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„Exploring the experiences of highly skilled third-country nationals - the EU Blue Card or Red White Red Card holders, their perceptions of the application process, and the harmonization of policies concerning both cards“

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List of abbreviations:

AuslBG - Ausländerbeschäftigungsgesetz

ABA – Austrian Business Agency

BCD - Blue Card Directive

CJEU - Court of Justice of the European Union

EC - European Commission

EMN - European Migration Network

EU - European Union

HR – Human Resources

NAG - Niederlassungs- und Aufenthaltsgesetz

OECD - Organization for Economic Cooperation and Development

RWR Card – Red-White-Red Card

TCN - Third Country National

Abstract (English)

The present thesis examines the impact of the Red-White-Red (RWR) Card and EU (European Union) Blue Card schemes on Austria's ability to attract highly skilled third-country nationals. By integrating theoretical frameworks on migration dynamics with empirical data from literature reviews and interviews, the research highlights the critical role of these migration policies in addressing labor shortages. These policies, designed to streamline the entry and integration of highly skilled TCNs (third country nationals), are pivotal in mitigating demographic challenges and fulfilling labor market demands that cannot be met domestically or through intra-EU mobility. Austria's evolution of immigration policy reflects a global trend towards competing for international talent to enhance economic competitiveness and innovation. The study reveals that recent policy recasts, aimed at simplifying procedures and expanding eligibility, have notably increased Austria's attractiveness to highly skilled TCNs. The findings suggest that while significant progress has been made, ongoing efforts for further policy refinement and harmonization are essential. These efforts are vital not only for maintaining and enhancing the EU's competitiveness in the global race for talent but also for ensuring that the policies continue to meet the evolving needs of employers and highly skilled TCNs. The research contributes to a deeper understanding of labor market needs, highlighting the importance of dynamic, inclusive, and responsive immigration strategies in addressing labor shortages and fostering economic growth within Austria and the wider EU.

Abstract (German)

Diese Masterarbeit untersucht die Auswirkungen der Rot-Weiß-Rot-Karte und der EU-Blauen Karte auf Österreichs Fähigkeit, hochqualifizierte Drittstaatsangehörige anzuziehen. Durch die Integration von theoretischen Rahmenwerken zu Migrationsdynamiken mit empirischen Daten aus Literaturüberprüfungen und Interviews hebt die Forschung die entscheidende Rolle dieser Migrationspolitiken bei der Bewältigung von Arbeitskräftemängeln hervor. Diese Politiken, die darauf ausgelegt sind, den Eintritt und die Integration hochqualifizierter Drittstaatsangehörige zu vereinfachen, sind entscheidend, um demografische Herausforderungen zu mildern und Arbeitsmarktanforderungen zu erfüllen, die weder inländisch noch durch Mobilität innerhalb der EU gedeckt werden können. Österreichs Entwicklung der Einwanderungspolitik spiegelt einen globalen Trend wider, um im Wettbewerb um internationales Talent die wirtschaftliche Wettbewerbsfähigkeit und Innovation zu steigern. Die Studie zeigt, dass politische Neuausrichtungen, die darauf abzielen, Verfahren zu vereinfachen und die Zugangsvoraussetzungen zu erweitern, die Attraktivität Österreichs für hochqualifizierte Drittstaatsangehörige deutlich erhöht haben. Die Ergebnisse deuten darauf hin, dass, obwohl bedeutende Fortschritte erzielt wurden, fortlaufende Anstrengungen zur weiteren Politikverfeinerung und -harmonisierung wesentlich sind. Diese Bemühungen sind nicht nur entscheidend, um die Wettbewerbsfähigkeit der EU im globalen Talentwettbewerb aufrechtzuerhalten und zu steigern, sondern auch, um sicherzustellen, dass die Politiken weiterhin den sich entwickelnden Bedürfnissen der Arbeitgeber und hochqualifizierten Drittstaatsangehörige entsprechen. Die Forschung trägt zu einem tieferen Verständnis der Arbeitsmarktanforderungen bei und hebt die Bedeutung dynamischer, inklusiver und reaktionsfähiger Einwanderungsstrategien bei der Bewältigung von Arbeitskräftemängeln und der Förderung des wirtschaftlichen Wachstums innerhalb Österreichs und der EU insgesamt hervor.

1. Introduction

Highly skilled TCNs play a vital role in the economic progression of a country as they bring valuable knowledge which is a crucial resource for economic prosperity. Certain factors, such as personnel shortages, demographic challenges, and economic consequences of the pandemic within the EU, will indeed intensify the demand for highly skilled migrants (Antoons and Ghimis, 2021, p. 1). Due to structural shifts and demographic changes, most EU Member States face a persistent skilled labor shortage across various industries. High-skilled migrants can actually help to improve demographic issues, fill labor market gaps, or improve human capital in the EU. Attracting highly qualified immigrants has been a top focus for the EU for some time. However, the EU has not yet had as much success as other OECD nations. Due to an increasing lack of specific skills and the aging of the EU population, there will be greater demand for labor. This raises the question of whether individual EU Member States can effectively compete with leaders like Australia, Canada, and the USA in the global fight for talent. Since enacting certain policies a few decades ago, several of these nations have successfully lured sizable groups of high-skilled immigrants (Cerna, 2014, p. 74). To confront the issues mentioned above, particularly labor market problems, the EU established schemes to attract highly qualified third-country migrants to live and work in the EU Countries by establishing its own high-skilled immigration initiative. This objective has been initially articulated in the EU's Lisbon Strategy in 2000 and was then converted into a proposal for a migration policy package by the European Commission in 2005. The outcome of those initiatives is the EU Blue Card directive (2009/50/EC) that has been established on the requirements of "entry and residency of third-country citizens for the purposes of highly qualified work". The directive was proposed by the Commission in 2007 and adopted and implemented in 2009 (Cerna, 2014).

Highly skilled immigration has been important on multiple levels as an increasing number of skilled workers can provide lower production costs for companies and enlarge knowledge that enhances productivity, innovation, and economic progress (Lowell, 2001). This Master thesis puts an emphasis on highly skilled TCNs and two initiatives, on the EU level – the Blue Card directive and on a national level – RWR Card (Austria). The present thesis is focused around

exploring the experiences of highly skilled third-country nationals, namely the EU Blue Card or RWR Card holders, their perceptions of the application process, and the harmonization of the effectiveness of policies concerning both cards. The research questions to be answered are as follows:

1. *To what extent has the EU harmonized the labor market when it comes to highly skilled TCNs?*
2. *How has the recast of policies answered employers' demands, taking into consideration the weaknesses in previous directives?*
3. *How has it increased attractiveness to highly skilled third-country nationals?*
4. *How have the processes been improved taking into account the individual experiences of TCNs? 1.How can policy harmonization across EU member states be improved to better support highly skilled third-country nationals holding the EU Blue Card or RWR Card?*

The findings of the thesis will shed light on the degree of harmonization within the EU labor market for highly qualified third-country nationals and address potential areas for improvement in policy harmonization. The structure of the thesis is as follows: The introduction provides an overview of the topic and highlights the relevance of highly skilled migration of TCNs to Austria and the EU. This section also outlines the study's purpose and objectives. The second chapter, the literature review, presents relevant literature, shedding light on migration theories and the institutional perspective, as well as detailing the development of the EU Blue Card and the RWR Card, their policies, and recent reforms of both schemes. The methodology section describes the research methodology to be used in the study, including an explanation of the research plan and data collection methods. The results section examines the experiences of EU Blue Card and RWR cardholders, along with their perceptions of the application process and their perceptions of the effectiveness of policies concerning both cards. This section also presents any significant findings and highlights any relevant patterns from the available data which would assist in answering the research questions. Additionally, a brief literature review is presented to support the answering of the research questions. The conclusion section discusses the implications of the findings for the effectiveness of policies concerning the EU Blue Card and the RWR Card. The limitations section highlights any limitations of the paper and suggests directions for future research.

