positions specified on the permit.</li> <li>• Foreign workers are required to return to their home countries; permits are valid for a maximum of 8 months.</li> </ul>
France	<ul style="list-style-type: none"> <li>• Seasonal foreign workers admitted from Tunisia, Morocco, and Poland.</li> <li>• Foreign workers from Tunisia and Morocco are required to sign an agreement to return to their home countries and appear at a French mission in their home country to document their return.</li> </ul>
Germany	<ul style="list-style-type: none"> <li>• Employers must pay a fee for work permits.</li> <li>• Workers can work only for employers and in job positions specified on the permit.</li> <li>• Germany admitted approximately 330,000 workers in 2005.</li> </ul>
Netherlands	<ul style="list-style-type: none"> <li>• Employers can hire foreign workers only when they cannot find native workers for needed positions.</li> <li>• Employers must pay a fee for work permits.</li> <li>• Workers can work only for employers and in job positions specified on the permit.</li> <li>• Workers must return to their home countries before applying for a new permit.</li> <li>• The Netherlands admitted approximately 23,000 workers in 2005.</li> </ul>

**Appendix II: Information on Immigration-Related Programs in Selected Countries**

<b>Country</b>	<b>Program characteristics</b>
New Zealand	<ul style="list-style-type: none"> <li>• The program is a pilot for seasonal workers in the horticulture and viticulture industries and only in regions where the Ministry of Social Development declared a shortage of workers.</li> <li>• Eligibility for program participation was generally limited to foreign nationals in the country on the date the program was announced.</li> <li>• Employers can hire foreign workers only when they cannot find native workers for needed positions.</li> <li>• Foreign workers must pay a fee for work permits.</li> <li>• Workers can bring in family members.</li> <li>• Foreign workers can apply for permanent residence status after a certain period of time in the country.</li> <li>• Workers must provide proof of intent to return to their home countries.</li> <li>• New Zealand admitted approximately 2,000 workers between December 2005 and May 2006</li> <li>• A quota of 4,000 was set for the pilot program period from November 2005 through September 2006.</li> </ul>
Portugal	<ul style="list-style-type: none"> <li>• None reported</li> </ul>
Singapore	<ul style="list-style-type: none"> <li>• None reported</li> </ul>
Spain	<ul style="list-style-type: none"> <li>• Foreign workers can apply for permanent residence status after participating in the program for 3 years.</li> <li>• Spain admits approximately 20,000 to 30,000 workers each year.</li> </ul>
Switzerland	<ul style="list-style-type: none"> <li>• None reported</li> </ul>
United Kingdom	<ul style="list-style-type: none"> <li>• Employers can apply to bring in foreign students only as seasonal agricultural workers.</li> <li>• Workers are placed with employers by private sector entities.</li> <li>• The United Kingdom set a quota for the program of 16,250 in 2006.</li> </ul>

Source: GAO analysis of country-reported data.

Note: Portugal, Singapore, and Switzerland did not report specific foreign worker programs for admitting seasonal foreign workers. For more detailed information on programs in Australia, Belgium, Canada, France, Germany, Spain, Switzerland, and the United Kingdom, see appendixes III through X.

**Appendix II: Information on Immigration-Related Programs in Selected Countries**

**Table 10: Selected Information on Employment Eligibility Verification Processes**

Country	Employment verification process characteristics
Argentina	<ul style="list-style-type: none"> <li>• Employees are required to present documentation that proves their identity and work eligibility.</li> <li>• Employers are required to review documentation presented by employees and to report employees' information to government agencies.</li> <li>• Identity documents:               <ul style="list-style-type: none"> <li>• Valid passport</li> <li>• Identity card issued by the Argentine Federal Police</li> <li>• National identity document, or</li> <li>• Certificate of citizenship issued by the consulate of the worker's country</li> </ul> </li> <li>• Immigration status documents:               <ul style="list-style-type: none"> <li>• Certificate of permanent residence</li> <li>• Certificate of temporary residence</li> <li>• Certificate of extension of residence</li> </ul> </li> </ul>
Australia	<ul style="list-style-type: none"> <li>• Employers are encouraged, but not required to, check job applicants' work eligibility documents.</li> <li>• Work authorization documents:               <ul style="list-style-type: none"> <li>• Australian birth certificate</li> <li>• Australian citizenship certificate</li> <li>• Australian passport</li> <li>• Evidence of permanent resident status</li> <li>• Visa with entitlement to work</li> </ul> </li> </ul>
Austria	<ul style="list-style-type: none"> <li>• Employees are required to present documentation that proves their identity and work eligibility.</li> <li>• Employers are required to review documentation presented by employees and to report employees' information to government agencies.</li> <li>• Work authorization documents:               <ul style="list-style-type: none"> <li>• High-skilled worker permit</li> <li>• Work permit</li> <li>• Exemption certification</li> <li>• Proof of establishment</li> <li>• Confirmation of fee/receipt</li> <li>• Establishment or residence permit for certain categories of foreigners</li> <li>• Passport or identity cards for European Union nationals</li> </ul> </li> </ul>
Belgium	<ul style="list-style-type: none"> <li>• Employers are required to report information on new employees to the social security administration.</li> <li>• Employers are required to check the residence and work permits of foreign workers.</li> </ul>
Canada	<ul style="list-style-type: none"> <li>• Employers are encouraged to check employees' work authorization documents.</li> </ul>
France	<ul style="list-style-type: none"> <li>• Employers are required to check the work authorization status of foreign workers.</li> <li>• Employers are required to file a declaration of hire with the social security administration for each worker, regardless of the worker's nationality.</li> </ul>
Germany	<ul style="list-style-type: none"> <li>• Employers are required to check the work authorization status of foreign workers.</li> <li>• Employers are required to report native workers' information for social insurance payment purposes.</li> </ul>

**Appendix II: Information on Immigration-  
Related Programs in Selected Countries**

<b>Country</b>	<b>Employment verification process characteristics</b>
Netherlands	<ul style="list-style-type: none"> <li>• Employees are required to present documentation that proves their identity and work eligibility.</li> <li>• Employers are required to review documentation presented by employees and to report employees' information to government agencies.</li> <li>• Identity documents:               <ul style="list-style-type: none"> <li>• Passport</li> <li>• European identity card</li> <li>• Refugee passport</li> <li>• Aliens passport</li> <li>• Residence permit</li> </ul> </li> <li>• Immigration status documents:               <ul style="list-style-type: none"> <li>• Passport</li> <li>• European identity card</li> <li>• Non-European Union citizens must also show a residence permit or a certificate in their passport issued by the Dutch immigration service</li> </ul> </li> </ul>
New Zealand	<ul style="list-style-type: none"> <li>• Employees are required to present documentation that proves their identity and work eligibility.</li> <li>• Work authorization documents:               <ul style="list-style-type: none"> <li>• Foreign passport with valid New Zealand work or residence permit</li> <li>• Proof of New Zealand citizenship</li> <li>• New Zealand passport</li> <li>• Inland revenue tax number</li> </ul> </li> </ul>
Portugal	<ul style="list-style-type: none"> <li>• Employees are required to present documentation that proves their identity and work eligibility.</li> <li>• Employers are required to report employees' information to government agencies.</li> <li>• Work authorization documents:               <ul style="list-style-type: none"> <li>• Authorization of residence, permission to stay</li> <li>• Work visa</li> <li>• Study visa with work authorization</li> <li>• Temporary study permission with work authorization</li> </ul> </li> </ul>
Singapore	<ul style="list-style-type: none"> <li>• Employees are required to present documentation that proves their identity and work eligibility.</li> <li>• Employers are required to review documentation presented by employees and to report employees' information to government agencies.</li> <li>• Work authorization documents:               <ul style="list-style-type: none"> <li>• Passport</li> <li>• Work permit or employment pass endorsed by the Ministry of Manpower</li> </ul> </li> </ul>
Spain	<ul style="list-style-type: none"> <li>• Employers are required to check employees' identity and work authorization documents at the time of hire and to report this information to the government.</li> </ul>
Switzerland	<ul style="list-style-type: none"> <li>• Foreign workers are required to register with their local commune within 8 days of entering the country.</li> <li>• Employers are required to report information on their employees to the local employment office and unemployment insurance office at the time of hire.</li> </ul>

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**Appendix II: Information on Immigration-  
Related Programs in Selected Countries**

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<b>Country</b>	<b>Employment verification process characteristics</b>
United Kingdom	<ul style="list-style-type: none"><li>• Employers can establish a defense against conviction for employing an illegal worker by checking and copying certain original documents presented by potential new employees from one of two lists.</li><li>• Examples of List 1 documents:<ul style="list-style-type: none"><li>• United Kingdom passport</li><li>• European Economic Area or Swiss passport or national identity card</li><li>• Residence permit</li></ul></li><li>• Examples of List 2 documents:<ul style="list-style-type: none"><li>• National insurance number document</li><li>• Birth certificate</li><li>• Certificate of naturalization</li><li>• Work permit</li></ul></li></ul>

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Source: GAO analysis of country-reported data.

Note: For more detailed information on programs in Australia, Belgium, Canada, France, Germany, Spain, Switzerland, and the United Kingdom, see appendixes III through X.

**Appendix II: Information on Immigration-Related Programs in Selected Countries**

**Table 11: Selected Information on Worksite Enforcement Efforts**

<b>Country</b>	<b>Employer administrative or civil monetary penalties</b>	<b>Employer criminal monetary penalties and prison terms</b>	<b>Other employer penalties</b>	<b>Number of worksite enforcement actions</b>	<b>Penalties for unauthorized foreign workers</b>
Argentina	<ul style="list-style-type: none"> <li>Maximum of 50 times the minimum wage</li> </ul>	<ul style="list-style-type: none"> <li>1 to 10 years in prison</li> </ul>	<ul style="list-style-type: none"> <li>Employer can be required to pay investigation or court costs and unpaid taxes and social insurance contributions on unauthorized foreign workers.</li> <li>Employers' assets are subject to seizure.</li> <li>Employers' worksites are subject to closure.</li> <li>Employer can be prohibited from receipt of government contracts.</li> </ul>	<ul style="list-style-type: none"> <li>Not available</li> </ul>	Unauthorized foreign workers can be subject to: <ul style="list-style-type: none"> <li>deportation,</li> <li>prohibition on reentry to the country, and</li> <li>ineligibility for temporary foreign worker programs.</li> </ul>
Australia	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Individuals and entities can be fined up to A\$10,000 (about \$7,500) for aiding and abetting the employment of unauthorized foreign workers.</li> </ul>	<ul style="list-style-type: none"> <li>None reported</li> </ul>	<ul style="list-style-type: none"> <li>Identified about 23,000 visa overstays in 2004-2005</li> </ul>	Unauthorized foreign workers can be subject to: <ul style="list-style-type: none"> <li>detention,</li> <li>deportation, and</li> <li>requirements to pay detention costs.</li> </ul>
Austria	<ul style="list-style-type: none"> <li>€1,000 to €50,000 (about \$1,300 to \$62,900), depending on the number of unauthorized foreign workers employed and the number of offenses</li> </ul>	<ul style="list-style-type: none"> <li>Maximum 2 years in prison</li> </ul>	Employers can be subject to: <ul style="list-style-type: none"> <li>prohibition on receiving work permits,</li> <li>seizure of trade license, and</li> <li>prohibition on receipt of government contracts.</li> <li>Employers can be required to pay costs for</li> <li>deporting unauthorized foreign workers,</li> <li>investigation or court costs, and</li> <li>unpaid taxes or social insurance contributions.</li> <li>Employers' assets can be seized or their worksites closed.</li> </ul>	<ul style="list-style-type: none"> <li>Initiated about 18,000 investigations in 2005</li> <li>Issued civil fines totaling €17 million (about \$21.4 million) in 2005</li> <li>Collected an estimated €8 million (about \$10.1 million) in civil fines in 2005</li> </ul>	Unauthorized foreign workers can be subject to: <ul style="list-style-type: none"> <li>deportation,</li> <li>prohibition on reentry to the country,</li> <li>ineligibility for temporary foreign worker programs, and</li> <li>payment of costs for deportation.</li> </ul>



**Appendix II: Information on Immigration-Related Programs in Selected Countries**

<b>Country</b>	<b>Employer administrative or civil monetary penalties</b>	<b>Employer criminal monetary penalties and prison terms</b>	<b>Other employer penalties</b>	<b>Number of worksite enforcement actions</b>	<b>Penalties for unauthorized foreign workers</b>
Belgium	<ul style="list-style-type: none"> <li>Minimum €3,750 (\$4,700) per unauthorized worker for workers without residence and work permits</li> <li>Minimum €375 (\$470) per unauthorized worker for workers with work permits</li> </ul>	<ul style="list-style-type: none"> <li>Minimum €15,000 (\$18,800) per unauthorized worker for workers without residence and work permits</li> <li>Minimum €1,700 (\$2,100) per unauthorized worker for workers with work permits</li> </ul>	<ul style="list-style-type: none"> <li>Employers who do not properly report employees' information to the social security administration can be administratively fined from €750 to €3,750 (about \$940 to \$4,700) and criminally fined from €2,500 to €12,500 (about \$3,100 to \$15,700) and/or receive prison sentences from 8 days to 1 year.</li> </ul>	<ul style="list-style-type: none"> <li>Conducted about 6,000 employer investigations in 2004</li> <li>Filed approximately 3,000 criminal charges against employers in 2004</li> </ul>	Unauthorized foreign workers can be subject to: <ul style="list-style-type: none"> <li>detention, and</li> <li>deportation.</li> </ul>
Canada	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Depending on the type of conviction, maximum C\$50,000 (\$43,800) or maximum C\$10,000 (\$8,800)</li> </ul>	<ul style="list-style-type: none"> <li>None reported</li> </ul>	<ul style="list-style-type: none"> <li>Not available</li> </ul>	Unauthorized workers can be subject to: <ul style="list-style-type: none"> <li>deportation and</li> <li>detention.</li> </ul>
France	<ul style="list-style-type: none"> <li>€3,110 (\$3,900) per unauthorized worker</li> </ul>	<ul style="list-style-type: none"> <li>Maximum €15,000 (\$18,800) per offense</li> <li>Employers can be sentenced to a prison term of up to 6 years.</li> </ul>	<ul style="list-style-type: none"> <li>None reported</li> </ul>	<ul style="list-style-type: none"> <li>Imposed about €2.7 million (about \$3.4 million) in civil fines on employers in 2005</li> </ul>	Unauthorized workers can be subject to: <ul style="list-style-type: none"> <li>deportation and</li> <li>detention.</li> </ul>
Germany	<ul style="list-style-type: none"> <li>€5 to €500,000 total (\$6 to \$628,800)</li> </ul>	<ul style="list-style-type: none"> <li>Fines imposed on a daily basis ranging from 5 to 360 days. Daily fine rates range from €1 to €5,000 per day (\$1 to \$6,300)</li> <li>Prison terms of up to 10 years</li> </ul>	Employers can be subject to: <ul style="list-style-type: none"> <li>exclusion from receipt of public contracts,</li> <li>requirements to pay unauthorized foreign workers' deportation costs, and</li> <li>requirements to pay back taxes and social insurance contributions not initially paid for unauthorized foreign workers.</li> </ul>	<ul style="list-style-type: none"> <li>Initiated about 78,000 employer investigations in 2005</li> <li>Issued about €67 million (about \$84.2 million) in employer civil fines</li> </ul>	Unauthorized workers can be subject to: <ul style="list-style-type: none"> <li>deportation and</li> <li>prohibition on reentry to the country.</li> </ul>

**Appendix II: Information on Immigration-Related Programs in Selected Countries**

<b>Country</b>	<b>Employer administrative or civil monetary penalties</b>	<b>Employer criminal monetary penalties and prison terms</b>	<b>Other employer penalties</b>	<b>Number of worksite enforcement actions</b>	<b>Penalties for unauthorized foreign workers</b>
Netherlands	<ul style="list-style-type: none"> <li>€4,000 to €8,000 (about \$5,000 to \$10,100) per unauthorized worker</li> </ul>	<ul style="list-style-type: none"> <li>Employers can be penalized criminally only after three convictions within a 2-year period.</li> </ul>	<ul style="list-style-type: none"> <li>Employers can be required to pay unpaid tax and social security contributions.</li> </ul>	<ul style="list-style-type: none"> <li>Initiated about 8,600 investigations in 2005</li> <li>Issued about 2,200 civil fines in 2005</li> <li>Issued civil fine amounts totaling between €13 million and €20 million (about \$16.3 million to \$25.1 million) in 2005</li> </ul>	Unauthorized workers can be subject to deportation.
New Zealand	<ul style="list-style-type: none"> <li>Civil monetary fines (amounts not specified)</li> </ul>	<ul style="list-style-type: none"> <li>Criminal monetary fines (amounts not specified)</li> </ul>	<ul style="list-style-type: none"> <li>None reported</li> </ul>	<ul style="list-style-type: none"> <li>Not available</li> </ul>	Unauthorized foreign workers can be subject to: <ul style="list-style-type: none"> <li>deportation</li> <li>prohibition on reentry, and</li> <li>prohibition on participation in foreign worker programs.</li> </ul>
Portugal	<ul style="list-style-type: none"> <li>Civil monetary fines (amounts not specified)</li> </ul>	<ul style="list-style-type: none"> <li>Maximum 3 years in prison</li> </ul>	<ul style="list-style-type: none"> <li>None reported</li> </ul>	<ul style="list-style-type: none"> <li>Not available</li> </ul>	Unauthorized foreign workers can be subject to: <ul style="list-style-type: none"> <li>civil and criminal monetary fines ranging from €80 to €700 (about \$100 to \$900),</li> <li>detention up to 48 hours,</li> <li>deportation, and</li> <li>prohibition on reentry to the country for 5 years (for 1 year if person leaves voluntarily).</li> </ul>