2.Problem Statement - how important is this for deepening the knowledge in the field

According to Eurostat, the number of working-age individuals in the EU is projected to decrease by 12 million by 2030 (Eurostat, 2016). According to a study conducted by the European Commission Joint Research Centre, if there were no global migration to the EU until 2060, the demographic of the EU's 27 member states would be 14% smaller, or 75 million fewer people, than it is today. It would result in 20% fewer people of working age. In comparison to the main scenario's estimated GDP of \$7 trillion in 2060, a hypothetical scenario with zero immigration to the EU (except for the residents of a TCN origin) would result in a 23% decline in GDP. This is brought about by a mix of factors, including a decline in labor (primary impact), a decline in the accumulation of capital, adjustments in savings due to demographic changes, and productivity effects (Mongelli and Ciscar, 2018). According to empirical data, immigrants contribute positively to state finances, especially over the long term, in nations that can facilitate quick access to the labor market (Kanc and Lecca, 2016). Migration can result in net contributions to public coffers, according to studies by the Organization for Economic Co-operation and Development (OECD, 2014). The majority of immigrants enter the country when they are still young adults, so their taxes and contributions to social security may typically outweigh their use of public services and goods (OECD, 2014).

2.1 Labor shortage in the EU

The European Commission has made the recruitment of skilled workers a priority. Several strategies have been developed to enhance the competitiveness of EU countries, culminating in the European Blue Card initiative. This proposal aimed to transfer national decision-making power regarding the admission of third country national workers to the supranational scale of the EU. (van Riemsdijk, 2011, p. 347)

High skilled immigration has been suggested for the purpose of addressing labor shortages, address demographic needs, and create a knowledge-based economy. The EU relies on two cornerstones for its economic progression and social stability: free movement within the EU and labor immigration from third countries, even though there is a steadily growing resentment toward labor immigration, both from some EU Member States and from third

countries (Stuchlik and Poptcheva, 2015, p. 2). Migration influx typically affects domestic labor markets in a number of ways from an economic standpoint, including:

- a) filling gaps in low and high-skilled professions
- b) approaching jobs market disparities
- c) making more contributions in taxes and social incentives than receiving
- d) spurring innovation, which stimulates the economy (Stuchlik and Poptcheva, 2015, p. 6).

Still, the main focus has been on EU employees; however, the majority of member states have similar issues, and intra-EU mobility is often minimal. As a result, the EU has initiated a search for highly competent TCNs as a solution to the aforementioned problems. Because labor shortages and high unemployment rates may persist, the crucial role of highly qualified TCNs has remained notwithstanding this crisis, because high unemployment rates can coincide with labor shortages. However, TCNs are not afforded the same conditions and rights as EU workers under EU laws and legislation. The policies of member states for specific migration forms in each of these two groups vary significantly, in addition to the contrast between internal EU mobility and external migration (Cerna, 2014, p. 181).

Furthermore, gaps and obstacles in the EU's efforts and collaboration concerning legal migration not only lead to personal income reductions, but also result in diminished tax revenue at the EU societal level. The most significant outcomes stem from the unequal treatment in terms of employment access, working conditions, including pay, and the difficulties faced by family migrants. On a broader scale, these inadequacies weaken the EU's capacity to attract a workforce, particularly in addressing shortages within specific sectors or occupations in the EU labor market. Additionally, they hinder the EU's response to the consequences of demographic changes, such as an aging population, and impede initiatives to foster innovation and overall economic growth. Collectively, these shortcomings have an unfavorable impact on GDP growth (Ballegooij and Thirion 2019, p. 15).

Moreover, TCNs indicate lower wage earnings than both local residents and mobile EU citizens. In comparison to mobile EU men, TCN men report a wage income that is 0.7 deciles lower. Similarly, compared to mobile EU women, TCN women report a wage income that is 0.4 deciles lower. In addition to wage disparities, TCNs tend to have a higher likelihood of part-time employment and being overqualified for their roles. Furthermore, they exhibit lower probabilities of holding permanent positions or engaging in supervisory responsibilities. Once industry and occupation are taken into account for TCN men, this gap remains. Legal constraints that weaken their negotiating position may help to explain this. Differences do not

exist for TCN women, which may partly be explained by the fact that higher entrance obstacles to the job market make it difficult (or less meaningful) for women TCNs to seek low-quality jobs (Ballegooij and Thirion 2019, p. 16).

For 21% of TCNs, the biggest challenge to finding a job that matches their talents is obstacles to qualification recognition. These restrictions are greater for TCNs than for mobile EU residents (12% of TCNs cite barriers to qualification recognition as a major impediment) (Ballegooij and Thirion 2019, p. 16).

Because TCNs are treated differently and face additional obstacles when trying to enter the EU labor market, these groups differ in their employment rates, overqualification, employment conditions, incomes, and lesser long-term integrating prospects. The EU might take further steps to close these gaps in the legal migration system by strengthening the application and enforcement of current regulations, gradually extending EU law to new areas, or reexamining the idea of enacting a binding immigration code that would apply to all TCNs. These choices could generate advantages of up to €21.75 billion, based on the policy adopted. By resolving the scattered national policies in this domain, which are now hurting the EU's capacity to recruit employees and invest in its infrastructure, additional advantages might be gained (Ballegooij & Thirion 2019, p. 28).

2.2 Labor shortage in Austria

In the late 1980s, Austria's global political and economic setting changed because of nearby Central and Eastern European countries that opened themselves to international trade. Moreover, an additional turnover occurred in 1995 when Austria was integrated into the European Union. All these circumstances raised competition related to the workforce demanding export industries and public sector facilities such as postal services, banking and insurance, etc. As a result, Austria needed to reconstruct its industry to intensify productivity for the purpose of regaining its prior level of international competitiveness. The outcomes of the restructuring enhanced international trade. The growth of exports and imports from 1995 onwards provided enlarged internationalization, which is the result of tighter economic integration with the EU and Central and Eastern European Countries. Even though Austria has a long record of migration from the early 1960 onwards, the emphasis was always on fulfilling current labor demand by means of satisfying labor shortages of local companies through migration (Biffel, 2011). The settlement of migrants, so-called 'guest workers'

(Gastarbeitern), and their families was a slow process and accelerated only in the 1990s. Migrants in Austria are prone to discrimination when stepping into the labor market, attempting to advance their careers or in day-to-day work relationships. However, it is not because of race, religion, or national origin that is a major concern when it comes to discrimination in the labor market. The most prominent issues concerning discrimination when employing migrants are concentrated on the legal barriers limiting the entrance to the labor market for third-country nationals and the management of their right to employment and residence in Austria. It concluded that institutional discrimination, comprising a multifaceted set of different laws, sets the labor market for third-country nationals and enhances their stigmatization (European Migration Network, 2014).

OECD Economic Survey Austria states that there is room for increasing employment (OECD, 2019). The scarcity of (highly) skilled labor in Austria has increased since 2015 in nearly all occupational spheres and economic areas. The analysis of the development of labor supply illustrates that labor shortage would not only be the present topic but will mostly continue to be an issue in the future.

In the coming years, shortages of skilled labor will be seen from two sides:

- a declining or stagnating number of people entering the labor market (youths)
- a growing number of people leaving the labor market (retirements) (Dornmayr and Winkler, 2018, p. 1)

When focusing on a national level, the Austrian immigration system raises a few obstacles related to the attraction of highly skilled TCNs. Namely, Bittmann (2013) stresses out that according to existing research and experts interviewed, obstacles to immigration and/or residence of (highly) qualified foreign nationals in Austria include:

- The structured hierarchy and internal job markets within Austria's labor market
- The relatively lower earnings compared to other nations
- Challenges in accessing information and meeting job prerequisites due to language barriers
- The perception and signaling impact associated with Austria.

Gächter et al. (2015, p. 8) stresses that the shortage of labor is a low priority issue for politicians in Austria. However, proactive approaches to addressing unemployment are given a high priority. Over the last 20 years, measures taken to address labor shortages in Austria have grown more in line with the requirements of the particular enterprises impacted and the choices accessible to them. Public Employment Service Austria is the driving force behind this, and this is true both at the federal level, and at the regional and local levels, the agency's

policies are collaboratively defined by both the social partners and the federal government., where the social partners are solely in charge of making decisions. Here, addressing any labor shortage by training and retraining jobseekers and, in certain circumstances, even current workers, is given first priority. As a consequence, any shortages are found and handled in a way that is very relevant to each company and the prospective workforce in the area. As a result, there is a lack of well-developed tools for recognizing a labor shortage and a need for any individuals who are not already residents in the EU. One such list is the list of jobs with a shortage that has been created annually since 2012. To assess immigration from other nations, the list is utilized. The federal government and the social partners collaboratively establish the list of shortage vocations (Gächter, 2015). Some of the professions that are deemed as shortage occupations in Austria for 2023 are graduate civil engineers, mechanical engineers, graduates in power engineering etc. (Migration.gv.at, 2023).

This chapter highlights the significant demographic and economic challenges faced by the EU and Austria due to declining working-age populations and the subsequent impact on GDP and labor markets. It underscores the importance of high-skilled migration as a strategic solution to these challenges. Migrants, those who are highly skilled, play a crucial role in contributing positively to the state finances of host countries. Their taxes and social security contributions often outweigh their use of public services, making them net contributors to public funds. High-skilled immigration is therefore seen as a vital strategy to address these shortages, support demographic needs, and foster a knowledge-based economy.

Despite the potential benefits of high-skilled migration, TCNs face several obstacles, including discrimination, legal barriers, and difficulties in recognition of qualifications. These challenges hinder their employment prospects and integration into the labor market. The unequal treatment and integration barriers for TCNs not only affect individual incomes but also result in lost tax revenue and diminished GDP growth at the societal level. Addressing these issues is crucial for enhancing the EU's and Austria's capacity to attract and retain highly skilled workers.

3. Relevant migration theories

The last chapter gave an overview of the historical background of labor migration in Austria, highlighting the importance of skilled labor migration and the legal challenges that these

migrants must overcome. This chapter explores a number of theoretical frameworks and their historical contexts that aim to explain international migration. Though they describe the same occurrence, theoretical models use different terminology, assumptions, and conceptual frameworks.

Neoclassical economics underscores regional wage and work condition disparities, considering migration a personal choice for maximizing income. In contrast, the "new economics of migration" broadens the scope beyond labor markets, viewing migration as a household decision to secure financial stability. Dual labor market theory and global systems theory focus on higher levels of aggregation, associating migration with economic globalization and structural needs of industrial economies. The human capital model, central to neoclassical economics, posits migration as rational when benefits outweigh costs, notably influenced by macroeconomic circumstances. Criticism arises, challenging microeconomic assumptions, leading to more nuanced models. Subjective anticipated utility accounts for non-financial considerations in migration decisions, while social capital theory integrates social links to enhance benefits and reduce costs. The emerging economics of labor migration suggests collective decision-making by larger units and diversification to reduce risks beyond labor market considerations. The concept of "bounded rationality" challenges hyper-rational assumptions, acknowledging limited human computations and situational influences on migration decisions (Sjaastad, 1962; Speare, 1971; Borjas, 1994; Massey et al. 1993; Massey et.al.,2008; De Jong and Fawcett, 1981).

Historical-structural theorists propose macro-level arguments compatible with micro-level models, asserting that societal changes induced by global market growth drive migration. Portes and Walton 1981; Sassen 1988).

The chapter navigates through a comprehensive discourse on the theories underpinning international migration, laying a foundational understanding of the diverse perspectives that scholars have developed over the years to explain the dynamics of migration. By delving into both micro and macro-level analyses, the text provides a broad spectrum of reasons behind migration flows, especially focusing on skilled labor migration, which is critical to understanding the context of labor shortages in the EU and Austria specifically. At the micro-level, theories such as neoclassical economics and the new economics of migration emphasize the individual or household's decision-making process, respectively, based on economic incentives. These theories highlight the role of wage disparities and labor market conditions in

driving migration, suggesting that individuals or households migrate to optimize their economic well-being. This rationale aligns with the pursuit of highly skilled migrants who seek opportunities that match their qualifications and offer better financial prospects. On the other hand, macro-level theories like the dual labor market theory and global systems theory contextualize migration within broader economic and structural needs, pointing out how economic globalization and the structural demands of industrial economies create a demand for migration. This perspective sheds light on the systemic factors that generate labor shortages in advanced economies and the subsequent need for skilled labor from abroad.