**Appendix II: Information on Immigration-Related Programs in Selected Countries**

<b>Country</b>	<b>Employer administrative or civil monetary penalties</b>	<b>Employer criminal monetary penalties and prison terms</b>	<b>Other employer penalties</b>	<b>Number of worksite enforcement actions</b>	<b>Penalties for unauthorized foreign workers</b>
Singapore	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Criminal fines equivalent to the value of an unauthorized foreign worker's wages for 2-4 years</li> <li>Maximum 1 year in prison</li> <li>Employers could be subject to both of the above</li> </ul>	<ul style="list-style-type: none"> <li>Employers can be required to pay costs for deporting unauthorized foreign workers.</li> </ul>	<ul style="list-style-type: none"> <li>Not available</li> </ul>	Unauthorized foreign workers can be subject to: <ul style="list-style-type: none"> <li>criminal fines up to S\$5,000 (about \$3,100),</li> <li>detention for up to 1 year,</li> <li>deportation,</li> <li>prohibition on reentry to the country, and</li> <li>ineligibility for temporary foreign worker programs.</li> </ul>
Spain	<ul style="list-style-type: none"> <li>€6,000 to €60,000 (\$7,500 to \$75,500) per unauthorized worker</li> </ul>	<ul style="list-style-type: none"> <li>None reported</li> </ul>	<ul style="list-style-type: none"> <li>Not available</li> </ul>	<ul style="list-style-type: none"> <li>Not available</li> </ul>	<ul style="list-style-type: none"> <li>None reported</li> </ul>
Switzerland	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Maximum of SwF 5,000 (\$4,000) per unauthorized worker</li> </ul>	<ul style="list-style-type: none"> <li>Not available</li> </ul>	<ul style="list-style-type: none"> <li>Not available</li> </ul>	Unauthorized foreign workers can be subject to: <ul style="list-style-type: none"> <li>criminal fines up to SwF 10,000 (about \$8,000) and</li> <li>prison sentences up to 6 months.</li> </ul>
United Kingdom	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Unlimited amount with criminal conviction</li> </ul>	<ul style="list-style-type: none"> <li>Employer can be required to pay court costs.</li> <li>Employer's assets are subject to foreclosure or seizure.</li> </ul>	<ul style="list-style-type: none"> <li>Initiated about 2,900 employer investigations in 2005</li> <li>Had 8 employer criminal prosecutions in 2004</li> </ul>	Unauthorized workers can be subject to: <ul style="list-style-type: none"> <li>deportation,</li> <li>detention,</li> <li>prohibition on reentry to the country.</li> </ul>

Source: GAO analysis of country-reported data.

Note: Amounts in U.S. dollars are rounded, based on the exchange rate from July 25, 2006. For more detailed information on programs in Australia, Belgium, Canada, France, Germany, Spain, Switzerland, and the United Kingdom, see appendixes III through X.

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# Appendix III: Information on Selected Immigration-Related Programs in Australia

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## Foreign Worker Admissions

Immigrants can enter Australia for work purposes under various visa programs, including programs for employer-sponsored migrant workers, state or regional-sponsored workers, and skilled independent workers (e.g., foreign workers not sponsored by employers).<sup>1</sup> Australia recruits high-skilled workers through, among other things, the use of promotional campaigns within specific industrial sectors or foreign countries to target foreign workers with specific business or trade skills for positions in the country. Information on some of Australia's primary employment-based visa programs is provided below.

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## Employer-Sponsored Program

### Temporary Business-Standard Business Sponsorship

The Temporary Business-Standard Business Sponsorship is the most commonly used program for employers to sponsor foreign workers to work in Australia on a temporary basis. Employers pay a fee of A\$270 (about \$200) to apply for status as a sponsor, a A\$55 (about \$40) to apply to nominate skilled positions that they have been unable to fill, and a fee of A\$185 (about \$140) for the foreign worker to apply for a visa. Minimum skill and salary levels apply. Foreign workers who receive a visa under this program can legally work in Australia for the employer who sponsored them for a period of between 3 months and 4 years. These foreign workers can apply to bring family members with them and have no restrictions on the number of times they travel in and out of Australia.

### Labor Agreements

Labor Agreements are formal arrangements between the Commonwealth Government and an employer or industry peak body that enable employers to recruit a number of workers from overseas in response to identified or emerging labor market shortages. Employees may come to Australia on either a temporary or a permanent basis. Advantages of Labour Agreements are that an employer may negotiate the entry of a number of people to fill a group of positions across a wide range of skilled occupations without having to test the domestic labor market each time it

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<sup>1</sup>Information presented in this appendix is based on data reported by government officials; government documents, such as agency reports and manuals; and nongovernmental reports and studies, such as those from the International Labour Organization and the Organisation for Economic Co-operation and Development. It is not based on an independent examination of Australian laws and regulations. The appendix provides an overview of selected immigration policies in Australia as of July 2006.

wishes to recruit from overseas, and visa applications for overseas recruits receive priority processing. Agreements generally run for three years. They are negotiated free of charge and there is no nomination fee for permanent positions. Employers pay a A\$55 (about \$40) fee for each temporary nominated position and a fee of A\$185 (about \$140) for issuing the visa to the foreign worker. Foreign workers admitted under a temporary visa can work in Australia for up to 4 years, bring family members, and travel in and out of Australia without restriction. Foreign workers admitted under a permanent visa can include family members in their visa applications. Family members receive permanent residence status on arrival in Australia and may be eligible for Australian citizenship after a qualifying period.

#### Employer Nomination Scheme

The Employer Nomination Scheme allows Australian employers to sponsor skilled migrants for a permanent visa to work in Australia. Nominations are acceptable if they are for permanent full-time positions and the occupation is listed on the Employer Nomination Scheme Occupation List. Nominees can be located either inside or outside of Australia, but must have the necessary skills and qualifications for the nominated positions. For foreign workers residing outside Australia, the employer is required to pay a A\$350 (about \$260) nomination fee and the nominee pays a A\$1,340 (about \$1,000) visa fee. For foreign workers residing in Australia, employers are required to pay a A\$350 (about \$260) nomination fee and the nominee pays a A\$1,990 (about \$1,500) visa fee. Foreign workers admitted under this program can include family members in their visa applications, and their family members can receive permanent residence status. In addition, these foreign workers may be eligible for Australian citizenship after a qualifying period.

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#### Regional, State, or Territory Visa Programs

##### Regional Sponsored Migration Scheme

The Regional Sponsored Migration Scheme is designed to help employers in regional Australia fill skilled positions for which they are unable to find local workers. Under this scheme, employers can nominate skilled overseas workers who reside outside Australia or who reside in the country as temporary residents. For skilled overseas workers residing outside Australia, the employer is required to pay a A\$1,340 (about \$1,000) fee to apply for a permanent visa, and for skilled overseas workers residing in Australia, employers are required to pay a fee of A\$1,990 (about \$1,500) to apply for a permanent visa. Skilled overseas workers admitted

under this program can include family members in their visa applications, and their family members can receive permanent residence status. In addition, these foreign workers may be eligible for Australian citizenship after a qualifying period.

### Independent Regional Visa

This visa program allows skilled workers who are unable to meet the criteria for a permanent visa the opportunity to eventually apply for residence in Australia provided they are prepared to live for 2 years and work at least 12 months in a regional or low population growth metropolitan area in Australia. Successful applicants are initially granted a 3-year visa to give them time to satisfy the residence and employment criteria for a permanent visa. Applicants must have the skills and qualifications that meet the Australian standard for an occupation on the Skilled Occupation List<sup>2</sup> and are one of the following:

- a person in Australia or outside Australia who is unable to meet the pass mark on the points test for a permanent Skilled - Independent visa, as discussed below, but who can meet the pass mark for this visa, which is slightly lower, or
- a person who has a Skilled-Independent visa application which has been held at the pass mark and been invited to apply for this visa, or
- a holder of a Working Holiday Maker visa who has been in Australia on that visa for at least 6 months, or
- a holder of an Occupational Trainee visa who has completed the period of training for which the visa was granted.

Applicants are required to pay a visa issuance fee of A\$185 (about \$140). Under this visa, foreign workers are allowed to reside in Australia for up to 3 years and must live and work in a regional or low-population growth area of Australia. Accompanying family members can also work and study but must do so in a rural or low-population growth area of Australia.

### State-Territory Nominated Independent Visa

Under this visa program, participating state or territory governments can nominate skilled migration applicants who are interested in permanently settling in states and territories where their skills are in demand. To apply for this visa, applicants must nominate an occupation that is listed on Australia's Skilled Occupation List and have their skills and qualifications assessed by the relevant assessing authority. Each state or territory government has its own skill shortage list and nominates applicants with

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<sup>2</sup> Occupations on this list include, among others, managers (e.g., human resources or laboratory managers), engineers, medical practitioners, and teachers.

skills in demand in their particular state or territory. Foreign workers are required to pay a fee of A\$1,990 (about \$1,500) for issuance of a permanent visa. Foreign workers admitted under this program can include family members, who can also receive permanent residence status, and may be eligible for Australian citizenship after a qualifying period.

### Skill Matching Visa

The Skill Matching visa is designed to link skilled migrants who do not meet the points requirement for the Skilled-Independent visa with employers or state and territory governments by placing the potential migrant's details on the Skill Matching Database. Applicants of the Skill Matching Visa must be nominated by an employer or state/territory government for permanent migration to Australia. Applicants nominated for migration by a state or territory government for the Skill Matching visa are required to pay a fee of A\$1,940 (about \$1,500) for issuance of a permanent visa. Applicants nominated by an employer under employer-sponsored migration are required to pay a fee of A\$1,305 (about \$980) for issuance of a permanent visa. Foreign workers admitted under this program can bring in family members, who can also receive permanent residence status, and may be eligible for Australian citizenship after a qualifying period.

### Skill Matching Database

The Skill Matching Database contains the educational, employment, and work details of applicants for the following programs: the Skill Matching visa, the Skilled-Independent visa, the Skilled-Australian Sponsored visa, the Skilled-Independent Overseas Student visa, and the Skilled-Australian Sponsored Overseas Student visa. Applicants remain in the database for up to 2 years, or until they migrate to Australia. The database provides the opportunity for applicants to secure employment in Australia before they migrate. The database is accessed by state and territory governments and by employers who may then nominate an applicant for migration. The Skill Matching database provides a means to match skilled migrants with Australia's skill needs. Many applicants listed on the Skill Matching Database do not require formal sponsorship by an employer or state/territory government for their visa to be granted. Employers can contact these applicants directly and negotiate and offer of employment without involving the Australian Department of Immigration and Multicultural Affairs. Employers also have the option to offer sponsorship to all applicants on the database that have not had their visa granted or been sponsored by a state/territory government. Employer sponsorship expedites the visa application processing.

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**Professionals and Other  
Skilled Migrants Programs**

Under these programs, foreign workers who are not sponsored by an employer and who have skills in particular occupations required in Australia, can apply to work in the country. Applicants must be over 18 and under 45 years of age, have English language skills, and have recent skilled work experience. Applicants must also have skills and qualifications for an occupation listed on Australia's Skilled Occupation List.

**Skilled-Independent Visa**

Under this visa program, foreign workers can apply to work in Australia if they are under 45 years of age, have good English language skills, and skills and qualifications in an occupation required in Australia. The Australian government selects applicants based on a points test. Each occupation listed on the Skilled Occupation List is allocated a point value for use in the assessment process. Applicants must obtain a minimum amount of points to qualify for an independent visa to live and work in Australia. Applicants earn points for such things as skill, age, English language ability, specific work experience, an occupation in demand, a job offer, an intention to reside in regional Australia, and spouses' skills. Applicants pay a fee of A\$1,990 (about \$1,500) to apply for a permanent visa. Foreign workers admitted under this program can bring in family members, and their family members can receive permanent residence status. In addition, these foreign workers may be eligible for Australian citizenship after a qualifying period.

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**Working Holiday Maker  
and Work and Holiday  
Visas**

The Working Holiday Maker and the Work and Holiday Programs allow foreigners aged 18-30 from specific countries to enter Australia for up to 1 year for travel around the country. Visa holders under these programs are able to supplement their travel funds through incidental employment, however, the holiday should be the main reason for visiting Australia. During their time in the country, these individuals can earn money by working for up to 6 months with each employer. Visa holders should holiday for at least part of their stay rather than work for the full period of their stay. Both visas allow a stay of up to 12 months, however, Working Holiday Makers who have done 3 months' seasonal work in regional Australia while on their first Working Holiday Maker visa are able to apply for a second Working Holiday Maker visa. Work and Holiday visa holders are able to apply for a subsequent Work and Holiday visa with no requirement to do seasonal work. Visa holders under both programs are not permitted to bring dependents with them. There are no restrictions on their ability to travel in and out of Australia. There are additional requirements for Work and Holiday visa applicants, such as they must provide a letter of support from their government, hold a degree or



diploma, and provide proof of English proficiency. Working Holiday Maker visa applicants are required to pay a visa application fee of A\$185 (about \$140); Work and Holiday visa applicants are required to pay a visa application fee of A\$175 (about \$130). Australia manages its Working Holiday Maker Programs through reciprocal bilateral agreements with selected countries.

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## Employment Verification Process

In Australia, all employees must register with their local tax office and obtain a tax file number, which is used by employers to report employees' income tax information. The government encourages employers to verify job applicants' eligibility to work, by checking the applicants' Australian passport, birth certificate, or certificate of citizenship. However, there is no requirement for employers to check or verify workers' identity or immigration status. There are five types of documents that workers can present as evidence of work eligibility:

- Australian birth certificate;
- Australian citizenship certificate;
- Australian passport;
- evidence of permanent resident status; and
- visa with entitlement to work.

The Australian Department of Immigration and Multicultural Affairs provides various tools that employers can use to verify foreign workers' authorization status. For example, the department provides a voluntary Web-based service to employers, called Entitlement Verification Online, through which employers can verify the identity and work eligibility of their employees. When employers request a confirmation of an employee's authorization to work through the Web-based service, the system checks the employee's information against information maintained in Australia's central visa database, which contains information on visa-holders' work authorization status. System users are required to enter the employee's date of birth, passport number, and country of origin. The system returns a match when it matches an immigrant's visa with the foreign country passport number of the immigrant in question. The system then provides the user with a report on the conditions associated with the immigrant's visa, including right to work. A match could indicate that the applicant has a right to work, that the applicant is lawfully present but under a visa condition that does not allow the individual to work, or that the applicant is unlawfully present and thus unable to legally obtain employment.

In addition to the Web-based service, the department provides a faxback entitlements service to employers to help employers verify employee's

work authorization. Under this service, employers provide employees' information, such as name, passport number, and nationality, to the department. The department checks this information against information maintained in its databases and confirms the individual's work authorization status with the employers. In 2003-2004, employers made about 36,000 information requests through the faxback service.

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## Enforcement of Laws That Prohibit Employment of Unauthorized Foreign Workers

Australia's Department of Immigration and Multicultural Affairs is responsible for enforcing the country's immigration laws, including laws that prohibit the employment of unauthorized workers. The department has about 4,000 staff responsible for enforcing laws related to non-humanitarian entry and stay, refugee and humanitarian entry and stay, enforcement of immigration law, and asylum seeker management.

Australia requires all individuals seeking to enter the country to possess a valid visa. Individuals may be denied entry at an Australia port of entry if they arrive without travel documents or a valid visa, or if they present documentation that is false but which they used for check-in at overseas airports. Individuals can also be denied entry if they hold valid visas, but immigration inspectors determine that they are not likely to abide by the visa conditions. Reasons for which immigration inspectors may determine that individuals do not intend to abide by their visas include that individuals are found to have an intention to seek employment which is prohibited under their visas, information presented in support of their visa applications is found to be false, and the reason the visa was issued no longer exists (e.g., the visa was issued on the basis that the visa-holder intended to travel to Australia for a specific event, but the date of the event has passed). The majority of individuals denied clearance at Australian ports of entry are returned within 72 hours.

Overstays are those non-citizens who do not depart by the expiration date of their temporary visa and remain in Australia unlawfully. Twice each year in June and December, Australia's Department of Immigration and Multicultural Affairs prepares an estimate of unlawful noncitizens—visa overstayers—in the country. A person who was unlawful for a period of time but departed or was granted a further visa and became lawful again prior to the estimate date is not included. At each estimate date, records are collected for all people who arrived in Australia, who have an expired visa, and whose records indicate they have not subsequently left Australia. The data are then filtered through various departmental systems to exclude persons who were actually lawful (for example, persons who have been granted citizenship). The remaining records are then sampled to

check for any other lawful persons or persons who have actually left Australia and have not been identified during the initial filtering. The statistical corrections obtained through this process are then applied to the raw data, and the adjusted data are used to prepare the estimates. In of June 2006, there were estimated to be about 46,400 visa overstayers in the Australian community.

In 2005-2006, Australian compliance officers found about 10,500 visa overstayers and persons who had otherwise violated their visa conditions (e.g., violated no work right provisions). Persons found to have overstayed or otherwise violated their visa conditions are typically removed from the country or granted a bridging visa. Bridging visas allow foreigners whose visas have expired and have requested permission to extend their stay in Australia to remain in the country for a short, specified period of time during which the individuals must make arrangements to leave Australia or obtain a new visa authorizing them to remain in the country. An example of a case in which Australia may issue a bridging visa would be when a student accidentally overstays his or her visa, self-reports this overstay, but needs to remain in Australia for a few additional weeks to finish schoolwork and make arrangements to leave.