3.1 Push and pull factors for highly skilled migration

Research by the European consultancy ICF looks at the worldwide movement of talented workers and finds that there are a number of pushing and pulling factors that influence people's decisions to go abroad. Many of the identified criteria are relevant to highly skilled migrants going from non-EU to EU nations, even though the research focuses exclusively on skilled migration inside the European Union. Three prominent factors, frequently observed in interactions with employers and employees, will be discussed. First and foremost, the economic conditions in the country of destination are crucial. Factors like GDP per capita, economic development, buying power, and labor market regulations attract highly qualified migrants who are looking for greater opportunities and a higher standard of living.

The second important element is the differences in labor conditions between the countries of origin and destination. Notably, low-skilled international migrants as well as those requesting international protection often come from nations with poor employment regulations.

The third and last component relates to the level of quality of institutions that migrants trust, which is often linked to societies that function effectively and have promising economic futures. This element is seen to be essential for enabling their successful assimilation into the host society, supported by anti-discrimination laws and initiatives to foster understanding amongst people (Antoons and Ghimis, 2021, p. 3).

As seen from this chapter, there are significant push and pull factors influencing the migration decisions of highly skilled individuals, particularly from non-EU to EU countries. Economic prospects, labor conditions, and institutional quality emerge as critical determinants guiding the movement of these talented workers.

4. Institutional-based view

The institution-based perspective of strategy treats institutions as distinct variables and emphasizes the dynamic interplay amid institutions and organizations, seeing strategic decisions as the result of the relationship between them (Peng, 2002). The “institution-based view” contends that firm conduct and functioning are influenced by the institutional circumstances and changes that firms must navigate (Peng and Heath, 1996; Peng et al., 2008; Peng et al., 2009), building on the presumption that institutions can be understood as “the rules of the game” (North, 1990).

Specifically, Douglass North (1990, p. 3) defines institutions as “the humanly devised constraints that structure human interaction,” while W. Richard Scott (1995, p. 33) like “regulative, normative, and cognitive structures and activities that provide stability and meaning to social behavior.”

The formal (rules, regulations and laws) and informal (norms, cultures, ethics) boundaries of a specific institutional framework have an impact on managers' strategic decisions, in addition to industry conditions and firm resources (Jarzabkowski, 2008). Although institutions serve a variety of purposes, their primary role is to diminish ambiguity and convey meaning (Peng, 2006; Scott, 2008a).

In general, institutions set boundaries for what is considered acceptable conduct and shape prevalent norms of behavior in order to reduce ambiguity for many stakeholders. As a result, actors behave rationally to further their goals and make choices that fit within the preexisting institutional structure (Lee et al., 2007). The judgment of actors may be clouded by uncertainty, and the signals that lead to choices and actions come from the appropriate institutions. These cues provide decision-makers, like strategists, direction and purpose (Jarzabkowski, 2008). The institution-based perspective adds by suggesting that companies must consider the effects of both formal and informal factors in addition to industry- and firm-level variables (Peng et.al. 2009).

The essential argument of the institution-based view is that institutions significantly influence the strategic decisions made by firms by setting boundaries for acceptable conduct and shaping norms of behavior. This influence aims to diminish uncertainty and ambiguity, encouraging actors within firms to make rational choices that align with the established institutional framework. The presence of institutions thus directs firms to consider both formal

and informal factors in their strategic planning, beyond just industry- and firm-level considerations.

Therefore, the institutional-based approach is an important framework for illustrating the challenges and obstacles faced by citizens of third countries as they navigate the institutional landscape of the EU, including legal structures and administrative processes. An institution-based perspective emphasizes the dynamic relationships between institutions and organizations and takes these interactions into account when analyzing strategic decisions. Immigration policies, labor market regulations, and cultural norms may all have an impact on how easy it is for nationals of other nations to find a job, use social services, and establish social networks. Knowing the formal and informal norms, traditions, and practices that make up the host society may help foreign nationals develop strategies for better integrating into the labor market and society and achieving their personal and professional goals. To get access to information, networks, and resources that will facilitate their integration into the host nation, for instance, migrants may turn to governmental organizations, non-governmental organizations, or other institutional players.

Organizations operating within or looking to enter the Austrian market can strategically align their human resource strategies with the opportunities presented by the RWR Card or EU Blue Card scheme. The institution-based view suggests that understanding and leveraging formal institutions, such as immigration policies, can provide firms with a competitive advantage. For instance, firms may focus on attracting highly skilled migrants who can fulfill specific roles that are hard to fill domestically, thus enhancing their operational capabilities and innovation potential. The RWR Card and EU Blue Card, as components of Austria's immigration framework, set specific criteria and conditions for the entry and residence of highly skilled migrants. From an institution-based perspective, companies must navigate these legal constraints effectively to leverage international talent. This entails not only understanding the legal requirements but also assisting potential employees in meeting these conditions, such as by providing support with the application process or meeting salary thresholds.

5. Legal Framework of Highly Skilled Third-country Nationals

Austria has taken certain steps to attract highly skilled TCNs, in order to stay competitive on the market and bring in highly skilled talent in the country. Two key schemes facilitating this

endeavor are the RWR Card and the Blue Card. The forthcoming chapters will offer an in-depth examination of both highly skilled immigration schemes, providing a comprehensive overview of their evolution, recent reforms, and critical evaluations, with a particular focus on the Blue Card scheme.

6. The Red White Red Card

Since 2002, Austria has been favoring the immigration of (highly skilled) foreigners. At such a time, quotas were employed to control the immigration of people from other countries for the goal of finding employment. These immigrants were mostly (highly) qualified employees, or so-called "key workers." The definition of highly skilled migrant was highlighted by Biffl (2011) in his "Study of the National Contact Point Austria in the European Migration Network (EMN)" - **Highly skilled** ("highly qualified employment") is the foundation of this term. This relates to an individual classified as a manager, executive, professional, or technician, navigating within the inner labor networks of multinational organizations and international entities, or actively pursuing employment opportunities through global labor markets for specialized skills. In Austria, a difference is made among highly skilled (indicating an individual with the mandatory and distinct abilities, demonstrated by advanced educational credentials and/or substantial professional experience) and highly qualified (indicating someone with the necessary and specific competence, validated solely by higher educational qualifications). This differentiation mirrors the education and training framework in Austria, which places significant emphasis on practical readiness. (Biffl, 2011, pp. 16-17).

The early stages of the Austrian labor migration system date back to the early 1960s and the alleged "guest worker model." This purpose of this model was to fulfill seasonal rather than structural labor needs. After World War Two, Austria was the was unable to recruit highly skilled workers due to its low pay in comparison to other immigrant nations. As a result, Austria lost highly skilled Austrians to neighboring Germany and Switzerland, as well as to immigrant nations such as the United States, Canada, and Australia. Hence, labor shortages occurred. Given the intense competition for talented employees, Austria was unable to attract highly skilled migrants. As a result, it was forced to reorganize work organizations within enterprises and a given production technology in consonance with the skills available, supplemented by unskilled and semiskilled foreign workers.