Those individuals who are detained for overstaying or violating their visas are required to pay the costs for the time during which they were in detention before they can receive a visa to return to Australia. Australia maintains a list of individuals who were detained and have not yet repaid the detention costs; immigration officers are not to issue visas to these individuals to enter Australia until they paid their detention costs.

Australia does not currently have a system for sanctioning employers found to have employed unauthorized foreign workers, although proposed legislation for doing so is before the Australian Parliament. However, any person or group that aids or abets unauthorized foreign workers in Australia can be fined up to A\$10,000 (about \$7,500). In addition, the Australian government can issue illegal worker warning notices to employers or labor suppliers who have employed unauthorized workers or referred unauthorized workers for employment. The warning notices alert employers to the fact that they have employed unauthorized workers and help to deter future breaches by advising employers of the possibility of future prosecution. In 2005-2006, Australia issued over 1,050 warning notices to employers and labor suppliers of unauthorized foreign workers. In the same period, the Department of Immigration and Multicultural Affairs located about 1,900 noncitizens who were found to be working illegally.

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# Appendix IV: Information on Selected Immigration-Related Programs in Belgium

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## Foreign Worker Admissions

After World War II, labor shortages in Belgium led the government to conclude bilateral agreements to recruit foreign workers from countries such as Italy, Spain, Greece, Morocco, Turkey, and other countries.<sup>1</sup> The 1973 oil crisis led Belgium to enact legislation controlling the entry of foreigners into the country to only allow people into the country with qualifications that were not available through the local labor pool.

In order to be able to work in Belgium, foreign workers, other than those from member states of the European Economic Area, generally are required to have a valid work permit.<sup>2</sup> These foreign workers also require a visa to stay in Belgium for longer than 3 months.<sup>3</sup> A foreigner entering Belgium for work purposes requires the following documents: a passport or other travel document that is valid for at least 1 year, a medical certificate by a Belgian embassy-recognized physician, a recent certificate of good conduct covering 5 years, and an employment authorization document. A Belgium-based employer applies for the employment authorization on behalf of the foreign worker and a visa is issued to the foreign worker together with the work permit.

Foreign workers can legally work in Belgium under three types of permits: A, B, and C. Work permit A covers all kinds of salaried employment in Belgium and is valid indefinitely. Employers are not required to apply for employment authorization for workers with work permit A. Rather, foreign workers apply for work permit A on their own through their regional employment office. Workers who are eligible for work permit A include those with a valid work permit B who have worked in Belgium for more than 4 years and those who have resided legally in Belgium for an uninterrupted period of at least 5 years.

A work permit B is valid for employment by only one employer and has a maximum validity of 12 months, but can be renewed. A foreign worker is

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<sup>1</sup> Information presented in this appendix is based on data reported by government officials; government documents, such as agency reports and manuals; and nongovernmental reports and studies, such as those from the Organisation for Economic Co-operation and Development. It is not based on an independent examination of Belgian laws and regulations. The appendix provides an overview of selected immigration policies in Belgium as of July 2006.

<sup>2</sup> Member states of the European Union, Iceland, Liechtenstein, and Norway comprise the European Economic Area.

<sup>3</sup> Foreign nationals from Monaco and Switzerland also do not require a visa to stay in Belgium longer than 3 months.

eligible for a work permit B after an employer is issued an employment authorization for the worker. Prior to obtaining work authorization for a foreign worker, the employer must show that there are no workers available in Belgium to fill the vacant position. The foreign worker can obtain the work permit B from the local government office where the worker resides in Belgium or, if the worker is not yet resident in Belgium, from the worker's employer upon the start of employment. Employers can apply to renew a work permit B for foreign workers 1 month before expiration of the work permit. In 2004, more than 4,300 type A and B work permits were issued to foreign workers.<sup>4</sup>

Under work permit C, foreigners already residing in Belgium for reasons other than work can apply to receive work authorization. These types of foreigners include asylum seekers, victims of trafficking, or a foreigner living with, but not married to, a Belgian citizen. These foreigners can apply for and receive a C permit, which allows them to work for any type of employer, but before hiring them, the employer must check as to whether the foreigners' residence permits are valid and must continue to check residence permit validity. The permits are only valid for as long as the individual's residence permit is valid.

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## Employment Verification and Registration Process

Employers are required to electronically report information on new employees to the social security administration. This information includes the employees' social security number and employment entry date. In addition, employers are required to check the residence and work permits of foreign workers to verify foreign workers' authorization to work in Belgium.

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## Enforcement of Laws That Prohibit Employment of Unauthorized Foreign Workers

In 2003, the Belgian government introduced a new institutional framework for coordinating worksite enforcement efforts. The government introduced a federal committee to coordinate efforts to combat illegal labor practices, social fraud, and human trafficking. Each month, this committee plans worksite enforcement actions all over the country targeted against employers in specific industries, such as construction or restaurants, and coordinates the activities of various enforcement agencies in Belgium, including the Belgium labor inspectorate, police, and

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<sup>4</sup> Organisation for Economic Co-operation and Development, *International Migration Outlook* (Paris, France: 2006).

other government agencies, in conducting the enforcement operations. These collective enforcement actions generally occur over a 3-day period each month, and the government allocates about 1,100 inspectors for the enforcement actions, who also execute everyday individual actions against nondeclared work or unauthorized workers. According to the Belgian government, employers in the following sectors typically employ a significant number of unauthorized foreign workers: lodging, food service, cleaning service, farming, horticulture, textile, manufacturing, meatpacking, and construction.

In Belgium, employers can be subject to civil and criminal penalties for engaging in various illegal labor practices. Employers who do not properly report employees' information to the social security administration can be administratively fined from €750 to €3,750 (about \$940 to \$4,700) per worker. Employers can also be subject to criminal fines ranging from €2,500 to €12,500 (about \$3,100 to \$15,700) and/or prison sentences ranging from 8 days to 1 year.

Employers can be subject to penalties for hiring unauthorized foreign workers. The minimum civil fine for hiring workers without residence and work permits is €3,750 (about \$4,700) per worker, and the minimum criminal fine is €15,000 (about \$18,800) per worker. The minimum civil fine for hiring foreign workers without work permits is €375 per worker (about \$470), and the minimum criminal fine is €1,700 (about \$2,100) per worker.

In 2004, Belgium conducted about 6,000 employer investigations and filed approximately 3,000 criminal charges against employers for illegal labor practices.

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## Subsidization of Legal Work

To help reduce undeclared work in the in-home cleaning sector, the Belgian government has established a program to subsidize in-home cleaning work completed by Belgian workers. Under this program, the federal government subsidizes private households' use of Belgian cleaning persons who are registered with the government. The program allows formerly unemployed persons, such as former housewives, to register with a local agency. Households pay the agency for work completed by the registered worker, and the agency then pays the worker his or her wages, which are partially subsidized by the government. Since the program was established in 2002, approximately 25,000 cleaning persons have registered to participate in the program.

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## Regularization Efforts

Belgium initiated a regularization program in 1973. Approximately 8,400 unauthorized immigrants applied for the program, and about 88 percent of these applicants were granted a legal work permit. Subsequent to this large-scale regularization program, Belgium regularized long-term resident migrants and other unauthorized immigrants for humanitarian reasons on a case-by-case basis.

In 2000, Belgium implemented a large-scale regularization program. In order to be regularized, applicants had to have been in Belgium before October 1, 1999, and had to fulfill one of the following conditions:

- asylum petition pending for a long period (4 years for individuals or 3 years for families with minor children) without having been informed about the decision of their case,
- inability to return to their country of origin for humanitarian reasons,
- serious illness, or
- residence in the country for 6 years without receiving an order to leave in the past 5 years.

The application process lasted 3 weeks, and approximately 52,000 individuals applied for regularization for themselves or their families.

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# Appendix V: Information on Selected Immigration-Related Programs in Canada

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## Foreign Worker Admissions

Canada uses various foreign worker programs to manage the admission of high-skilled, low-skilled, and seasonal foreign workers.<sup>1</sup> Canada's temporary foreign worker programs are driven by labor market needs, and Canada does not use quotas to manage the number of temporary foreign worker admissions. Canada charges individual workers a C\$150 (about \$130) fee to apply for a work permit.

Canadian employers can choose to recruit and hire foreign workers from any country. In doing so, employers submit an application for foreign workers to Human Resources and Skills Development Canada (HRSDC). Employers who apply to bring in foreign workers must prove to HRSDC that they made reasonable efforts to fill their positions with native Canadian workers. Reasonable efforts include running advertisements for the positions in newspapers, magazines, and trade journals for several weeks. When HRSDC is aware of a labor shortage in a particular industry, such as in the oil industry in Alberta, HRSDC may impose less of a requirement for employers to prove reasonable efforts to hire native workers, such as requiring employers to run advertisements for positions for a shorter time period.

After receiving an employer's application, HRSDC conducts a labor market assessment in which the agency considers the following factors: the existence of ongoing labor disputes in the industry or with the specific employer requesting the foreign workers; prevailing wages for the positions that employers request foreign workers to fill; labor conditions; benefits to the economy from the employment of foreign workers; and the possible transfer of skills between foreign and native workers. On the basis of consideration of these factors, HRSDC issues a positive or negative labor market assessment for the admission of foreign workers. A positive labor market assessment means that employers are approved to recruit foreign workers, while a negative labor market assessment means that employers are not approved for the recruitment of foreign workers.

After HRSDC issues a positive opinion on a labor market assessment, data on this positive opinion are entered into HRSDC's database. This database shares information with Citizenship and Immigration Canada's (CIC)

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<sup>1</sup> Information presented in this appendix is based on data reported by government officials; government documents, such as agency reports and manuals; and nongovernmental reports and studies, such as those from the International Organization for Migration. It is not based on an independent examination of Canadian laws and regulations. The appendix provides an overview of selected immigration policies in Canada as of July 2006.



database that CIC uses in Canadian missions in foreign countries. When foreign workers who have been accepted into a temporary foreign worker program visit the Canadian mission to obtain their work permits, CIC agents access the CIC database to check on the results of HRSDC's labor market assessment and issue work permits for foreign workers in cases of a positive labor market assessment.

In 2004, HRSDC received requests from about 30,000 employers for approximately 100,000 temporary foreign workers, for which HRSDC issued about 91,000 positive labor market assessments. About 55 percent of the temporary foreign workers admitted to Canada in 2004 were employed in skilled occupations, such as professionals, academics, and engineers. The other approximately 45 percent were employed in low-skilled occupations, such as live-in caregivers, construction, and agriculture as part of Canada's seasonal agricultural worker program.

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### Seasonal Agricultural Worker Program

Under the seasonal agricultural worker program, Canada admits workers from other countries to fill needed jobs in agriculture for a maximum of 8 months. Canada's seasonal agricultural worker program is managed through bilateral agreements with Mexico, Jamaica, Barbados, Trinidad and Tobago, and the Organization of Eastern Caribbean States. The majority of seasonal foreign workers come from Mexico and Jamaica and typically return to Canada year after year through participation in the program.

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### Low Skilled Foreign Worker Pilot Program

In addition to the seasonal agricultural worker program, Canada admits low-skilled workers for 12 months under a pilot project for hiring foreign workers in occupations that require a high school diploma or limited job-specific training. Under this pilot program, employers can apply for foreign workers to fill jobs that require a high school diploma or a maximum of 2 years of job-specific training, such as restaurant servers, cleaners, retail salespersons, and heavy equipment operators.

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### Foreign Worker Change of Status

Among Canada's temporary foreign worker programs, the live-in caregiver program is the only program that provides foreign workers with a method for changing their status to permanent residency. If live-in caregivers accumulate 2 years of experience in Canada within a 3-year time period, they can apply for permanent residency.

Provinces can also nominate temporary foreign workers for permanent residency status based on provincial labor market needs. The foreign workers must receive a permanent job offer from an employer before a province can nominate the workers for permanent immigration consideration. According to Canadian government officials, provinces have nominated a few hundred foreign workers for permanent immigration status.

**Points-Based System**

Canada uses a points-based system to evaluate foreign workers' applications for permanent skilled immigration to Canada. Generally, assessment of foreigners' applications to immigrate to Canada is based on a system that assigns points for age, education, work experience, intended employment, knowledge of Canadian languages, and adaptability. For details on the points awarded on the basis of specific factors, see table 12.

**Table 12: Canada Points-Based System**

<b>Factors for earning points</b>	<b>Number of points awarded</b>
<b>Factor one: education</b>	<b>Maximum 25</b>
Master's degree or Ph.D. and at least 17 years of full-time or full-time equivalent study.	25
Two or more university degrees at the bachelor's level and at least 15 years of full-time or full-time equivalent study.	22
A 3-year diploma, trade certificate or apprenticeship and at least 15 years of full-time or full-time equivalent study.	22
A university degree of 2 years or more at the bachelor's level and at least 14 years of full-time or full-time equivalent study.	20
A 2-year diploma, trade certificate or apprenticeship and at least 14 years of full-time or full-time equivalent study.	20
A 1-year university degree at the bachelor's level and at least 13 years of full-time or full-time equivalent study.	15
A 1-year diploma, trade certificate or apprenticeship and at least 13 years of full-time or full-time equivalent study.	15
A 1-year diploma, trade certificate or apprenticeship and at least 12 years of full-time or full-time equivalent study.	12
Completion of high school.	5
<b>Factor two: official languages</b>	<b>Maximum 24</b>
First official language	
High proficiency (per ability): first official language	4
Moderate proficiency (per ability): First official language	2
Basic proficiency (per ability): First official language	1 to maximum of 2

**Appendix V: Information on Selected  
Immigration-Related Programs in Canada**

<b>Factors for earning points</b>	<b>Number of points awarded</b>
No proficiency: First official language	0
Possible maximum (all 4 abilities): First official language	16
High proficiency (per ability): Second official language	2
Moderate proficiency (per ability): Second official language	2
Basic proficiency (per ability): Second official language	1 to maximum of 2
No proficiency: Second official language	0
Possible maximum (all 4 abilities): Second official language	8
<b>Factor three: experience</b>	<b>Maximum 21</b>
1 year	15
2 years	17
3 years	19
4 years	21
<b>Factor four: age</b>	<b>Maximum 10</b>
21 to 49 years at time of application	10
Less 2 points for each year over 49 or under 21	
<b>Factor five: arranged employment in Canada</b>	<b>Maximum 10</b>
Permanent job offer that has been confirmed by HRSDC.	10
Issued after receipt of a confirmation of job offer from HRSDC; or	10
A temporary work permit that was exempted from the requirement of a confirmed job offer from HRSDC on the basis of an international agreement (e.g., North American Free Trade Agreement), a significant benefit to Canada (e.g., intracompany transfer) or public policy on Canada's academic or economic competitiveness (e.g., postgraduate work).	10
<b>Factor six: adaptability</b>	<b>Maximum 10</b>
Spouse's or common-law partner's education	3 – 5
Minimum 1 year full-time authorized work in Canada	5
Minimum 2 years full-time authorized post-secondary study in Canada	5
Have received points under the Arranged Employment in Canada factor	5
Family relationship in Canada	5
<b>Total</b>	<b>Maximum 100</b>
Current pass mark (as of July 2006)	67

Source: Citizenship and Immigration Canada.

Individuals with a score that is the same or higher than the pass mark may qualify to immigrate to Canada. Individuals with a score less than the pass mark are unlikely to qualify to immigrate to Canada as a skilled worker. In addition, applicants for skilled migration are required to meet minimum work experience requirements according to the Canadian National Occupation Classification, a system that describes the duties, skills,

aptitudes, and work settings typical of jobs in Canada. They are also required to prove that they have the funds to support their family in Canada, unless the applicants have prearranged employment in the country.

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## Enforcement of Laws that Prohibit Employment of Unauthorized Foreign Workers

In Canada, employers who employ unauthorized foreign workers can be subject to criminal penalties. These penalties include, depending on the type of conviction, a maximum fine of C\$50,000 (about \$43,800) and/or a maximum prison term of 2 years, or a maximum fine of C\$10,000 (about \$8,800) or a maximum prison term of 6 months. According to Canadian government officials, Canadian law does not clearly set forth any administrative or civil penalties for employers who employ unauthorized foreign workers. Unauthorized workers can be subject to detention and deportation.

The Royal Canadian Mounted Police is primarily responsible for investigating employers and issuing criminal sanctions against employers for hiring unauthorized foreign workers, but this responsibility is being transferred to the Canadian Border Services Agency. This agency has about 350 to 400 officers responsible for all of its inland enforcement functions, including for investigating unauthorized workers.

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## Regularization Efforts

In 1973, Canada implemented a regularization program. Applicants were required to have resided in the country before November 1972 and demonstrate a stable employment history and family ties in Canada. About 50,000 individuals applied for the program, and approved applicants were granted long-term residence status. The Canadian government provided training to immigration agency staff for reviewing and processing applications, which helped limit some problems in the application review process.

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# Appendix VI: Information on Selected Immigration-Related Programs in France

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## Foreign Worker Admissions

After World War II, the French government introduced measures to attract foreign labor to regions and economic sectors with labor shortages.<sup>1</sup> In particular, France concluded bilateral agreements with numerous countries for managing labor migration to France. The first such agreement was signed with Italy in 1947 and was followed by agreements with Spain in 1956, Morocco in 1963, Portugal in 1964, and the former Yugoslavia in 1965. Other agreements were signed with Tunisia, Turkey, and Algeria, among others. France also has bilateral agreements with Romania and other countries to facilitate unauthorized immigrants' repatriation by stipulating that deported foreign workers will not be able to secure a tourist visa enabling them to return to France for at least a few months after repatriation. In 1974, France instituted a ban on most forms of immigration in response to the economic downturn of that period and introduced employer sanctions to deter employers from hiring unauthorized foreign workers.

All French work permit applications are processed by the local employment office, or Direction Départementale du Travail, de l'Emploi et de la Formation Professionnelle (DDTEFP). Temporary work permits can be issued to foreigners invited to work, for a period initially not to exceed 1 year, performing a job which is temporary in nature (e.g., trainees, researchers and scientists, performers, workers assigned to a French subsidiary by a foreign "parent" company). Employers are required to submit their request for a temporary work permit to DDTEFP, which evaluates the current and future job situation, the employers' compliance with labor regulations, the terms and conditions of employment and remuneration, and provisions for housing.

For permanent foreign workers, only those employers who cannot find available, qualified workers within France may petition to bring in a permanent worker who is not a European Union (EU) national. DDTEFP reviews applications for permanent foreign workers on a case-by-case basis, considering such factors as the job situation in the relevant professional and geographic area, the applicable conditions for applying regulations related to work, the conditions of employment and

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<sup>1</sup> Information presented in this appendix is based on data reported by government officials; government documents, such as agency reports and manuals; and nongovernmental reports and studies, such as those from the Organisation for Economic Co-operation and Development. It is not based on an independent examination of French laws and regulations. The appendix provides an overview of selected immigration policies in France as of July 2006.

remuneration offered to the foreign worker, the steps taken to ensure workers' housing, and the technological and commercial interest of the request.

French residence permits are valid for 10 years and allow a foreigner to work in the country. To obtain a 10-year residence permit, foreigners must have been living in France for 5 years and demonstrate that they are well integrated into French society. Temporary permits are valid for 1 year and are given to foreigners who can prove family ties, as well as to certain types of workers, such as scientists, artists, and students, and to visitors. The French government has also taken steps to help better integrate immigrants, such as establishing a dialogue with immigrant organizations and providing scholarships for immigrants.

In addition, French employers can apply to bring in foreign workers for seasonal employment from countries with which France has entered into an agreement—Tunisia, Morocco, and Poland. The maximum length of a seasonal contract for seasonal work generally cannot exceed 6 out of 12 consecutive months. For Moroccan and Tunisian seasonal workers, the term of the employment agreement is set at a minimum of 4 months. Prior to receiving an assignment, Moroccan and Tunisian seasonal workers sign a document at a national agency for foreigners and immigration, or Agence Nationale de l'Accueil des Etrangers et des Migrations (ANAEM), mission agreeing to return to their countries upon expiration of their employment agreements and to appear at the mission office in their home country to record their return.

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## Employment Verification Process

All workers outside the EU or Switzerland must possess authorization to work in France, and employers are required to check these workers' work authorization status. Employers are required to photocopy non-EU workers' work permits and maintain a copy of the permit in each worker's file.

Employers are also required to file a declaration of hire with the French social security administration for each worker, regardless of the worker's nationality. The declaration of hire contains the employee's name, nationality, and date of hire. Employers file the declaration by fax or registered mail or over the Internet.

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## Enforcement of Laws That Prohibit Employment of Unauthorized Foreign Workers

In France, responsibility for enforcing laws that prohibit the employment of unauthorized foreign workers is coordinated among multiple agencies. French police, gendarmerie, labor, and customs officers are responsible for worksite enforcement efforts and work together to conduct worksite enforcement operations. When inspecting worksites, labor inspectors may compare information reported by employers to the French social security administration with information in employers' records to determine whether employers have properly registered their workers with the social security administration and whether workers are authorized.

At the local level, departmental boards to curb illegal employment, referred to as CODELTI, are responsible for coordinating worksite enforcement efforts. These boards bring together relevant government services and agencies, consular chambers, and other social partners, and set guidelines for worksite enforcement actions. An operational committee for curbing illegal employment, or Comité Opérationnel de Lutte contre le Travail Illégal (COLTI), is established from among the local boards' members and is chaired by the chief prosecutor. At the national level, the interministerial delegation for curbing illegal employment, or Délégation Interministérielle à la Lutte contre le Travail Illégal (DILTI), coordinates worksite enforcement efforts.

In France, employers can be subject to civil and administrative penalties for employing unauthorized foreign workers. Employers can be fined administratively €3,110 (\$3,900) per unauthorized worker and fined criminally a maximum of €15,000 (\$18,800) per offense. Employers can also be sentenced to a maximum prison term of 5 years. In 2005, France imposed about €2.7 million (about \$3.4 million) in civil fines on employers.

In addition to these fine amounts, the French government can require employers to pay costs for deporting unauthorized foreign workers. Moreover, the government can require employers to pay any previously unpaid wages to unauthorized foreign workers, and unauthorized foreign workers can sue employers for damages, such as for poor working conditions or abuse.

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## Regularization Efforts

France has undertaken several regularization programs. In 1981-1982, France undertook a large-scale regularization program under which unauthorized immigrants residing in the country before January 1, 1982, could apply for legal status. The French government approved about 121,000 individuals for regularization. The program was intended to reduce employment in the underground economy and help integrate unauthorized

immigrants into the country. The French government modified program requirements to allow third parties to assist unauthorized foreign workers rather than relying solely on employers to do so as specified under initial program requirements.

In 1997, France implemented a regularization program that provided the opportunity to obtain legal status for unauthorized immigrants who had continuously resided in the country for 7 years and had family ties in the country or who had resided in the country for 5 years, had family ties, and had documentation from an employer showing the employer's intention to hire. About 78,000 applicants were granted residence and work permits, and the majority of approved applications were based on family ties.

Additionally, in 1998 France instituted a program for regularizing the status of unauthorized immigrants on a case-by-case basis. Under this program, unauthorized immigrants who have resided in France for a specified period of time can apply for regularization. The length of time required to obtain residency is 3 years for families with children, 15 years for students, and 10 years for other applicants.



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# Appendix VII: Information on Selected Immigration-Related Programs in Germany

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## Foreign Worker Admissions

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### German Guest Worker Programs

During the 1950s and 1960s, Germany established bilateral agreements with various countries, including Italy, Spain, Greece, Turkey, and Morocco, for the admission of guest workers.<sup>1</sup> As a result, foreigners as a percentage of the German labor force increased from about 1 percent in 1960 to about 12 percent in 1973. According to the German Interior Ministry, the original intent of these guest worker admissions was to limit the length of time foreign workers could stay in Germany. After the allotted time had run out, the foreign workers were supposed to return to their home countries to be replaced by new foreign workers. However, the Interior Ministry reported that starting in the late 1960s, a growing number of foreign workers stayed in Germany permanently. In 1973 Germany issued a ban on the recruitment of foreign workers, and the Interior Ministry noted that this ban may have acted as an incentive for temporary foreign workers to stay in Germany permanently because it made it impossible for workers to return to their home countries temporarily and then come back to Germany to work.

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### Current Foreign Worker Programs

#### High-Skilled Foreign Worker Admissions

Germany uses various foreign worker programs to admit high-skilled, low-skilled, and seasonal foreign workers. Highly skilled workers, such as senior academics, researchers, and top business managers, can obtain authorization to work in Germany without a requirement for employers to prove whether German workers are available to fill the positions. In addition, these highly skilled workers may be granted permanent residence upon arrival in Germany. Germany also admits skilled foreign workers in other occupations, including scientists, foreign language

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<sup>1</sup> Information presented in this appendix is based on data reported by government officials; government documents, such as agency reports and manuals; and nongovernmental reports and studies. It is not based on an independent examination of German laws and regulations. The appendix provides an overview of selected immigration policies in Germany as of July 2006.

teachers, specialty chefs, chaplains, artists, models, professional athletes, and trainers.

In 2000, Germany instituted a program for recruiting information technology specialists in which foreign specialists could reside and work in Germany for a 5-year period, after which they could apply for permanent residency and bring in family members if the specialists met a minimum salary requirement.

### Seasonal Foreign Worker Admissions

Germany has a seasonal foreign worker program to recruit and admit foreign workers on a temporary basis to fill jobs in the agriculture (e.g., farming, forestry, and food processing), hospitality (e.g., hotels and catering), and carnival sectors. Seasonal work permits are issued for a maximum of 4 months to workers in agriculture and hospitality and for a maximum of 9 months to workers in the carnival sector. Under Germany's seasonal worker program, foreign workers are required to return to their home countries after expiration of their work permits. These workers are also required to work only for the employers specified on their permits.

In 2005 Germany admitted about 330,000 seasonal foreign workers. For 2006, the German government reduced the number of seasonal foreign worker admissions to encourage the employment of unemployed German workers in the agriculture and hospitality sectors. For 2006, the German government guaranteed each employer in these sectors 80 percent of the number of work permits for foreign workers received in 2005. Employers could receive an additional 10 percent of the number of foreign worker permits received in 2005 after proving that no native German workers were available to fill needed jobs. The German government intended that employers fill remaining needed jobs with unemployed German workers.

Employers can recruit and apply for seasonal foreign workers in two ways: (1) the employer identifies a specific foreign worker by name for his or her vacant position; or (2) the employer requests a foreign worker to fill a position through a local employment agency without specifying a particular foreign worker. The employer may specify the country from which he or she would like the foreign worker. Under this latter case, the local employment agency submits the employer's application to the German Federal Employment Agency. The Federal Employment Agency then works with its counterpart in another country to identify a foreign worker from that country for the position. The Federal Employment Agency sends a job description from the employer to the other country, and the employment agency in the other country suggests a few workers for the position to the Federal Employment Agency. These suggestions are

then sent from the Federal Employment Agency to the employer, and the employer then decides which worker he or she wants to fill the position. After the foreign worker needed for a position is identified (either by the employer or the Federal Employment Agency), the worker picks up a copy of the employment contract at his or her country's employment agency. On average, it takes about 6 weeks from the time that an employer submits an employment contract to the local employment agency to the time that the employer receives the foreign worker.

To obtain a work permit for a foreign worker, an employer must pay a €60 (about \$75) fee to the local employment agency and provide an employment contract to the agency that guarantees the foreign worker will have a position upon the worker's arrival in Germany. The employment contract specifies housing conditions for workers, agreed-upon wages, and any fees charged for food or housing. Employers usually pay or provide transportation costs for foreign workers to get from their home countries to the worksite.

The local employment agency conducts a labor market test to determine whether there are German or European Union (EU) citizens who could fill the position. If there are no available German or EU citizens for the position, the position can be filled by a foreign worker. As part of the labor market test, the local employment agency publishes the employer's job description on its Web site and may check with the EU placement office to determine whether there are EU citizens available for the position.

#### Low-Skilled Foreign Worker Admissions

Germany has established bilateral agreements with countries to manage the admission of temporary foreign workers from those countries into Germany. These countries include Bulgaria, Croatia, Hungary, Latvia, Poland, Romania, Slovakia, and Turkey, among others. In 2003, Germany admitted approximately 44,000 foreign workers under these bilateral agreements.

Germany admits foreign workers under other types of programs. For example, Germany annually admits between 3,000 and 6,000 young people from Central and Eastern European countries for a maximum of 18 months under a worker training program. Germany also admits foreigners to work as au pairs on 1-year permits.

#### Integration Courses

In 2005, Germany established integration courses for foreigners admitted to Germany. The courses are financed by the German federal government and are available to all migrant groups. For some migrants, such as new arrivals from non-EU countries who have limited German knowledge, the

courses are mandatory, and the German government can cut social benefits to migrants who are required to participate in the courses but fail to do so. The courses comprise 630 hours, of which 600 hours are basic language training and 30 hours are an orientation to German history, culture, and the political system.

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## Employment Verification and Registration Process

In Germany, foreign workers are required to present identity and work eligibility documents, such as a passport or work permit to employers. Employers are required to check these documents to verify foreign workers' authorization to work in Germany. For native German workers, employers are required to report workers' information to the German government for the payment of taxes and social insurance contributions for the workers.

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## Enforcement of Laws That Prohibit Employment of Unauthorized Foreign Workers

The Department for the Financial Investigation of Clandestine Labor of the German Customs Authority is primarily responsible for enforcing laws that prohibit illegal labor practices, including the employment of unauthorized foreign workers in Germany. The department, which has about 7,000 staff members, checks whether employers have paid appropriate taxes and social insurance contributions on behalf of workers and have employed only authorized workers. Employers in the following sectors in Germany have traditionally employed a significant number of unauthorized foreign workers: construction, transportation, cleaning services, hotel, and restaurant businesses.

The Department for the Financial Investigation of Clandestine Labor of the German Customs Authority conducts inspections and investigations of worksites. During an inspection, customs officers check employment records for compliance with labor and social laws as well as the law to combat illegal labor practices. If suspicion arises during an inspection that the employer is engaged in illegal employment activities, the customs officers at the worksite can cease the inspection and initiate a criminal investigation of the worksite. During an investigation, which usually requires a warrant, customs officers interview workers and collect evidence to determine whether the employer has engaged in any criminal or minor violations of labor and social laws.

Employers can be subject to various administrative fines and criminal penalties for engaging in illegal labor practices. Employers can be fined for noncriminal violations of labor or social laws from €5 up to €500,000 (about \$6 to \$628,800) total for employing unauthorized foreign

workers. Criminal fine amounts are imposed on a daily basis ranging from a minimum of 5 days to a maximum of 360 days. German courts determine the daily rate of fine amounts, taking into account the personal and financial circumstances of each employer. In general, courts use the average net income of the employer as a starting point for determining fine amounts. The daily rate of fine amounts range from a minimum of €1 to a maximum of €5,000 (about \$1 to \$6,300). The German government can seize the assets of employers who do not pay the appropriate amount for social security contributions, taxes, or wages. Employers can be sentenced to a prison term of up to 10 years for employing unauthorized foreign workers. In addition, employers who hire unauthorized foreign workers can be excluded from public contracts, be required to pay deportation costs for unauthorized foreign workers, and be required to pay back taxes and social security contributions that were not initially paid for the unauthorized foreign workers.

Unauthorized foreign workers identified in Germany can also be subject to various penalties. For example, administrative fines ranging from €5 up to €5,000 (about \$6 to \$6,300) can be imposed on unauthorized foreign workers. Unauthorized foreign workers can also be subject to criminal penalties. Criminal fine amounts are imposed on a daily basis ranging from a minimum of 5 days to a maximum of 360 days. The daily rate of fine amounts range from a minimum of €1 to a maximum of €5,000 (about \$1 to \$6,300). Additionally, unauthorized foreign workers can be expelled from Germany and prohibited from reentering the country. Table 13 provides data on the enforcement actions of the Department for the Financial Investigation of Clandestine Labor for 2003 through 2005.

**Appendix VII: Information on Selected  
Immigration-Related Programs in Germany**

**Table 13: Data on the Department for the Financial Investigation of Clandestine Labor Enforcement Activities for 2003 through 2005**

<b>Enforcement output</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Number of employer investigations initiated	33,000	105,000	78,000
Number of persons checked during worksite investigations	79,000	265,000	356,000
Number of completed pre-trial criminal investigations	9,800	56,900	81,300
Number of completed investigations that resulted in administrative offenses	1,200	49,900	53,900
Total amount of administrative fines	€5 million (\$6.3 million)	€33 million (\$41.5 million)	€67 million (\$84.2 million)
Total value of assets confiscated for forfeiture	€34million (\$42.8 million)	€43 million (\$54.1 million)	€13 million (\$16.3 million)
Total financial damages detected through investigations	€348 million (\$337.6 million)	€476 million (\$598.5 million)	€563 million (\$707.9 million)
Total amount of criminal fines (including compensation) from verdicts and penalty orders	€ 4million (\$5.0 million)	€9 million (\$11.3 million)	€21 million (\$26.4 million)
Total amount of prison sentences	300 years	470 years	1,000 years

Source: Department for the Financial Investigation of Clandestine Labor data.

Note: Data have been rounded. Amounts in U.S. dollars are rounded, based on the exchange rate from July 25, 2006.

## Efforts to Streamline Employment Processes

The German government has streamlined the hiring process and tax and social insurance payment procedures for certain types of jobs in Germany. Called mini jobs, these jobs are one for which workers earn less than €400 (about \$500) per month. The goal of the mini jobs program is to provide incentives to employers so that they employ workers legally and pay taxes and social insurance contributions for those workers.

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# Appendix VIII: Information on Selected Immigration-Related Programs in Spain

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## Foreign Worker Admissions

Spain has traditionally been a country of emigration rather than one of immigration.<sup>1</sup> Following World War II, many individuals left Spain to work in other European countries, but by the 1980s, Spain had started attracting increasing numbers of immigrants.

Spain is organized into 17 autonomous communities, each with its own laws in addition to national level legislation, which has precedence. When Spain joined the European Union (EU) on January 1, 1986, citizens of other EU countries gained free access to the Spanish labor market and social services. Citizens of the 10 newest EU member countries that joined on May 1, 2004, must meet specific requirements to work in Spain for longer than 180 days, including the following:

- the permit must be requested by the employer or company representative;
- the worker must not be in an illegal situation in Spain when applying for the permit;
- the permit will be restricted to a specific sector, work activity, and geographical area; and
- the permit is valid for 1 year and may be renewed.

The potential employer must receive authorization from the Spanish government to employ a foreign worker before a work visa will be issued. Prior to arrival, the foreign worker must obtain the residence and work visa from the Spanish Consular Office in the worker's home country. The initial residence permit has a validity of 1 month and may be renewed. Permanent residence permits are issued to those who have lived in Spain for at least 5 consecutive years with a temporary resident permit.