Midway through the 1980s, the need for economic migrants fell as the Austrian labor supply expanded, mostly due to the entry of the baby boom generation into the labor market. Yet, family reunion and chain migration had already established themselves, favoring supply-driven immigration as opposed to demand-driven immigration. In addition, the number of asylum seekers and refugees increased the labor supply. In 1992, the foreign worker legislation was supplemented by immigration rules modeled after the immigration laws of the United States in an attempt to embrace immigration. In view of the free movement of labor in the EU, Austria limited the influx of third-country migrants, notably workers. Only family members (reunification) and a limited number of highly trained economic migrants from foreign nations were permitted entry. After 1992, the immigration rate decreased precipitously; net immigration increased gradually following Austria's accession to the EU and accelerated with the commencement of the EU's eastern expansion. The government hesitated to implement legal reforms comparable to those in the United Kingdom in 2005 until 2008, in acknowledgment of the fact that the Austrian education system could not adequately meet the demand for skilled workers. Finally, in 2009 RWR card discussions happened where Austrian government developed an immigration model capable of attracting highly skilled economic migrants from third countries (Biffl, 2011, pp. 18-19).

The RWR Card system went into effect on July 1, 2011, in order to better fulfill the demands of the Austrian labor market (Bittmann, 2013, p. 12). The Federation of Austrian Industry, the International Organization for Migration, and the Austrian Federal Economic Chambers published a collaborative discussion paper for the creation of a prospective immigration model in November 2008, adhering to the tenets of the immigration models in Canada, Australia, and the United Kingdom. The Austrian People's Party (VP) and the Social Democratic Party of Austria (SP), who were in a coalition government at the time, committed to advancing the RWR Card by including some of the proposals in their government program (legislative term 2008–2013) (Bittmann, 2013, p. 12). The introduction of the RWR Card signaled a shift in the labor migration system from a "quota-based system" one to one that evaluates immigration prospects using specific and qualitative criteria (Kreuzhuber and Hudsky, 2011, p. 85).

The RWR Card is a points-based system that incorporates supply- and employer-driven factors based on individual characteristics, including age, language proficiency, educational attainment, and work experience. Within itself, the RWR Card is a "single permit," giving the owner the ability to dwell and engage in business activity. Various groups of highly qualified

citizens of third countries are the target audience. Very highly qualified personnel, skilled individuals in occupations where there is a lack of talent, additional key personnel, graduates of Austrian universities and schools of higher education, and key personnel who are self-employed. The RWR Card and its specifications are the outcomes of a negotiating process that included the viewpoints of the relevant ministries, social partners, and the Federation of Austrian Industry (Bittmann, 2013, p. 12). The created method of requirements considers the applicant's unique circumstances along with the state of the labor market, which has an impact on the total point evaluation (Kreuzhube & Hudsky 2011, p. 85).

The specified criteria and their assigned values vary significantly across levels, but in general, they are as follows: certain credentials and skills; job experience in line with qualifications; language proficiency (German or English); age; and educational background or professional experience in Austria.

The following people may receive a RWR Card if the general criteria for the issuing of a residence permit have been accomplished:

- 1) “Very Highly Qualified Workers
- 2) Skilled Workers in Shortage Occupations
- 3) Other Key Workers
- 3) Graduates of Austrian Universities and Colleges of Higher Education
- 4) Regular Workers in Tourism, Agriculture, and Forestry
- 5) Self-employed Key Workers
- 6) Start-up Founder” (Migration.gv.at, 2023).

There are two types of a RWR card - a RWR card which allows residence and employment with a specific employer, and it lasts for 24 months and a RWR Plus card which gives TCNs the residence and unlimited labor market access (Migration.gv.at, 2023). The federal government has created an official website (www.migration.gv.at/en) that offers specific details about Austria's working and living circumstances, RWR Card requirements, and immigration procedures. The offered material is accessible in both German and English and includes a point calculator to assist prospective citizens of third countries in determining if they are eligible for immigration (Bittmann 2013, p. 25). What is common to almost all RWR types is a requirement to meet a particular number of points to qualify for the corresponding work permit. For the RWR Skilled Workers in Shortage Occupations and the RWR Card Other Key Workers a minimum score of 55 out of a potential 90 points was required. For

“Very Highly Qualified Workers” attaining a minimum of 70 points out of 100 is a requirement. Furthermore, each scoring system is subdivided into subcategories with a maximum number of attainable points. Qualification, appropriate job experience, language skills, and age have been required sub-categories for all RWR Cards (Migration.gv.at, 2023).

Individuals who have completed their education at Austrian Universities or Higher Education Institutions are exempt from the points-based system. The RWR Card grants the holder the right to live in Austria temporarily and to work for a specified employer over a two-year period. Eligibility for the RWR Card is extended to graduates from Austrian universities, universities of applied sciences, or accredited private colleges. To qualify, applicants must prove they have completed an educational program at one of these institutions, which could be a diploma degree at the second level, a bachelor’s, master’s, or doctoral program. (Migration.gv.at, 2023).

6.1 Recent legal reform of the RWR Card and the EU Blue Card in Austria

In Austria, the employment of noncitizens is governed by the Austrian Act on the Employment of Foreign Nationals (Ausländerbeschäftigungsgesetz - AuslBG), while issues related to the residency of noncitizens fall under the Law of Settlement and Residence (Niederlassungs- und Aufenthaltsgesetz - NAG). Section 1 of AuslBG regulates the employment of all foreign nationals in Austria. NAG encompasses both working non-citizens and other noncitizens, applying to anyone who wishes to live in Austria for more than six months. AuslBG was enacted in 1975 and has undergone multiple revisions since then. NAG, on the other hand, was implemented in 2005 and, like AuslBG, has experienced several changes over time (RIS - Niederlassungs- Und Aufenthaltsgesetz; RIS - Ausländerbeschäftigungsgesetz).

The most recent change of the RWR Card underwent a significant legal reform that became effective on October 1, 2022. It is the most recent revision of both the Niederlassungs- und Aufenthaltsgesetz (NAG) and the AuslBG (Ausländerbeschäftigungsgesetz). Beginning on October 1, 2022, businesses in Austria looking to hire TCNs (i.e., those who are not citizens of an EU/EEA member state or Switzerland) will have a couple of refinements. Austrian authorities will now handle applications for a RWR Card or an EU Blue Card more swiftly than previously (Migration.gv.at, 2023).

These changes will primarily put the following policies into place:

- “Faster processing of procedures
- Easier criteria for obtaining the RWR Card: changes in the allocation of points for qualifications, work experience and language skills; age-independent minimum salary for Other Key Workers; elimination of the minimum salary for Graduates; extended allocation of points for the criterion "age" for Skilled Workers in Shortage Occupations
- Introduction of an employment permit for specialists within the framework of projects
- Inclusion of Regular Workers in Tourism, Agriculture and Forestry in the RWR Card system
- Expansion of the regular Seasonal Worker scheme
- Implementation of the new EU Blue Card Directive: facilitating the change of employer and improving the mobility of EU Blue Card holders, and lowering of the required minimum wage threshold
- Installation of the ABA WORK in AUSTRIA as a counseling center for companies and skilled workers” (Migration.gv.at, 2023).