Spain also has 9-month seasonal work permits. Under this program, 20,000-30,000 foreign workers are admitted per year, primarily in agriculture. Employers are required to provide housing and pay for travel for the foreign workers. Once a foreign worker has participated in the program for 3 years, participants are given preference to apply for a permit leading to permanent residence.

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<sup>1</sup> Information presented in this appendix is based on data reported by government officials; government documents, such as agency reports and manuals; and nongovernmental reports and studies, such as those from the International Labour Organization and the Organisation for Economic Co-operation and Development. It is not based on an independent examination of Spanish laws and regulations. The appendix provides an overview of selected immigration policies in Spain as of July 2006.

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## Employment Verification and the Enforcement of Laws That Prohibit Employment of Unauthorized Foreign Workers

Non-EU nationals who wish to live and work in Spain for more than 3 months are required to register with a local police station and receive an Alien Registration Card within 1 month of entering the country. To receive the Alien Registration Card, a foreign national must show:

- proof of identity,
- receipt of fee payment, and
- the appropriate visa, obtained prior to arrival in Spain, if applicable.

Spain requires all inhabitants of a city or village to register by enrolling in the Municipal Register, which lists all residents. Both Spanish nationals and foreigners can register, irrespective of their legal status. To register, a person must provide a home address, as well as proof of residence, such as a tenancy agreement or gas, electricity, or telephone bills. Foreigners from outside the EU who have no permanent residence permit must renew their registration every 2 years.

Potential employees must present documents to employers to prove identity and work authorization at the time of hire. Employers are required to check the documents and report employee identity and work authorization information to the Spanish government. Spain's labor and social security inspectorate is responsible for investigating all potential worksite violations at the national level, which may include employment of unauthorized foreign workers, health and safety violations, and failure to make social insurance contributions. The inspectorate currently employs 800 inspectors and 850 deputy inspectors. Half of the labor inspectors work under the authority of the central government and are responsible for offenses related to social contributions and work by foreigners. The remaining inspectors work under the authority of the autonomous regions and are responsible for occupational health and safety and labor relations-related violations.

The inspectorate targets its worksite enforcement actions using information generated from Spain's regularization effort and comparing this information to the employer's hiring records submitted to the Spanish government. For example, an employer who requested regularization for a greater number of employees than were officially submitted by an employer would likely face an inspection. This was made possible because the database of regularization data was available to all the other agencies with responsibility for controlling illegal work, including the labor and social security inspectorate, as well as the tax collection agency and the ministries of justice, interior and foreign affairs.



Spain sanctions employers for hiring unauthorized workers. If an unauthorized worker remains illegally employed for at least 1 year, the worker can denounce the employer and receive permanent resident status.

Employers can be fined administratively from €6,000 to €60,000 (about \$7,500 to about \$75,500) per unauthorized worker. After inspectors uncover and record a violation, the process for assessing employer sanctions goes through two phases: (1) an administrative phase, and, in the case of employer appeals, (2) a court/judicial phase. An employer wishing to appeal the case, it must first pay the sanction in escrow to the central government's tax agency. The employer then pays interest on the fine for the length of the appeal process. As a consequence of this process, government officials estimate the Spanish government collects an average of 80 percent of total sanctions imposed, but this varies among autonomous communities.

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## Regularization Efforts

Spain implemented a regularization program in 1985. Applicants were required to have an employment contract and to have been present in Spain before July 24, 1985. About 44,000 unauthorized immigrants applied for regularization. In 1991, the Spanish government held another regularization program for workers who had resided in Spain prior to May 15, 1991, and to asylum seekers whose applications had been rejected or were under review. About 110,000 individuals were regularized.

In 1996, Spain implemented another regularization program for unauthorized immigrants. To be eligible, applicants needed to prove that they had been employed (without a permit) since January 1, 1996; had a working or residence permit issued after May 1986 (regardless of current employment status); or were a family member of an applicant. The program regularized about 21,000 unauthorized immigrants.

Spain implemented a fourth large-scale regularization program in 2000. To apply for the program, unauthorized immigrants had to prove that they had been in Spain before June 1, 1999, and had applied for or received a residence or work permit at some point. About 164,000 unauthorized immigrants were regularized under the 2000 program. Spain also implemented a regularization program in 2001. The 2001 program targeted those who had been in Spain since January 23, 2001, and were employed or were family members of a foreign worker or Spanish citizen. The government issued about 235,000 permits under this program.

Under the most recent regularization, in 2005, employers generally applied for regularization on behalf of their unauthorized foreign workers. Unauthorized foreign workers were required to provide proof of registration with a local municipality in Spain before August 7, 2004, and had to be in Spain at the time of application. They were also required to have a work contract and a clean criminal record. In applying for their workers, employers were required to demonstrate that they were enrolled in and paying into the Spanish social insurance system, that they had no history of breaking immigration laws in the previous 12 months, and that they had not been sanctioned for violating the rights of workers or immigrants. Employers were also required to provide unauthorized foreign workers applying for regularization with a work contract for a minimum of 6 months for most workers, a minimum of 3 months for agricultural workers, and a maximum of 12 months for construction and hotel workers. Work permits granted under the regularization program were valid for 1 year and are renewable indefinitely as long as the regularized immigrants maintain their employment. Some unauthorized foreign workers, such as those in part-time jobs or working for several employers, could directly apply to the Spanish government for regularization without applying through their employers. The Spanish government established a database for maintaining information on regularization applicants. About 700,000 unauthorized foreign workers applied and qualified for the regularization program out of an estimated 800,000 workers projected to be eligible for program participation. The 700,000 unauthorized foreign workers who applied and qualified for the regularization program do not include the approximately 400,000 family members of those workers who qualified for regularization with the workers. As of February 2006, approximately 560,000 workers had paid the required social insurance contribution. In addition, Spain introduced enhanced enforcement measures in conjunction with the regularization program.

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# Appendix IX: Information on Selected Immigration-Related Programs in Switzerland

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## Foreign Worker Admissions

In 1948, Switzerland was one of the first European countries actively to recruit foreign workers by signing a bilateral agreement with Italy.<sup>1</sup> Switzerland did not have public recruitment agencies for recruiting foreign workers. Rather, recruitment was organized by Swiss employers themselves. In 1963, Switzerland introduced a ceiling on the number of foreign workers each employer could admit. In 1970, the Swiss government introduced a global quota, which placed an upper limit on the number of new foreigners allowed to enter the country.

Current access to the Swiss labor market differs according to whether or not a worker is a European Union (EU) national. EU nationals have free access to the Swiss labor market, as granted by an agreement between Switzerland and the EU, and this agreement will be extended to the 10 newest members of the EU after a transitional period. Switzerland has implemented a national quota for both temporary and long-term workers from EU and non-EU countries, which limits the number of foreign workers admitted to Switzerland each year. In 2005, Switzerland set quotas for EU workers of 115,000 and 15,000 for short-term and long-term workers, respectively, and set quotas for non-EU workers of 4,000 and 5,000 for short-term and long-term workers, respectively. Quotas for nationals of the old 15 EU-member states will be abolished as of June 1, 2007. In recruiting and admitting foreign workers, priority is granted to workers from EU member states, and there are restrictions on the admission of non-EU workers except for specialists and skilled workers.

Any foreign national seeking admission to Switzerland for employment must first obtain a work and residence permit from the cantonal authorities, which is arranged by the prospective employer. Residence permits exceeding 4 months are, with some exceptions, subject to a quota set by the Swiss Federal Council. Before granting a permit, the labor market authorities consider the economic situation and the labor market in the country, as well as other conditions governing paid work. For example, they must check to see whether the pay and working conditions are consistent with those prevailing locally in the industry concerned, and

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<sup>1</sup> Information presented in this appendix is based on data reported by government officials; government documents, such as agency reports and manuals; and nongovernmental reports and studies, such as those from the International Labour Organization, the Organisation for Economic Co-operation and Development, and the Law Library of Congress. It is not based on an independent examination of Swiss laws and regulations. The appendix provides an overview of selected immigration policies in Switzerland as of July 2006.

whether a resident worker or a citizen from the EU is able and willing to fill the vacancy under the same conditions. Exceptions may be made for an industry experiencing labor shortages in both the Swiss and European labor markets.

There are currently four types of permits available to foreign workers.

- Cross-border commuter permits are for gainful employment of people resident in neighboring countries. These permits are not subjected to quota. They are valid for 1 year and are renewable.
- Short-term work and residence permits are granted to people from the EU who are offered employment of up to 364 days in the country; if their contract lasts longer than that they will be given a 5-year EU annual permit. Should a contract after 364 days be renewed for another year, for example, a new EU short-time permit will be issued. Non EU-nationals can obtain a short-time permit that is valid for up to 12 months but can be extended up to 24 months only in specific instances.
- Annual residence permits are issued to EU nationals to live and work in Switzerland for 5 years. After that time, EU nationals can receive a residence permit. For non-EU nationals, there are two types of annual permits—one that is temporary and one that is indefinite. Authorities generally renew the temporary annual permits each year (subject to the employee still being employed), although a claim for renewal exists only in certain cases. Annual permits are subject to a quota only if, they are granted for the first time. Once foreigners have obtained an annual permit of either type, they are considered to be part of the domestic labor market.
- Settlement permits are granted to people who have resided in Switzerland without interruption for 5 years for residents of European Economic Area (EEA) countries and the United States and for 10 years to all other nationals.

Once a year, the Swiss government sets a quota for the following year. The quota is set by taking account of past experiences and the current economic and labor market situation. Part of the yearly quota for each labor sector category remains with the federal government, though the bulk is at the discretion of the cantons. The quota for each canton is determined by a complex system, taking into account the population, industrial structure, and gross domestic product per capita. As a rule, the federal quota is mainly complementary to that of the cantons, for example, in cases where the interests of several cantons are affected, such as the opening of a new large-scale factory.

A new Foreigners Law passed the Swiss Parliament and will be voted upon by the Swiss population in September 2006. The present system for the admission to the Swiss labor market for non-EU nationals will be largely the same under the new law, but would provide foreign workers from non-EU countries with more rights after entry. The draft law also envisages allowing family reunification for temporary residents, which is not possible under the current system. To obtain an annual permit, consideration will be given to applicants' characteristics that will help them integrate into the Swiss labor market: qualification, occupational adaptability, knowledge of languages, and age. How these criteria are interpreted and weighted, is likely to remain within the discretion of the cantonal authorities under the new law. However this will not affect qualified workers from outside the EU who enter the Swiss labor market for the first time since their qualification guarantees for sufficient integration. After 5 years, permit-holders have a legal claim to an extension, provided they have not committed any serious crimes and are not dependent on welfare services. After an additional 5 years, foreigners may claim a settlement permit, but not citizenship, which requires a minimum of 12 years residence in Switzerland.

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## Employment Verification and Registration Process

Foreign workers have 8 days after entering Switzerland in which to register with the authorities in their local commune. The commune then sends registration papers to the competent cantonal authority, which processes the application and issues the appropriate residence permit. Workers must show the following documents in order to register:

- a valid identity card,
- a certificate from a health insurance provider to prove that the worker is a member of a recognized health insurance scheme,
- a passport photograph,
- a registry office documents (e.g., family record book, marriage certificate, birth certificates of minor children), and
- an employment contract or confirmation of enrollment at a university.

For foreign workers from non-EU countries, employers are required to obtain confirmation about workers' work permits, which are issued through the cantonal authorities after confirmation by the federal authority. After arriving in Switzerland, foreign workers contact their local commune to obtain their permits.

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## Enforcement of Laws That Prohibit Employment of Unauthorized Foreign Workers

Cantons in Switzerland are primarily responsible for enforcement of Swiss immigration law.<sup>2</sup> Among other things, the cantons are responsible for deporting unauthorized immigrants and investigating cases of illegal residency and labor. The cantons' police forces, immigration authorities, and labor authorities carry out these functions, and these bodies coordinate with one another, with the agencies of the other cantons, and with the federal authorities.

Under current Swiss law, unauthorized immigrants can face criminal sanctions of up to 6 months imprisonment or a fine of up to SwF 10,000 (about \$8,000). In addition, the current law imposes sanctions on those who facilitate illegal immigration on a commercial scale or as a member of a criminal organization that engages in human trafficking. Such individuals are punishable with up to 3 years' imprisonment, a fine of up to SwF 100,000 (about \$79,800), or both.

Under the proposed immigration reform legislation, the penalty for illegal entry and presence would be increased to a maximum of 1 year imprisonment or a fine of up to SwF 20,000 (about \$16,000) for intentionally committed offenses, and a fine for negligent conduct. The proposed act would also provide more severe penalties for anyone engaged in human trafficking, either individually or in a group—up to 5 years imprisonment or a fine of up to SwF 500,000 (about \$399,000).

Under current Swiss law, employers of unauthorized foreign workers are subject to a fine of up to SwF 5,000 (about \$4,000) per intentionally employed unauthorized worker, in addition to a possible conviction for aiding and abetting illegal immigration. A fine of up to SwF 3,000 (about \$2,400) is can be imposed for negligent conduct. However, Swiss courts have discretion to lower or raise these fines for. The Swiss government can, in some cases, require employers to pay fine amounts at the time of the worksite inspections. In 2003, the Swiss government issued 412 civil or administrative fines and 42 criminal fines against employers for employing unauthorized workers. Under the proposed act, employers who employ persons who do not have visas that entitle them to work can face penalties of up to 1 year imprisonment (3 years imprisonment in aggravated cases) and a fine of up to SwF 500,000 (about \$399,000).

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<sup>2</sup> Subsequent information on Swiss enforcement efforts is based on information provided in the Law Library of Congress, *Immigration Law Sanctions and Enforcement in Selected Foreign Countries* (Washington, D.C.: April 2006).

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In addition to violating immigration laws, employers who employ unauthorized immigrants as well as the unauthorized immigrants who work for them are likely to commit criminal violations of the social security law by not reporting employment and by not submitting contributions. Repeat offenders among employers may be barred from government contracts for 5 years and any subsidies that they receive may also be forfeited. The cantons that impose these measures are required to publish lists of sanctioned employers.

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# Appendix X: Information on Selected Immigration-Related Programs in the United Kingdom

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## Foreign Worker Admissions

The United Kingdom has various programs for admitting foreign workers.<sup>1</sup> These programs include the Highly Skilled Migrant Programme, the Seasonal Agricultural Workers Scheme, the Sector-Based Scheme, and the Working Holidaymakers Scheme. However, the United Kingdom government generally plans to phase out these programs as it implements a points-based immigration system announced in March 2006. The United Kingdom charges employers a £153 (about \$280) fee to apply for a work permit on behalf of each potential foreign worker.

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## Highly Skilled Migrant Programme

Under the Highly Skilled Migrant Programme, skilled migrants can be admitted to the United Kingdom for employment or self-employment. The program does not require migrants to have a preexisting job offer before entering the United Kingdom. Highly skilled migrants are initially granted a 24-month permit for working in the United Kingdom. Near the end of the 24-month period, highly skilled migrants can apply to extend their permit. In 2005, the United Kingdom admitted about 7,000 migrants under its Highly Skilled Migrant Programme.

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## Seasonal Agricultural Workers Scheme (SAWS)

Under the Seasonal Agricultural Workers Scheme, foreign workers' participation is limited to foreign students. These foreign workers are granted a maximum 6-month permit to work in the United Kingdom. These foreign workers are required to return to their home countries after expiration of their work permits and are not allowed to bring dependents with them to the United Kingdom. In 2006, the United Kingdom set a quota of 16,250 foreign workers for admission under the SAWS.

To recruit foreign workers for the program, the United Kingdom government contracts with third party entities (the SAWS operators). The government allocates a certain number of work permits to each operator, based on bids for work permits that the operators submit annually to the United Kingdom government. The operators recruit workers from other countries to fill the number of work permits issued to them and then place the workers with farms in the United Kingdom. The United Kingdom

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<sup>1</sup> Information presented in this appendix is based on data reported by government officials; government documents, such as agency reports and manuals; and nongovernmental reports and studies, such as those from the Organisation for Economic Co-operation and Development. It is not based on an independent examination of United Kingdom laws and regulations. The appendix provides an overview of selected immigration policies in the United Kingdom as of July 2006.



recruits foreign students who are on vacation from their schools for seasonal agricultural work because these workers have an existing reason to return to their home countries.

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## **Sector-Based Scheme**

The United Kingdom introduced its Sector-Based Scheme in 2003 to address labor market shortages in the hospitality and food-processing sectors, although in 2005 the United Kingdom ended the program for the hospitality sector. In 2003, the United Kingdom government set a quota of 10,000 foreign workers to be admitted for each sector, according to government officials. In 2004-2005, the United Kingdom approved about 12,300 foreign worker admissions under the Sector-Based Scheme.

Under the Sector-Based Scheme, employers in the United Kingdom recruit foreign workers to fill job vacancies. Work permits issued under the program are valid for a maximum of 12 months, but if foreign workers return to and reside in their home countries for at least 2 months after expiration of the initial permit, the workers can apply for another 12-month permit under the Sector-Based Scheme. Foreign workers admitted to the United Kingdom under the Sector-Based Scheme are not allowed to bring dependents with them.

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## **Working Holidaymakers Scheme**

The Working Holidaymakers Scheme enables British Commonwealth<sup>2</sup> nationals aged 17 to 30 to come to the United Kingdom for 2 years for a working holiday. The nationals are permitted to work to supplement their funds while in the United Kingdom, but must be able to support themselves without relying on welfare benefits. Working holidaymakers may work only for 12 months in total during their stay in the United Kingdom, and the 12 months work may be spread over the 2-year period of stay, or taken in one block. In 2005, the United Kingdom admitted about 62,000 foreigners under its Working Holidaymakers Scheme.

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<sup>2</sup> The current members of the Commonwealth are Antigua and Barbuda, Australia, the Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei, Canada, Cameroon, Cyprus, Dominica, Fiji, the Gambia, Ghana, Grenada, Guyana, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Maldives, Malta, Mauritius, Mozambique, Namibia, Nauru, New Zealand, Nigeria, Pakistan, Papua New Guinea, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Uganda, Vanuatu, Western Samoa, Zambia, and Zimbabwe.

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## Points-Based System

In March 2006, the United Kingdom announced that a points-based system will be introduced for managing labor migration that will largely eliminate its other labor immigration schemes.<sup>3</sup> The new point-based system will use a 5-tier framework.

- Tier 1: highly skilled individuals
- Tier 2: skilled workers with a job offer to fill gaps in the labor force
- Tier 3: limited numbers of low-skilled workers needed to fill specific temporary labor shortages
- Tier 4: students
- Tier 5: youth and temporary workers allowed to work in the United Kingdom for a limited period of time to satisfy primarily noneconomic objectives

Tier 1 is designed to bring into the United Kingdom those migrants with the very highest skills. These migrants do not need a job offer and will have unrestricted access to the labor market. A migrant who enters under Tier 1 will not need a sponsor under the new system. Tier 1 will replace the current Highly Skilled Migrant Programme, which already takes a points-based approach to assessing which migrants are granted entry to the United Kingdom. Under the points-based system, migrants seeking to enter the United Kingdom under Tier 1 will need to accumulate 75 points to be considered for admission. Table 14 provides information on the points system for Tier 1.

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<sup>3</sup> Subsequent information on the United Kingdom's points-based system is based on information provided in Home Office, *A Points-Based System: Making Migration Work for Britain* (United Kingdom: 2006).

**Appendix X: Information on Selected Immigration-Related Programs in the United Kingdom**

**Table 14: Tier 1 Points-Based System**

<b>Qualifications/education</b>	<b>Points</b>
Bachelors degree	30
Mater's degree	35
Doctorate	50
<b>Previous Earnings</b>	
£16,000-£18,000	5
£18,000-£20,000	10
£20,000-£23,000	15
£23,000-£26,000	20
£26,000-£29,000	25
£29,000-£32,000	30
£32,000-£35,000	35
£35,000-£40,000	40
Greater than £40,000	45
Previous earnings or qualifications were gained in the UK	5 (bonus)
<b>Age</b>	
30 or 31	5
28 or 29	10
27 or under	20

Source: United Kingdom Home Office

Tier 2 is for those skilled workers who have received a job offer from a United Kingdom employer. Applicants will need to have a job offer from an employer who is registered with the Home Office on a list of approved sponsors. In addition, the job will either need to be in an occupation that has been identified as one with a shortage by the United Kingdom government or will need to have accumulated a minimum of 50 points on the points test to demonstrate that the applicant is not displacing a worker in the domestic United Kingdom and European Union (EU) labor market (see table 15). In these cases, the migrant will need to meet additional skills and salary requirements. Employers who wish to bring migrants in under Tier 2 will act as their sponsor and issue certificates of sponsorship that will include the job title and salary. The certificate of sponsorship will act as an assurance from the sponsor that the migrant intends and is able to do the job, that the salary is appropriate to the United Kingdom (i.e., the sponsor is not just trying to obtain cheap labor), that the job is at a

**Appendix X: Information on Selected Immigration-Related Programs in the United Kingdom**

specified skill level, and that the job has been advertised in the United Kingdom. For jobs not identified as ones with a shortage, points will be used to ensure that applicants have the appropriate combination of skills and prospective salary. Workers in Tier 2 will be able to change employers within the United Kingdom but will be reassessed against the points test and will be required to have a certificate of sponsorship from the new employer. Tier 2 provides foreign workers with a route to permanent settlement. Foreign workers who reside in the United Kingdom for a minimum of 5 years can qualify to apply for permanent residence. The initial grant of permanent status will be linked to the length of the contract up to a maximum period. Tier 2 migrants will be able to bring in dependants and to switch into Tier 1 if they meet the points requirements for Tier 1.

**Table 15: Tier 2 Points-Based System**

<b>Qualifications/education</b>	<b>Points</b>
National Vocational Qualification level 3	5
Bachelor's degree	10
Master's degree	10
Doctorate	15
<b>Prospective earnings</b>	
£15,000-£18,000	5
£18,000-£19,500	10
£19,500-£21,000	15
Greater than £21,000	20
<b>Other</b>	
Job offer in shortage occupation	50
Job offer passes resident labor market test	30
Intracompany transfer with 6 months' previous employment with an employer in a skilled job and a salary appropriate to the United Kingdom	50

Source: United Kingdom Home Office.

The United Kingdom government plans to establish a scheme under Tier 3 only in cases where there is an identified temporary labor market shortage that cannot be filled by workers in the United Kingdom or EU. Foreign workers would be admitted for a maximum of 12 months, would be prohibited from bringing their family members, and would be prohibited from switching to another tier under the points-based system. The United Kingdom has proposed to set up a quota-based low-skilled foreign worker scheme for countries with which the United Kingdom has arrangements

for ensuring the return of temporary foreign workers to their home countries. The United Kingdom is considering options such as compulsory remittances, requiring open return tickets for foreign workers, and capturing biometric data on foreign workers to ensure their return. These schemes would be run by a contracted operator.

Under Tier 4, which would apply to foreign students seeking the opportunity to study in the United Kingdom, each student, before making an application, will be able to self-assess against a set of published criteria to see whether he or she will have sufficient points to be granted leave to enter or remain in the United Kingdom. These criteria will include a valid certificate of sponsorship from an educational institution at which the student has been offered—and accepted—a place in a course of study.

Tier 5 would apply to youth exchanges and other temporary foreign workers seeking employment in the United Kingdom. Under Tier 5 for youth exchanges, participating countries will need to agree to the terms of the scheme, including the existence of an effective return arrangement, an acceptance that the foreign government will act as the sponsor, and country limits set according to immigration risk. The scheme will allow nationals aged 18 to 30, from participating countries, to come to the United Kingdom for up to 24 months, after which time they will have to leave the United Kingdom. In order not to undermine the rationale of the scheme, which is principally about people coming to the country for a holiday and doing incidental work to support themselves and not an avenue for economic migration, participants will generally be restricted to working for a maximum of 12 months out the total of 24 (as with the current Working Holidaymaker Scheme). Participants will not be allowed to be self-employed or play professional sports. In addition, those entering under the scheme will not be able to bring dependants and will be unable to switch to any other tier. These restrictions underline the temporary nature of the route.

Temporary workers under Tier 5 are individuals who come to work in the United Kingdom for a limited period of time whom might not qualify under Tier 2, but who the United Kingdom wants to allow into the United Kingdom for cultural, charitable, religious or international development reasons or to satisfy the country's obligations under certain international treaties. Part of Tier 5 rationalizes a large number of existing routes into five sub-categories that will each have its own distinctive attributes and sponsorship arrangements: creative and sporting, voluntary, religious, exchange, and international agreement. In keeping with the temporary nature of the tier, the maximum period of leave that could be granted will

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be 24 months (12 months in some cases) and switching into other tiers will not be permitted. Dependents will be allowed but will be entitled to work only if the principal is granted more than 12 months' leave.

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## **Employment Verification Process**

It is a criminal offense for employers to employ someone subject to immigration control who has no right to work in the United Kingdom or no right to do the work being offered. Employers can establish an affirmative defense against conviction for employing an unauthorized worker by checking and copying certain original documents presented by potential new employees. As shown in table 16, potential new employees can demonstrate their work authorization by providing one document from List 1 or two documents from the combinations in List 2.

**Appendix X: Information on Selected  
Immigration-Related Programs in the United  
Kingdom**

**Table 16: Lists of Documents that Potential Employees Can Present to Show Work Authorization**

List 1	List 2	
	First combination	Second combination
A United Kingdom passport describing the holder as a British citizen or as a citizen of the United Kingdom and Colonies and having the right of abode in the United Kingdom.	A document issued by a previous employer, Inland Revenue, the Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency which contains the National Insurance number of the person named in the document, and:	A work permit or other approval to take employment issued by Work Permits UK, and:
A passport containing a certificate of entitlement issued by, or on behalf of the Government of the United Kingdom, certifying that the holder has the right of abode in the United Kingdom.	A birth certificate issued in the United Kingdom which specifies the names of the holder's parents; or	A passport or other travel document endorsed to show that the holder has current leave to enter or remain in the United Kingdom and is permitted to take the work permit employment in question; or
A passport or national identity card, issued by a State which is party to the European Economic Area Agreement, or any other agreement forming part of the Communities Treaties which confers rights of entry to or residence in the United Kingdom, which describes the holder as a national of a state which is a party to that agreement.	A birth certificate issued in the Channel Islands, the Isle of Man, or Ireland; or	A letter issued by the Home Office to the holder confirming the same.
A United Kingdom Residence Permit issued to a national of a State which is a party to the European Economic Area Agreement, or any other agreement forming part of the Communities Treaties which confirms that the holder has rights of entry to or residence in the United Kingdom	A certificate of registration or naturalization as a British Citizen; or	
A passport or other travel document, or a residence permit issued by the Home Office which is endorsed to show that the holder has a current right of residence in the United Kingdom as the family member of a named national of a State which is a party to the European Economic Area Agreement, or any other agreement forming part of the Communities Treaties which confers rights of entry to or residence in the United Kingdom, and who is resident in the United Kingdom	A letter issued by the Home Office, to the holder, which indicates that the person named in it has been granted indefinite leave to enter or remain in the United Kingdom; or	
A passport or other travel document endorsed to show that the holder is exempt from immigration control, has indefinite leave to enter or to remain in the United Kingdom, or has no time limit on their stay	An Immigration Status Document issued by the Home Office to the holder, endorsed with a United Kingdom Residence Permit, which indicates that the holder has been granted indefinite leave to enter or remain in the United Kingdom; or	

**Appendix X: Information on Selected Immigration-Related Programs in the United Kingdom**

List 1	List 2
First combination	Second combination
A passport or other travel document endorsed to show that the holder has current leave to enter, or remain in, the United Kingdom and is permitted to take the employment in question, provided that it does not require the issue of a work permit	A letter issued by the Home Office, to the holder, which indicates that the person named in it has subsisting leave to enter or remain in the United Kingdom and is entitled to take the employment in question in the United Kingdom; or
A registration card which indicates that the holder is entitled to take employment in the United Kingdom	An Immigration Status Document issued by the Home Office to the holder endorsed with a UK Residence Permit, which indicates that the holder has been granted limited leave to enter or remain in the United Kingdom and is entitled to take to employment in question in the United Kingdom.

Source: United Kingdom Home Office.

In checking and copying the original documents presented by potential employees, employers are required to check any photographs to ensure that they are consistent with the appearance of the potential employee, the dates of birth listed on the documents to ensure that they are consistent with the appearance of the potential employee, the expiration dates of employees' documents, and any United Kingdom government stamps or endorsements to verify that the potential employee is able to do the type of work being offered.

## Enforcement of Laws That Prohibit Employment of Unauthorized Foreign Workers

In the United Kingdom, the Immigration and Nationality Directorate within the Home Office is primarily responsible for enforcing laws that prohibit the employment of unauthorized foreign workers. The Home Office reported initiating about 2,900 investigations of illegal work practices in 2005 and about 1,600 investigations in 2004. Table 17 provides data on the number of prosecutions against employers for each year from 2000 through 2004.

**Table 17: Number of Employer Criminal Prosecutions for Each Year from 2000 through 2004**

	2000	2001	2002	2003	2004
Criminal prosecutions	4	1	1	1	8

Source: United Kingdom Home Office.



In 2003, the United Kingdom Home Office detected about 1,800 unauthorized workers at worksites and in 2004, about 3,300 unauthorized workers. Enforcement staff are primarily focused on the removal of failed asylum seekers from the United Kingdom.

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## **Regularization Efforts**

The United Kingdom has not implemented any large-scale regularization programs for foreigners working illegally in the country. However, in cases where individuals have resided unlawfully in the United Kingdom for a continuous period of 14 years or more, the individuals can apply to remain in the country legally on a permanent basis. In addition, in 2003 the United Kingdom initiated a program under which individuals who applied for asylum before October 2000 and had a dependent residing with them in the country between October 2000 and October 2003 could apply for legal status for themselves and their dependents.

# Appendix XI: Foreign Country Questionnaires

## GAO Survey of Foreign Government Policy and Management of Temporary Foreign Worker Programs

Migration, particularly the entry and employment of unauthorized workers, is an important issue for the international community. The Congress of the United States is interested in collecting information from various countries to help inform the debate regarding immigration policy proposals in the U.S. The Congress has asked its independent research branch, the U.S. Government Accountability Office (GAO), to explore policies and practices countries use to limit and control the employment of unauthorized workers. GAO's work will likely culminate in a publicly available report.

As part of this request, GAO would like to ask your agency a few questions regarding your country's policies and experiences with temporary foreign worker programs. Your agency's responses will be compiled with responses from other countries to help GAO understand the various approaches governments take to minimize and control employment of unauthorized workers. This survey can be completed electronically—by clicking on the check boxes to mark your answers and typing in written responses—or you can complete it on paper by printing it out. When you have finished the survey, please return it to us via the U.S. embassy in your country.

The U.S. embassy's contact information is as follows:

In addition to this survey on temporary foreign worker programs, we have also developed three other surveys that have been submitted to your government on related migration issues. These surveys ask about your country's employment verification process, regularization programs, and the enforcement of laws that prohibit the employment of unauthorized workers. The responses to these questions will be invaluable to us, and we hope that our report will also provide you with the opportunity to see how other countries manage migration issues. We are happy to provide you with a copy of the report upon its completion.

GAO thanks you in advance for your valuable support of our project, and we extend our appreciation for this unique opportunity to communicate with your government. If at any time you have any questions about the survey or procedures for filling it out, please do not hesitate to contact Michelle Cooper, at ([cooperm@gao.gov](mailto:cooperm@gao.gov) or 00-1-202-512-4445) or Rebecca Gambler at ([gablerr@gao.gov](mailto:gablerr@gao.gov) or 00-1-202-512-6912).

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Please provide the following information on the person completing this questionnaire whom we may contact if we need to clarify any responses.

Name:

Title:

Agency name:

Email address:

Telephone number (please include country code):

Fax number (please include country code):

This survey has four parts. Part I asks about characteristics of seasonal foreign worker programs in your country. Part II asks about temporary foreign worker programs for skilled workers, and Part III asks about temporary foreign worker programs for unskilled workers. In Part IV, we would like your views on the advantages and disadvantages of temporary foreign worker programs.

As you complete the survey, you may find the following definitions helpful:

- We define a “**temporary foreign worker**” as a worker whom the government brings in or allows entry from a foreign country in order to meet domestic labor market needs for a limited amount of time.
- We define “**seasonal foreign workers**” as workers brought in or allowed entry from foreign countries by the government for a specified amount of time only, in order to meet the seasonal, intermittent, peak load, or one-time needs of agricultural producers.
- We define “**skilled foreign workers**” as workers brought in or allowed entry from foreign countries by the government for a specified amount of time only, on the basis of intermittent, peak load, or one-time occurring labor market needs for jobs requiring specialized knowledge and/or skills, generally gained through the completion of higher education, training, and/or professional experience.
- We define “**unskilled foreign workers**” as workers brought in or allowed entry from foreign countries by the government for a specified amount of time only, on the basis of intermittent, peak load, or one-time occurring labor market needs for non-seasonal jobs which require limited education, training, and/or experience.
- We define “**employment verification process**” as the process by which employers are required to verify the identity or work authorization of employees.
- We define “**unauthorized migrants**” as migrants without legal authorization to reside in your country.
- We define “**regularization programs**” as those that offer migrants who arrive and/or remain over a period of time without authorization in a country the opportunity to secure legal temporary or permanent resident and/or worker status.

**I. SEASONAL FOREIGN WORKER PROGRAMS**

*\*NOTE: We define a “temporary foreign worker” as a worker whom the government brings in or allows entry from a foreign country in order to meet domestic labor market needs for a limited amount of time. Also, we define “seasonal foreign workers” as workers brought in or allowed entry from foreign countries by the government for a specified amount of time only, in order to meet the seasonal, intermittent, peak load, or one-time needs of agricultural producers.*

1. Does your country have at least one temporary foreign worker program that permits legal employment of seasonal foreign workers?

- Yes
- No → *Go to 7.*
- Don't know → *Go to 7.*

2. What are the names of these seasonal foreign worker programs?

**3. Which of the following, if any, are characteristics of your temporary foreign worker programs for seasonal foreign workers? Please answer "yes" if these characteristic apply to at least one of your country's temporary foreign worker programs for seasonal foreign workers, even if they do not apply to all programs.**

	Yes ▼	No ▼	Not Sure ▼
a. Employers can only apply to bring in seasonal foreign workers if the employers cannot find citizens or permanent residents to fill the positions.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Seasonal foreign workers must apply for the program prior to entering your country .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Seasonal foreign workers residing illegally in your country can apply for temporary foreign worker programs.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Seasonal foreign workers must obtain a residency permit to work in your country through a temporary seasonal foreign worker program .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Seasonal foreign workers must return to their home countries after a specific period of time.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Seasonal foreign workers can only work for the specific employer for which they were hired through the program .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Seasonal foreign workers can only work in the specific job position for which they were hired through the program .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Seasonal foreign workers can apply for legal permanent resident or citizenship status after a certain period of time in your country .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Seasonal foreign workers residing illegally in your country can apply for legal permanent residence or citizenship status after a certain period of time in your country .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Seasonal foreign workers must pay a fee to apply for and/or obtain a work permit .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Seasonal foreign workers may bring in family members.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Employers must pay a fee to apply for and/or obtain a work permit for their seasonal foreign workers.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Government agency conducts a labor market test to determine whether seasonal foreign workers are needed to fill positions.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n. Government and/or employer recruits seasonal foreign workers from specific countries .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o. Other .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*please specify:*

4. Do any of your country's temporary seasonal foreign worker programs use quotas to regulate the number of seasonal foreign workers admitted each year?