The RWR Card for Other Key Employees ("Rot-Weiß-Rot-Karte für Sonstige Schlüsselkräfte") recognized two minimum wages up to 30 September 2022, one for qualified workers under the age of 30 and one for those over 30. The higher minimum wage for skilled employees over 30 has been eliminated by the reform. This indicates that beginning October 1, 2022, a minimum gross monthly wage of € 2,835 is required for this form of Red-White-Red-Card, regardless of the person's age (Austrian Business Agency, 2022).

Residence permit	Previous minimum salary (gross p.a., 14 salaries)	New minimum salaries (gross p.a., 14 salaries)
RWR Card for Graduates	€ 35,721	Remuneration pursuant to collective agreement and common overpayment
RWR Card for Other Key Workers 30 or older	€ 47,628	€ 39,690
EU Blue Card	€ 66,593	€ 44,395

Figures applicable for 2022

(Austrian Business Agency, 2022)

The RWR- Card for Graduates (formerly known as the "Rot-Weiß-Rot - Karte für StudienabsolventInnen") was formerly only granted to those who made a minimum monthly gross wage of €2,551.50. This condition is no longer necessary. As a result, the remuneration for this RWR- Card subcategory may only be in accordance with the appropriate collective agreement and accepted local norms. Companies looking to hire former seasonal employees on a long-term basis may find the newly created subclass of the RWR- Card, the so-called RWR- Card for Regular Seasonal Workers ("Rot-Weiß-Rot - Karte für Stammmitarbeiter," and the "Ersatzkraftverfahren" labor market test is no longer required (Austrian Business Agency, 2022).

6.2 Red White Red Card Plus

Under the provisions of the Settlement and Residence Act, the RWR Card Plus is issued to non-EU nationals, offering them a designated period of residency with full access to the job market. This card can also be extended to family members. Obtaining this card requires meeting specific criteria, including a formal nod from the Public Employment Service Austria's regional office and availability under a certain quota. Moreover, family members of third-country nationals who have a Permanent Residence - EU status in another EU Member State might be eligible for the RWR Card Plus if the primary individual holds an RWR Card and the family member satisfies the standard eligibility requirements. In a similar vein, relatives of EU Blue Card holders from another Member State can apply for the RWR Card Plus, provided they have previously lived in that state and meet its requirements. It also opens up eligibility for the RWR Card Plus to unmarried partners from third countries in long-term relationships and their family members, given that proof of the relationship's longevity is presented (Buschek-Chauvel and Chahrokh, 2015, p. 21; Settlement and Residence Act Niederlassungs- und Aufenthaltsgesetz - NAG; Employment of Foreigners Act Ausländerbeschäftigungsgesetz - AuslBG).

7. The development of the Blue Card Directive and its revisions

This chapter aims to provide readers with an insight into the evolution of the EU's labor migration framework in order to increase comprehension of the dynamics and rationale behind the development of EU labor migration policy. On this premise, the chapter seeks to present the Blue Card's concept, as well as the weaknesses of the Directive that became apparent during implementation and resulted in its changes.

7.1 The development of EU Blue Card

Ever since the complete implementation of the 1987 Single European Act, granting EU citizens extensive freedom to reside, work, and participate in elections (at both local and European levels) in fellow EU member states, Europe has progressed in establishing what can be termed as "a two-tier immigration system." This system involves granting special rights and privileges exclusively to EU citizens, while providing limited rights and privileges to TCNs. Notably, TCNs lack certain fundamental rights such as the freedom of movement, which was originally envisaged as a key objective in the EU's idea of a "zone of freedom, security, and justice" (Luedtke, 2009, p. 2).

The foundation of the Schengen region and freedom of movement inside the EU prompted the development of a European migration strategy. The application of the Treaty of Amsterdam in 1999, which granted the EU responsibilities in external border control, visa, asylum, and legal migration policy, was the first key step in the establishment of a single EU migration policy. Even though this reform gave the European Commission the authority to start and develop EU refugee and migration policy, national preferences were being protected since member states agreed to make decisions collectively. (Cerna, 2014, p. 77).

The Treaty of Amsterdam in 1997 was the first significant step forward in the EU's immigration policy which made it easier to regulate non-EU citizens' immigration, residency, and work rights within the EU and formed joint EU responsibilities for the Area of Freedom, Justice, and Security for the very first time. A legal foundation for the regulation of entrance and residency requirements, such as long-term residency permits and family reunification, and also the rights of TCNs who are lawfully residing in the EU, along with their freedom of movement within the EU, is provided by Article 79(2) TFEU. Nevertheless, Article 79(5) TFEU makes it clear that Member States continue to be entirely responsible for selecting the

number of foreign people they allow into their countries with the aim of employment (Stuchlik and Poptcheva, 2015, p. 4).

The Hague Programme, successfully passed by Member States, was adopted in 2004 and replaced the Amsterdam Treaty as the foundation for EU asylum and migration policymaking. It brought significant institutional reforms. First, it gave the European Commission, the EU's executive body, the "exclusive power of initiative" (to propose new legislation). Second, it enforced a majority vote in the European Council, the EU legislative body composed of national governments. The establishment of majority voting (rather than unanimity) meant that the "national veto" was no longer valid; hesitant member states could be outnumbered. Finally, the Hague Programme granted the European Parliament "codecision" authority, which meant that the (directly elected) European Parliament could make modifications and reject legislation. These significant measures marked a win for "supranationalism over national power in all policy areas except one: legal migration." (Luedtke, 2009, p. 3).

The Blue Card Directive, proposed in 2007 and adopted in 2009, was the first tangible consequence of the Commission's strategy framework. According to the results of the Commission's public consultation, member states preferred one of the five potential mechanisms for allowing highly skilled migrants, who they believed would be "good and harmless" and come in small numbers (Cerna 2014, p. 78). The Blue Card Directive forms part of a suite of seven directives by the European Union aimed at regulating legal migration. Spanning from 2003 to 2016, this EU legal framework for migration includes directives that cover the main types of legal migration, specifically targeting family members, students, and workers. However, these legislative measures do not apply to the entry of low-skilled (with the exception of seasonal workers) and medium-skilled workers, as well as self-employed individuals from non-EU countries (de Lange & Vankova, 2022, p. 275).

The EU Blue Card was the first EU regulation governing labor immigration from non-EU countries. The argument for its acceptance was that the EU might provide more professional possibilities to highly educated immigrants and is, therefore, a more appealing destination than one Member State, in view of the aims stated in the 2000 Lisbon Strategy to create the EU a knowledge-based economy (Stuchlik and Poptcheva, 2015, p. 4).