No .....

Yes .....  [Please specify the maximum number of seasonal foreign workers who can be admitted each year under the quota] →

5. For the most recent year for which data are available, what was the total number of temporary foreign workers who applied for admission and who were admitted to your country's seasonal foreign worker programs in that year?

	Total number ▼	Most recent year of data ▼	Data are not available ▼
a. Foreign workers who applied for admission .....	_____ applications	_____	<input type="checkbox"/>
b. Foreign workers who were admitted .....	_____ admissions	_____	<input type="checkbox"/>

**6. Which of the following methods, if any, does your country use to encourage temporary seasonal foreign workers to return to their home countries after the authorization to work in your country expires?**

- |  | Yes<br>▼                 | No<br>▼                  | Not Sure<br>▼            |
|--|--------------------------|--------------------------|--------------------------|
| a. Seasonal foreign workers must prove their intent to return to their home countries, such as by possessing a round-trip air ticket, prior to entering your country ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Seasonal foreign workers can only obtain social security benefits upon the workers return to their countries .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. A portion of seasonal foreign workers' earnings are withheld until they return to their home countries.....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Your country recruits seasonal foreign workers who have an existing reason to return home, such as students who work in your country during school breaks .....         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Employers are required to post a bond that is returned to them after seasonal foreign workers return to their home countries .....                                      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Seasonal foreign workers are required to post a bond that is returned to them after they return to their home countries .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Seasonal foreign workers are required to leave your country before they can obtain a new work permit from your country .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Other .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

*please specify:*

**II. SKILLED TEMPORARY FOREIGN WORKER PROGRAMS**

*\*NOTE: We define “skilled foreign workers” as workers brought in or allowed entry from foreign countries by the government for a specified amount of time only, on the basis of intermittent, peak load, or one-time occurring labor market needs for jobs requiring specialized knowledge and/or skills, generally gained through the completion of higher education, training, and/or professional experience.*

7. Does your country have at least one temporary foreign worker program that permits legal employment of skilled foreign workers?

- Yes
- No → *Go to 13.*
- Don't know → *Go to 13.*

8. What are the names of these skilled foreign worker programs?

9. Which of the following, if any, are characteristics of your temporary foreign worker programs for skilled foreign workers? Please answer “yes” if these characteristic apply to at least one of your country’s temporary foreign worker programs for skilled foreign workers, even if they do not apply to all programs.

	Yes ▼	No ▼	Not Sure ▼
a. Employers can only apply to bring in skilled foreign workers if the employers cannot find citizens or permanent residents to fill the positions .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Skilled foreign workers must apply for program prior to entering your country .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Skilled foreign workers residing illegally in your country can apply for temporary foreign or guest worker programs .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Skilled foreign workers must obtain a residency permit to work in your country through a temporary foreign worker program .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Skilled foreign workers must return to their home countries after a specific period of time .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Skilled foreign workers can only work for the specific employer for which they were hired through the program .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Skilled foreign workers can only work in the specific job position for which they were hired through the program .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Skilled foreign workers can apply for legal permanent resident or citizenship status after a certain period of time in your country .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Skilled foreign workers residing illegally in your country can apply or legal permanent resident or citizenship status after a certain period of time in your country .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Skilled foreign workers must pay a fee to apply for and/or obtain a work permit .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Skilled foreign workers may bring in family members .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Employers must pay a fee to apply for and/or obtain a work permit for their skilled foreign workers.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Government agency conducts a labor market test to determine whether skilled foreign workers are needed to fill positions .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n. Government and/or employer recruits skilled foreign workers from specific countries.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o. Other .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*please specify:*



10. Do any of your country's temporary skilled foreign worker programs use quotas to regulate the number of skilled foreign workers admitted each year?

No .....

Yes .....  [Please specify the maximum number of skilled temporary foreign workers who can be admitted each year under the quota] →

11. For the most recent year for which data are available, what was the total number of foreign workers who applied for admission and who were admitted to your country's skilled temporary foreign worker programs in that year?

	Total number ▼	Most recent year of data ▼	Data are not available ▼
a. Foreign workers who applied for admission .....	_____ applications	_____	<input type="checkbox"/>
b. Foreign workers who were admitted .....	_____ admissions	_____	<input type="checkbox"/>

12. Which of the following methods, if any, does your country use to encourage or ensure skilled temporary foreign workers to return to their home countries after the authority to work in your country expires?

- |   | Yes<br>▼                 | No<br>▼                  | Not Sure<br>▼            |
|---|--------------------------|--------------------------|--------------------------|
| a. Skilled foreign workers must prove their intent to return to their home countries, such as by possessing a round-trip air ticket, prior to entering your country ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Skilled foreign workers can only obtain social security benefits upon the workers return to their home countries .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. A portion of skilled foreign workers' earnings are withheld until they return to their home countries .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Your country recruits skilled foreign workers who have an existing reason to return home, such as students who work in your country during school breaks .....         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Employers are required to post a bond that is returned to them after skilled foreign workers return to their home countries .....                                      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Skilled foreign workers are required to post a bond that is returned to them after they return to their home countries .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Skilled foreign workers are required to leave your country before they can obtain a new work permit from your country .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Other .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

*please specify:*

**II. UNSKILLED TEMPORARY FOREIGN WORKER PROGRAMS**

*\*NOTE: We define “unskilled foreign workers” as workers brought in or allowed entry from foreign countries by the government for a specified amount of time only, on the basis of intermittent, peak load, or one-time occurring labor market needs for non-seasonal jobs which require limited education, training, and/or experience.*

13. Does your country have at least one temporary foreign worker program that permits legal employment of unskilled foreign workers (excluding any seasonal foreign worker programs)?

- Yes
- No → *Go to 19.*
- Don't know → *Go to 19.*

14. What are the names of these unskilled temporary foreign worker programs (excluding seasonal foreign worker programs)?

15. Which of the following, if any, are characteristics of your country's temporary foreign worker programs for unskilled foreign workers (excluding seasonal foreign worker programs)? Please answer "yes" if these characteristic apply to at least one of your temporary foreign worker programs for unskilled foreign workers, even if they do not apply to all programs.

	Yes ▼	No ▼	Not Sure ▼
a. Employers can only apply to bring in unskilled foreign workers if the employers cannot find citizens or permanent residents to fill the positions .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Unskilled foreign workers must apply for program prior to entering your country.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Unskilled foreign workers residing illegally in your country can apply for temporary foreign or guest worker programs.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Unskilled foreign workers must obtain a residency permit to work in your country through a temporary foreign worker program .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Unskilled foreign workers must return to their home countries after a specific period of time .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Unskilled foreign workers can only work for the specific employer for which they were hired through the program .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Unskilled foreign workers can only work in the specific job position for which they were hired through the program .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Unskilled foreign workers can apply for legal permanent residence or citizenship status after a certain period of time in your country.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Unskilled foreign workers residing illegally in your country can apply for legal permanent resident or citizenship status after a certain period of time in your country .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Unskilled foreign workers must pay a fee to apply for and/or obtain a work permit.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Unskilled foreign workers may bring in family members .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Employers must pay a fee to apply for and/or obtain a work permit for their unskilled foreign workers .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Government agency conducts a labor market test to determine whether unskilled foreign workers are needed to fill positions.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n. Government and/or employer recruits unskilled foreign workers from specific countries.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o. Other .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*please specify:*

16. Do any of your country's temporary unskilled foreign worker programs use quotas to regulate the number of unskilled foreign workers admitted each year (excluding seasonal foreign worker programs)?

No .....

Yes .....  [Please specify the maximum number of unskilled temporary foreign workers who can be admitted each year under the quota] →

17. For the most recent year for which data are available, what was the total number of foreign workers who applied for admission and who were admitted to your country's unskilled temporary foreign worker programs in that year?

	Total number ▼	Most recent year of data ▼	Data are not available ▼
a. Foreign workers who applied for admission .....	_____ applications	_____	<input type="checkbox"/>
b. Foreign workers who were admitted .....	_____ admissions	_____	<input type="checkbox"/>

**18. Which of the following methods, if any, does your country use to encourage or ensure temporary unskilled foreign workers return to their home countries after the authorization to work in your country expires?**

- |  | Yes<br>▼                 | No<br>▼                  | Not Sure<br>▼            |
|--|--------------------------|--------------------------|--------------------------|
| a. Unskilled foreign workers must prove their intent to return to their countries, such as by possessing a round-trip air ticket, prior to entering your country ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Unskilled foreign workers can earn social security benefits that are withheld until the workers return to their countries .....                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. A portion of unskilled foreign workers' earnings are withheld until they return to their home countries.....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Your country recruits unskilled foreign workers who have an existing reason to return home, such as students who work in your country during school breaks .....    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Employers are required to post a bond that is returned to them after unskilled foreign workers return to their home countries.....                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Unskilled foreign workers are required to post a bond that is returned to them after they return to their home countries .....                                      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Unskilled foreign workers are required to leave your country before they can obtain a new work permit from your country .....                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Other .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

*please specify:*

**IV. ADVANTAGES AND DISADVANTAGES OF TEMPORARY FOREIGN WORKER PROGRAMS**

19. What are your views, if any, on the advantages of your country's seasonal, skilled and unskilled temporary foreign worker programs; or what is the basis/reasoning for not implementing temporary foreign worker programs?

20. What are your views, if any, on the disadvantages of your country's seasonal, skilled and unskilled temporary foreign worker programs; or what is the basis/reasoning for not implementing temporary foreign worker programs?

\*NOTE: We define "employment verification process" as the process by which employers are required to verify the identity or work authorization of employees.

Also, we define "unauthorized migrants" as *migrants without legal authorization to reside in your country.*

21. Do you have any other comments you would like to make on your country's employment verification process, enforcement activities, temporary foreign worker, or regularization programs?

**GAO Survey of Foreign Government Policy and Implementation of  
Regularization Programs**

Migration, particularly the entry and employment of unauthorized workers, is an important issue for the international community. The Congress of the United States is interested in collecting information from various countries to help inform the debate regarding immigration policy proposals in the U.S. The Congress has asked its independent research branch, the U.S. Government Accountability Office (GAO), to explore policies and practices countries use to limit and control the employment of unauthorized workers. GAO's work will likely culminate in a publicly available report.

As part of this request, GAO would like to ask your agency a few questions regarding your country's policies and experiences with regularizing unauthorized migrants. Your agency's responses will be compiled with responses from other countries to help GAO understand the various approaches governments take to minimize and control employment of unauthorized workers. This survey can be completed electronically—by clicking on the check boxes to mark your answers and typing in written responses—or you can complete it on paper by printing it out. When you have finished the survey, please return it to us via the U.S. embassy in your country.

The U.S. embassy's contact information is as follows:

In addition to this survey on regularization programs of unauthorized migrants, we have also developed three other surveys that have been submitted to your government on related migration issues. These surveys ask about your country's employment verification process, temporary foreign worker programs, and the enforcement of laws and regulations that prohibit the employment of unauthorized workers. The responses to these questions will be invaluable to us, and we hope that our report will also provide you with the opportunity to see how other countries manage migration issues. We are happy to provide you with a copy of the report upon its completion.

GAO thanks you in advance for your valuable support of our project, and we truly appreciate this unique opportunity to communicate with your government. If at any time you have any questions about the survey or procedures for filling it out, please do not hesitate to contact Michelle Cooper, at ([cooperm@gao.gov](mailto:cooperm@gao.gov) or 00-1-202-512-4445) or Rebecca Gambler at ([gambler@gao.gov](mailto:gambler@gao.gov) or 00-1-202-512-6912).

Please provide the following information on the person completing this questionnaire whom we may contact if we need to clarify any responses.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Agency name: \_\_\_\_\_  
Email address: \_\_\_\_\_  
Telephone number (please include country code): \_\_\_\_\_  
Fax number (please include country code): \_\_\_\_\_

This survey is composed of three parts. In Part I, we would like to know some basic information on regularization programs in your country. In Part II we ask about general characteristics of your country's regularization programs. Please answer the questions based on the legal requirements of your country, even if those requirements are not fully enforced or implemented. Finally, in Part III we would like to know your views on the advantages and disadvantages of regularization programs.



As you complete the survey, you may find the following definitions helpful:

- We define “**employment verification process**” as the process by which employers are required to verify the identity or work authorization of employees.
- We define a “**temporary foreign worker**” as a worker whom the government brings in or allows entry from a foreign country in order to meet domestic labor market needs for a limited amount of time.
- We define “**regularization programs**” as those that offer migrants who arrive and/or remain over a period of time without authorization in a country the opportunity to secure legal temporary or permanent resident and/or worker status.

**I. REGULARIZATION PROGRAMS IN YOUR COUNTRY**

*\*NOTE: We define “regularization programs” as those that offer migrants who arrive and/or remain over a period of time without authorization in a country the opportunity to secure legal temporary or permanent resident and/or worker status.*

1. Since 2000, in what years has your country initiated a regularization program? For each program, please list how many migrants applied for and were granted regularization.

No regularization programs have been initiated since 2000..... → Skip to question 3.

Year Program Was Initiated ▼	Total number Of Applicants ▼	Number of Applicants Granted Regularization ▼
a. _____	_____	_____
b. _____	_____	_____
c. _____	_____	_____
d. _____	_____	_____
e. _____	_____	_____
f. _____	_____	_____

2. (If yes) who generally applies for regularization of status?

	Yes ▼	No ▼	Not Sure ▼
a. Unauthorized individual himself/herself.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Employer on behalf of the unauthorized individual .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Trade union on behalf of the unauthorized individual .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Recruitment agency/organization on behalf of the unauthorized individual .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Other .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

please specify:

**II. CHARACTERISTICS OF YOUR COUNTRY’S REGULARIZATION PROGRAMS**

*\*NOTE: We define a “temporary foreign worker” as a worker whom the government brings in or allows entry from a foreign country in order to meet domestic labor market needs for a limited amount of time.*

3. Which of the following, if any, are overall characteristics of your country’s regularization program(s)? Please answer “yes” if a characteristic is applicable to at least one of your country’s regularization programs, even if it is not applicable to all programs.

	Yes ▼	No ▼	Not Sure ▼
a. Applicants for the regularization program are required to have <u>resided</u> in your country for a certain period of time to be able to apply to the program.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Applicants for the regularization program are required to have <u>worked</u> in your country for a certain period of time to be able to apply to the program.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Background checks are performed on program applicants before regularization of status.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Regularized individuals are granted temporary resident status. ....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Regularized individuals are granted permanent resident status.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Regularized individuals are granted work authorization status.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Temporary foreign workers are eligible to apply for regularization programs.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Applicants for the regularization program are eligible to bring family members .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Applicants who are illegally residing in your country are required to leave your country in order to apply for regularization .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Other .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*please specify:*

**III. ADVANTAGES AND DISADVANTAGES OF REGULARIZATION PROGRAMS**

4. What are your views, if any, on the advantages of your country's regularization programs; or what is the basis/reasoning for not implementing a regularization program?

5. What are your views, if any, on the disadvantages of your country's regularization programs; or what is the basis/reasoning for not implementing a regularization program?

*\*NOTE: We define "employment verification process" as the process by which employers are required to verify the identity or work authorization of employees.*

6. Do you have any other comments you would like to make on your country's employment verification process, enforcement activities, temporary foreign worker, or regularization programs?

**GAO Survey of Foreign Government Policy on the Process by which Employers  
Verify the Identity or Work Authorization Status of Employees**

Migration, particularly the entry and employment of unauthorized workers, is an important issue for the international community. The Congress of the United States is interested in collecting information from various countries to help inform the debate regarding immigration policy proposals in the U.S. The Congress has asked its independent research branch, the U.S. Government Accountability Office (GAO), to explore policies and practices countries use to limit and control the employment of unauthorized workers. GAO's work will likely culminate in a publicly available report.

As part of this request, GAO would like to ask your agency a few questions regarding your country's employment verification process. Your agency's responses will be compiled with responses from other countries to help GAO understand the various approaches governments take to minimize and control employment of unauthorized workers. This survey can be completed electronically—by clicking on the check boxes to mark your answers and typing in written responses—or you can complete it on paper. When you have finished the survey, please return it to us via the U.S. embassy in your country.

The U.S. embassy's contact information is as follows:

In addition to this survey on your country's employment verification process, we have also developed three other surveys that have been submitted to your government on related migration issues. These surveys ask about temporary foreign worker programs, regularization programs, and the enforcement of laws that prohibit the employment of unauthorized workers. The responses to these questions will be invaluable to us, and we hope that our report will also provide you with the opportunity to see how other countries manage migration issues. We are happy to provide you with a copy of the report upon its completion.

GAO thanks you in advance for your valuable support of our project, and we truly appreciate this unique opportunity to communicate with your government. If at any time you have any questions about the survey or procedures for filling it out, please do not hesitate to contact Michelle Cooper, at ([cooperm@gao.gov](mailto:cooperm@gao.gov) or 00-1-202-512-4445) or Rebecca Gambler at ([gamblerrr@gao.gov](mailto:gamblerrr@gao.gov) or 00-1-202-512-6912).

Please provide the following information on the person completing this questionnaire whom we may contact if we need to clarify any responses.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Agency name: \_\_\_\_\_  
Email address: \_\_\_\_\_  
Telephone number (please include country code): \_\_\_\_\_  
Fax number (please include country code): \_\_\_\_\_

This survey is composed of three parts. In Part I, we would like to know some basic information on the number of unauthorized migrants estimated to be residing in your country. In Part II we ask about the requirements and features of your country's employment verification process. Please answer the questions based on the legal requirements of your country, even if those requirements are not fully enforced or implemented. Finally, in Part III we would like to know your views on the advantages and disadvantages of the employment verification process.

As you complete the survey, you may find the following definitions helpful:

- We define “**employment verification process**” as the process by which employers are required to verify the identity or work authorization of employees.
- We define “**unauthorized migrants**” as migrants without legal authorization to reside in your country.
- We define a “**temporary foreign worker**” as a worker whom the government brings in or allows entry from a foreign country in order to meet domestic labor market needs for a limited amount of time.
- We define “**regularization programs**” as those that offer migrants who arrive and/or remain over a period of time without authorization in a country the opportunity to secure legal temporary or permanent resident and/or worker status.

**I. ESTIMATE OF UNAUTHORIZED POPULATION**

**\*NOTE:** We define “unauthorized migrants” as *migrants without legal authorization to reside in your country.*

**1. Has your country estimated the number of unauthorized migrants residing in your country?**

- Yes
- No → **Go to 3.**
- Don't know → **Go to 3.**

**2. (If yes) What is the estimated number of unauthorized migrants residing in your country and what is the year of the estimate?**

\_\_\_\_\_ → \_\_\_\_\_  
*(estimate)* *(year)*

**II. EMPLOYMENT VERIFICATION PROCESS**

**\*NOTE:** We define “employment verification process” as *the process by which employers are required to verify the identity or work authorization of employees.*

**3. Does your country have a process through which employers are required to verify either their employees' identity or authorization to work? Please answer the questions based on the legal requirements of your country, even if those requirements are not fully enforced or implemented.**

- Yes
- No → **Go to 7.**
- Don't know → **Go to 7.**

4. Do any of the following requirements apply to your country's employment verification process?

	Yes ▼	No ▼	Not Sure ▼
a. Employees required to present documentation to prove <u>identity</u> .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Employees required to present documentation to prove <u>work authorization</u> .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Employers required to certify documentation presented by employees.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Employers required to report employee identity or work authorization information to government agencies .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Employers required to compare employee identity or work authorization information with information in government databases .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other requirement.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*please specify:*

5. What are the names of the different types of documents that employees can present to employers to prove their identity and/or work authorization status?

6. Which of the following features, if any, does your country use on government-issued identity or work authorization documents to make them tamper-resistant? Please answer "yes" if your country uses a feature with at least one document, even if you do not use the feature with all your documents.

	Yes ▼	No ▼	Not Sure ▼
a. Raised seals .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Watermarks .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Employee signature .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Employee photograph .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Fingerprints .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Cards with magnetic stripes .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Information encoded on computer chip .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other features.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*please specify:*

**III. ADVANTAGES AND CHALLENGES OF THE EMPLOYMENT VERIFICATION PROCESS**

7. What are your views, if any, on the advantages of your country's employment verification process; or what is the basis/reasoning for not requiring employers to verify employees' identity or work authorization status?

8. What are your views, if any, on the disadvantages of your country's employment verification process; or what is the basis/reasoning for not requiring employers to verify employees' identity and work authorization status?

\_\_\_\_\_

*\*NOTE: We define a "temporary foreign worker" as a worker whom the government brings in or allows entry from a foreign country in order to meet domestic labor market needs for a limited amount of time.  
Also, we define "regularization programs" as those that offer migrants who arrive and/or remain over a period of time without authorization in a country the opportunity to secure legal temporary or permanent resident and/or worker status.*

9. Do you have any other comments on your country's employment verification process, enforcement activities, temporary foreign worker, or regularization programs?

\_\_\_\_\_



**Survey of Foreign Government Policy and Enforcement of Laws and Regulations  
that Prohibit the Employment of Unauthorized Workers**

Migration, particularly the entry and employment of unauthorized workers, is an important issue for the international community. The Congress of the United States is interested in collecting information from various countries to help inform the debate regarding immigration policy proposals in the U.S. The Congress has asked its independent research branch, the U.S. Government Accountability Office (GAO), to explore policies and practices countries use to limit and control the employment of unauthorized workers. GAO's work will likely culminate in a publicly available report.

As part of this request, GAO would like to ask your agency a few questions regarding your country's policies and experiences with controlling the employment of unauthorized workers. Your agency's responses will be compiled with responses from other countries to help GAO understand the various approaches governments take to minimize and control employment of unauthorized workers. This survey can be completed electronically—by clicking on the check boxes to mark your answers and typing in written responses—or you can complete it on paper by printing it out. When you have finished the survey, please return it to us via the U.S. embassy in your country.

The U.S. embassy's contact information is as follows:

In addition to this survey on the enforcement of laws that prohibit the employment of unauthorized workers, we have also developed three other surveys that have been submitted to your government on related migration issues. These surveys ask about your country's employment verification process, temporary foreign worker programs, and regularization programs. The responses to these questions will be invaluable to us, and we hope that our report will also provide you with the opportunity to see how other countries manage migration issues. We are happy to provide you with a copy of the report upon its completion.

GAO thanks you in advance for your valuable support of our project, and we truly appreciate this unique opportunity to communicate with your government. If at any time you have any questions about the survey or procedures for filling it out, please do not hesitate to contact Michelle Cooper, at ([cooperm@gao.gov](mailto:cooperm@gao.gov) or 00-1-202-512-4445) or Rebecca Gambler at ([gambler@gao.gov](mailto:gambler@gao.gov) or 00-1-202-512-6912).

Please provide the following information on the person completing this questionnaire whom we may contact if we need to clarify any responses.

- Name:
- Title:
- Agency name:
- Email address:
- Telephone number (please include country code):
- Fax number (please include country code):

This survey is composed of three parts, all of which focus on your agency's efforts to enforce laws and regulations that prohibit the employment of unauthorized workers. For all questions, please answer the questions based on the legal requirements of your country, even if those requirements are not fully enforced or implemented. In Part I, we would like to know some information on enforcement efforts that focus on employers. In Part II we ask about enforcement efforts which focus on workers. Finally, in Part III we would like some basic information about your agency's staff and funding resources available to enforce your country's laws and regulations that prohibit the employment of unauthorized workers.

As you complete the survey, you may find the following definitions helpful:

- We define “**employment verification process**” as the process by which employers are required to verify the identity or work authorization of employees.
- We define a “**temporary foreign worker**” as a worker whom the government brings in or allows entry from a foreign country in order to meet domestic labor market needs for a limited amount of time.
- We define “**regularization programs**” as those that offer migrants who arrive and/or remain over a period of time without authorization in a country the opportunity to secure legal temporary or permanent resident and/or worker status.

**I. EMPLOYER-FOCUSED ENFORCEMENT EFFORTS**

**1. Which of the following, if any, does your agency use to identify unauthorized foreign workers or employers who are employing unauthorized foreign workers?**

	Yes ▼	No ▼	Not Sure ▼
a. Government investigations/raids .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Comparing information contained in various government databases .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Public tips .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Employer-reported information .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Worker-reported information .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Information from other government agencies.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Other .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*please specify:*

**2. Which of the following, if any, does your government use to penalize employers for employing unauthorized foreign workers?**

- |   | Yes<br>▼                 | No<br>▼                  | Not Sure<br>▼            |
|---|--------------------------|--------------------------|--------------------------|
| a. Employer subject to administrative monetary fines .....<br><i>please specify fine range (and currency):</i> _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Employer subject to criminal monetary fines .....<br><i>please specify fine range (and currency):</i> _____        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Employer subject to prison term .....<br><i>please specify range of prison term:</i> _____                         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Employer pays costs of deporting<br>unauthorized foreign worker .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Employer pays investigation or court costs.....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Employer is ineligible for government contracts.....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Employer is responsible for paying unpaid social<br>welfare contributions/taxes on unauthorized foreign workers .. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Employer's assets are subject to foreclosure<br>or seizure .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Employer's companies or worksites are subject<br>to closure .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| j. Other .....<br><i>please specify:</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

3. Which of the following, if any, does your government use to penalize employers for hiring subcontractors who employ unauthorized foreign workers?

- |   | Yes<br>▼                 | No<br>▼                  | Not Sure<br>▼            |
|---|--------------------------|--------------------------|--------------------------|
| a. Employer subject to administrative monetary fines .....<br><i>please specify fine range and currency:</i> _____    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Employer subject to criminal monetary fines .....<br><i>please specify fine range and currency:</i> _____          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Employer subject to prison term .....<br><i>please specify range of prison term:</i> _____                         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Employer pays costs of deporting<br>unauthorized foreign workers .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Employer pays investigation or court costs.....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Employer is ineligible for government contracts.....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Employer is responsible for paying unpaid social<br>welfare contributions/taxes on unauthorized foreign workers .. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Employer's assets are subject to foreclosure<br>or seizure .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Employer's companies or worksites are subject<br>to closure .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| j. Other .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

*please specify:*

4. Which of the following, if any, does your government use to penalize individuals or entities for assisting in the entry, stay or employment of unauthorized foreign workers?

- |   | Yes<br>▼                 | No<br>▼                  | Not Sure<br>▼            |
|---|--------------------------|--------------------------|--------------------------|
| a. Individual/entity subject to administrative monetary fines .....<br><i>please specify fine range and currency: _____</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Individual/entity subject to criminal monetary fines .....<br><i>please specify fine range and currency: _____</i>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Individual/entity subject to prison term .....<br><i>please specify range of prison term: _____</i>                      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Individual/entity pays deportation costs.....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Individual/entity pays investigation or court costs.....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Individual/entity is ineligible for government contracts.....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Individual/entity is responsible for paying unpaid social welfare contributions/taxes on unauthorized workers.....       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Individual/entity's assets are subject to foreclosure or seizure .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Individual/entity's companies or worksites are subject to closure .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| j. Other .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

*please specify:*

5. For the most recent year for which data are available, how many of the following actions were taken against employers for employing unauthorized workers?

	Total number of actions ▼	Most recent year of data ▼	Data are not available ▼
a. Investigations initiated.....	_____ investigations	_____	<input type="checkbox"/>
b. Criminal charges filed against employer	_____ criminal charges	_____	<input type="checkbox"/>
c. Civil or administrative fines issued..... (please specify currency)	_____ fines	_____	<input type="checkbox"/>
		↙	
		<i>What was the total monetary amount of civil or administrative fines issued?</i> _____	<input type="checkbox"/>
		<i>What was the total monetary amount of civil or administrative fines collected?</i> _____	<input type="checkbox"/>
d. Criminal fines ..... (please specify currency)	_____ fines	_____	<input type="checkbox"/>
		↙	
		<i>What was the total monetary amount of criminal fines issued?</i> _____	<input type="checkbox"/>
		<i>What was the total monetary amount of criminal fines collected?</i> _____	<input type="checkbox"/>

6. What are your views, if any, on the advantages of your country's program for sanctioning employers who employ unauthorized workers; or what is the basis/reasoning for not implementing an employer sanctions program?

7. What are your views, if any, on the disadvantages of your country's program for sanctioning employers who employ unauthorized workers; or what is the basis/reasoning for not implementing an employer sanctions program?

**II. FOREIGN WORKER-FOCUSED ENFORCMENT EFFORTS**

8. Which of the following, if any, does your government use to penalize unauthorized workers found to be employed in your country?

	Yes ▼	No ▼	Not Sure ▼
a. Unauthorized worker subject to administrative monetary fines ..... <i>please specify fine range and currency:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Unauthorized worker subject to criminal monetary fines ..... <i>please specify fine range and currency:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Unauthorized worker subject to detention ..... <i>please specify range of detention:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Unauthorized worker subject to deportation .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Unauthorized worker ineligible for re-entry to the country .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Unauthorized worker ineligible for temporary foreign worker programs .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Unauthorized worker's assets are subject to foreclosure or seizure .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Unauthorized worker responsible for paying detention and deportation costs.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Other ..... <i>please specify:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. For the most recent year for which data are available, how many fines were issued in your country against unauthorized workers and what was the total amount of the fines issued?

Total number of fines ▼	Total amount of fines (please specify currency) ▼	Year of most recent data ▼	Data are not available ▼
_____	_____	_____	<input type="checkbox"/>

10. For the most recent year for which data are available, how many of the following occurred in your country?

	Total number of actions ▼	Most recent year of data ▼	Data are not available ▼
a. Unauthorized workers detained .....	_____ detentions	_____	<input type="checkbox"/>
b. Unauthorized workers deported.....	_____ deportations	_____	<input type="checkbox"/>
c. Migrants without authorization were denied entry to your country.....	_____ denied entries	_____	<input type="checkbox"/>

11. What are your views, if any, on the advantages of your country's efforts to investigate and sanction unauthorized workers found to be employed in your country; or what is the basis/reasoning for not investigating and sanctioning unauthorized workers?



12. What are your views, if any, on the disadvantages of your country's efforts to investigate and sanction unauthorized workers found to be employed in your country; or what is the basis/reasoning for not investigating and sanctioning unauthorized workers?

**III. RESOURCES TO PREVENT EMPLOYMENT OF UNAUTHORIZED WORKERS**

13. For the most recent year for which data are available, how many staff were dedicated to the following activities, and what was the total amount of funding dedicated to those activities?

	Total number of staff ▼	Total amount of funding ▼	Year of most recent data ▼	Data are not available ▼
a. Investigating the employment of unauthorized workers (including both unauthorized workers and employers of unauthorized workers) .....	_____ staff	_____	_____	<input type="checkbox"/>
b. Detention and deportation of unauthorized workers .....	_____ staff	_____	_____	<input type="checkbox"/>
c. Border control activities.....	_____ staff	_____	_____	<input type="checkbox"/>

*\*NOTE: We define “employment verification process” as the process by which employers are required to verify the identity or work authorization of employees.*

*Also, we define a “temporary foreign worker” as a worker whom the government brings in or allows entry from a foreign country in order to meet domestic labor market needs for a limited amount of time.*

*We define “regularization programs” as those that offer migrants who arrive and/or remain over a period of time without authorization in a country the opportunity to secure legal temporary or permanent resident and/or worker status.*

**14. Do you have any other comments on your country’s employment verification process, enforcement activities, temporary foreign worker, or regularization programs?**

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# Appendix XII: Acknowledgement of Government and Other Entities' Assistance

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We would like to acknowledge the time and effort made by government agencies and other groups and individuals who provided information by responding to questionnaires and who talked with us during site visits. We would like to thank governmental and nongovernmental entities and individuals in the following countries:

Argentina  
Australia  
Austria  
Belgium  
Canada  
France  
Germany  
the Netherlands  
New Zealand  
Portugal  
Singapore  
Spain  
Switzerland  
United Kingdom  
United States

We would also like to thank representatives from the following intergovernmental organizations:

European Union  
International Labour Organization  
International Organization for Migration  
Organisation for Economic Co-operation and Development  
United Nations High Commissioner for Human Rights  
United Nations High Commissioner for Refugees  
Intergovernmental Consultations on Asylum, Refugee, and Migration Policies

In addition, we would like to thank the following experts:

Bridget Anderson, Senior Researcher and Research Program Head,  
Centre on Migration, Policy and Society, Oxford University  
Joaquin Arango, Professor, Instituto Universitario Ortega y Gasset  
Tanya Basok, Director, Centre for Studies in Social Justice,  
University of Windsor  
Holger Bonin, Senior Research Associate, Institute for the Study of Labor  
Amelie Constant, Senior Research Associate and Deputy Program Director

for Migration, Institute for the Study of Labor  
Christian Dustmann, Professor, Department of Economics,  
University College London  
Andrew Geddes, Professor, University of Sheffield  
Holger Hinte, Expert on German Migration Politics, co-author of several  
migration studies, Institute for the Study of Labor  
B. Lindsay Lowell, Director of Policy Studies, Institute for the Study of  
International Migration, Georgetown University  
Susan Martin, Donald G. Herzberg Chair in International Migration and  
Director, Institute for the Study of International Migration,  
Georgetown University  
Doris Meissner, Senior Fellow, Migration Policy Institute  
Mark J. Miller, Emma Smith Morris Professor of Political Science and  
International Relations, University of Delaware  
John Salt, Department of Geography, University College London  
Martin Ruhs, Senior Researcher, Centre on Migration, Policy and Society,  
Oxford University  
Andrew Schoenholtz, Deputy Director, Institute for the Study of  
International Migration, Georgetown University  
Sam Scott, Geography Lecturer, University of Sheffield  
Claude-Valentin Marie, Vice-président de la Haute Autorité de Lutte contre  
les Discriminations et pour l'Egalité  
Catherine Wihtol de Wenden, Director of Research, Centre national de la  
recherche scientifique/Centre d'études et de recherches internationales,  
Institut d'Etudes Politiques de Paris  
Klaus F. Zimmermann, President, German Institute for Economic  
Research and Director of the Institute for the Study of Labor

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# Appendix XIII: GAO Contact and Staff Acknowledgments

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## GAO Contact

Richard M. Stana (202) 512-8777

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## Staff Acknowledgments

In addition to the contact named above, Frances Cook, Michelle Cooper, Katherine Davis, Rebecca Gambler, Alison Martin, Amanda Miller, Jason Pogacnik, and Robert E. White made key contributions to this report.

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