In March 2000, the European Council during its meeting in Lisbon, established an ambitious goal for the Community to transform into the world's leading competitive and dynamic knowledge-driven economy by the year 2010. This vision aimed to foster economic growth, improve job quality and quantity, and strengthen social cohesion. As part of the broader

agenda outlined by the Lisbon Strategy and further detailed in the Commission's Communication on December 11, 2007, regarding integrated guidelines for growth and jobs, there is a strategy to attract and maintain highly skilled workers from outside the EU to meet the specific needs of Member States (Art. 63.3. Council Directive 2009/50/EC). Additionally, the European Council, through the Hague Programme adopted on November 4 and 5, recognized the pivotal role of legal migration in enhancing Europe's knowledge economy, thereby facilitating economic expansion and supporting the objectives of the Lisbon Strategy. Consequently, the European Council directed the Commission to develop a comprehensive policy on legal migration, including efficient entry processes that quickly respond to the fluctuating demands of the labor market for migrant workers (Art. 63.4. Council Directive 2009/50/EC). On the 14th and 15th of December 2006, the European Council committed to a range of measures for 2007, including the development of effectively administered policies on legal immigration, completely preserving national competencies, to help Member States in fulfilling their current and future labor demands. (Art.63.5. Council Directive 2009/50/EC.) The Directive enables the authority of Member States to decide the admission volumes of non-EU entering their territory for highly skilled occupations. Concerning admission numbers, Member States maintain the ability to deny work-related residency rights for particular occupations, economic sectors, or locations (Art.63.8. Council Directive 2009/50/EC.)

Eligibility criteria

In accordance with the Directive, the EU Council provides the following definitions: **Third-country national:** "means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty" (Art.2.a. Council Directive 2009/50/EC.).

Highly qualified employment: "means the employment of a person who: in the Member State concerned, is protected as an employee under national employment law and/or in accordance with national practice, irrespective of the legal relationship, for the purpose of exercising genuine and effective work for, or under the direction of, someone else, is paid, and, has the required adequate and specific competence, as proven by higher professional qualifications" (Art.2.b. Council Directive 2009/50/EC.).

First Member State: signifies a Member state that first authorizes an EU Blue Card to a TCN (Art.2.c. Council Directive 2009/50/EC.).

Second Member State: indicates any Member State that is not the first Member State.

Family Members: refer to TCNs according to the definition in Article 4(1) of Directive 2003/86/EC (Art.2.d. Council Directive 2009/50/EC.).

Higher professional qualifications: correspond to credentials verified by proof of higher educational credentials or, by means of derogation, when specified by national law, provided by a minimum of five years of professional experience, which could be compared to higher educational credentials relevant to the occupation or the field of the job offer (Art.2.f. Council Directive 2009/50/EC.).

Higher education qualification: refers to any degree, diploma, or other official qualification granted by an authorized authority proving one's accomplishment of a tertiary education program, specifically a number of courses offered by an educational facility accepted as an institution of higher education by the State in which it is located. A qualification of higher education is recognized if the duration of the completed studies lasted at least three years (Art. 2.g. Council Directive 2009/50/EC.).

Some provisions for TCNs exempt from this Directive (Art. 3.2. Council Directive 2009/50/EC.) include:

TCNs granted temporary protection allowing them to live in a Member State or awaiting the outcome of their appeal (Art. 3.2.a. Council Directive 2009/50/EC.).

TCNs applying for international protection or having stateless status (Art. 3.2.b. Council Directive 2009/50/EC.).

TCNs applying to live in a Member State for research purposes (researchers) (Art. 3.2.d. Council Directive 2009/50/EC.).

TCNs who are family members of EU citizens (Art. 3.2.e. Council Directive 2009/50/EC.).

TCNs who are EU long-term residents and can move to another Member State for economic activity (Art. 3.2.f. Council Directive 2009/50/EC.).

TCNs visiting a Member State for a temporary stay of specific categories related to trade and investment (Art. 3.2.g. Council Directive 2009/50/EC.).

TCNs permitted to enter a Member State's borders as seasonal employees (Art. 3.2.h. Council Directive 2009/50/EC.).

The Directive established a demand-driven entrance process based on objective criteria, such as a minimal income threshold equivalent to that of the Member States, and professional credentials. It is vital to define a lowest common threshold for salary requirements in order to attain a minimum degree of harmonization of admissions criteria across the Union. The salary

criteria are a minimal standard, although Member States may establish a higher salary level. The Member States are to determine their respective thresholds in line with the state and structure of their individual labor markets and their overall policies on immigration. An exemption from the primary plan with respect to the income threshold may be created for certain occupations if any Member States have shortages of certain occupations (Art.63.10. Council Directive 2009/50/EC.).

Requirements for admission

TCNs who submits an application for an EU Blue Card Directive must provide a lawful contract of employment or as required by national law, a legally enforceable job offer for highly qualified employment for a minimum of one year in the particular Member State (Art. 5.1.a. Council Directive 2009/50/EC.). For unregulated occupations, TCNs should demonstrate the appropriate higher professional credentials in the vocation or industry named in the employment contract (Art. 5.1.c. Council Directive 2009/50/EC.). They should also present a valid passport and a health insurance policy that covers all risks in a particular Member State (Art. 5.1.d. Council Directive 2009/50/EC.; Art. 5.1.e. Council Directive 2009/50/EC). Moreover, TCNs must not represent a risk to public health, safety, or policy (Art. 5.1.f. Council Directive 2009/50/EC.). Applicants are also asked to provide the address in the Member State in question (Art. 5.2. Council Directive 2009/50/EC.)The annual gross income, as outlined in the employment contract or binding job offer—whether calculated monthly or yearly—must not be less than the salary threshold set by Member States. This threshold should be at least 1.5 times the national average gross yearly salary in the specific Member State (Art. 5.3. Council Directive 2009/50/EC). Nonetheless, for occupations experiencing a high demand for international professionals, the required salary level may be reduced to at least 1.2 times the national average gross annual earnings in the respective Member State (Art. 5.5. Council Directive 2009/50/EC.).

Rejection reasons:

1. Member States are obligated to reject EU Blue Card applications where the applicant does not satisfy the requirements of Article 5 or when the documentation submitted has been unlawfully obtained, forged, or altered (Art. 8.1. Council Directive 2009/50/EC.).
2. Member States are permitted to assess the condition of their labor market and apply their established national protocols concerning vacancy criteria when evaluating an application for an EU Blue Card. This evaluation is also applicable when making determinations on extensions or authorizations within the initial two years of employment for EU Blue Card holders. Additionally, Member States are required to verify whether vacancies remain unfilled despite efforts to engage the national or Community workforce, citizens of third countries residing in the Member State, or long-term residents of the EC (Art. 8.2. Council Directive 2009/50/EC.).
4. Member States have the right to refuse EU Blue Card applications in order to assure ethical hiring practices in industries where there is a shortage of competent employees in the countries of origin (Art. 8.4, Council Directive 2009/50/EC.).
5. Member States may deny an application for an EU Blue Card if the hiring company has received a penalty for illegal or unregistered employment, in accordance with national legislation (Art. 8.5. Council Directive 2009/50/EC.).

As soon as possible, but no later than 90 days after the application is filed, the appropriate authorities of the EU State should make a resolution regarding the application for an EU Blue Card and inform the person submitting the application via written notice (Art. 11. Council Directive 2009/50/EC.). Access to the labor market for a Blue Card holder is limited for the first two years; after this period, holders will have the same access to the labor market as Member States (Art. 12.1 Council Directive 2009/50/EC.). Employer changes within the first two years are allowed only with written approval from the relevant Member State authority.

Equal treatment:

EU Blue Card holders are treated equally with citizens of the Member State issuing the Blue Card in the following areas: conditions of employment, such as pay and termination, along

with safety and health standards at the workplace (Art. 14.1.a. Council Directive 2009/50/EC.) the right to be part of organizations that represent employers or employees, the same rights related to education and work training, (Art. 14.1.b. Council Directive 2009/50/EC.) Recognition of degrees, certificates, and other types of professional credentials, obtaining housing and statutory pension (Art. 14.1.d. Council Directive 2009/50/EC.; Art. 14.1.f. Council Directive 2009/50/EC.; Art. 14.1.g. Council Directive 2009/50/EC.).

Family reunification

The duration of a family member's residence permit is linked to that of the EU Blue Card holder, granting family members unrestricted access to the country's territory and labor market (Art. 15.5. Council Directive 2009/50/EC). Notably, there is a deviation from the Family Reunification Directive as family reunification is not contingent on demonstrating the EU Blue Card holder's likelihood of obtaining permanent residence or their duration of stay in the country (Art. 15.2. Council Directive 2009/50/EC).

Long-term residence

In derogation from Article 4(1) of Directive 2003/109/EC, an EU Blue Card holder is granted the ability to aggregate periods of residency in other Member States to fulfill the residency duration requirement, subject to the following conditions: "(a) five years of legal and continuous residence within the territory of the Community as an EU Blue Card holder; and (b) legal and continuous residence for two years immediately prior to the submission of the relevant application as an EU Blue Card holder within the territory of the Member State where the application for the long-term resident's EC residence permit is lodged" (Art. 16.2.a. Council Directive 2009/50/EC; Art. 16.2.b. Council Directive 2009/50/EC).

This provision deviates from Directive 2003/109/EC, which stipulates that to be recognized as a third-country national with the right to mobility within the EU, a continuous residence of five years in a single Member State is required (Council Directive 2003/109/EC).

The right to mobility across the EU

After a period of 18 months of legal stay in the first Member State, holders of the EU Blue Card are eligible to relocate to another Member State for the purpose of engaging in highly

skilled work (Art. 18.1. Council Directive 2009/50/EC). For recognition as an EU Blue Card holder in the new Member State, the person must file an application for the EU Blue Card, including all necessary documents, with the authorities of this new Member State. This application process can be initiated while the individual is still in the initial Member State or must be completed no later than one month after moving to the new Member State. The authorities of the second Member State have the authority to permit the applicant to commence employment while the decision on their application is being made (Art. 18.2. Council Directive 2009/50/EC).

The right of a Member State to select the number of foreign nationals for entering its borders in order to obtain highly qualified positions remains unaffected by this Directive (Art. 6. Council Directive 2009/50/EC.); therefore, the Directive does not create an admission right; this is left up to the Member States' judgment. The existence of parallel national systems for highly qualified immigrants in the many Member States, which set different admission requirements, including labor market tests and permit durations, sometimes less onerous for national Blue Cards than for the European Blue Card, made it more difficult to implement the Directive effectively (Stuchlik and Poptcheva, 2015, p. 4).

From the above-presented literature, it is evident that the EU has undergone a lengthy process when it comes to establishing a common labor migration policy. However, Martinez (2016) argues that from a policy standpoint, adopting a common policy in labor migration should be less complicated than in other areas of migration because Member States are not required to follow provisions of binding international agreements when deciding who can come to reside and work in the EU.

7.2 Criticism of the 2009 Blue Card Directive

The Blue Card program has been critiqued for its ineffectiveness, attributed to several factors including its restrictive focus, stringent requirements such as the high salary threshold, limited provisions for mobility within the EU, extensive bureaucratic processes, and the existence of competing national schemes. It has not managed to attract as many individuals as national programs in various Member States. Both the European Commission, through its Implementation Report, and scholars have pointed out the shortcomings of the 2009 EU Blue

Card, particularly its inadequate admission rates and the limited mobility it offers holders. The key issues identified include poor admission numbers, failure to effectively attract and retain graduates, excessive leeway allowed to Member States in implementing the Directive, competition with national schemes for TCNs, restricted access for SMEs, obstacles in the recognition of foreign qualifications, constrained intra-EU mobility opportunities, lengthy administrative processes, overly stringent eligibility criteria, and a limited set of rights for beneficiaries and their families (Kalantaryan, 2017, p. 4).

The use and promotion of the Blue Card as the primary highly skilled immigration scheme or lack thereof - by Member States has been crucial in this regard. Fewer eligible individuals may have chosen the Blue Card over highly skilled national policies due to the Blue Card's administrative complexity and its somewhat lengthy application timeframes, as opposed to the very successful and marketed Dutch Highly Skilled Migrant Programme, for example. The Blue Card, on the other hand, was highly successful in Germany. Due to a number of variables, nearly all highly skilled TCNs applied for a Blue Card. This can be linked to a number of elements, including Germany's determination to proactively utilize the Blue Card program and its strong labor needs, presumably helped by the perception that German immigration policy is complicated (Lecerf, 2021, pp. 1-2).

The EU will require more highly skilled migrants as a result of impending skill and labor shortages, demographic issues, and the COVID-19 sanitary crises' economic impact. Antoons and Ghimis (2021) argue that an effective improvement of the EU Blue Card program should include:

- more accommodating admissibility requirements,
- process simplifications,
- substantial intra-EU mobility provisions for business travel, short-term employment, and, in some cases, relocation to a different Member State for employment

For people who do not meet the requirements for the EU Blue Card program, parallel national schemes should be permitted. Without these crucial adjustments, the administrative effort and time put into altering the current policies at the state and EU levels will not have the desired positive effect on how to attract highly skilled TCN (Antoons and Ghimis, 2021, p. 1).

Van Riemsdijk (2011) indicates that research shows the nation-state scale continues to be influential in the admittance of non-EU employees. The results also demonstrate that efforts to develop a single European skilled migration strategy are hampered by overlapping and

interweaving scales of decision-making authorities. The European Commission attempted to harmonize the acceptance of HS migrants, but member states opposed switching to the EU level of decision-making authority. They want to maintain control over who might enter their labor markets, which touches on societal issues of identity, belonging, and social security. That is why admission requirements and quotas for highly skilled TCNs are still under national state authority in the Blue Card's final form (van Riemsdijk, 2011, p. 355).

7.3 Changes of the proposal in 2016 and 2021

7.3.1 Resolution in 2016:

In May 2014, the evaluation report of the EU Blue Card Directive was unveiled to examine how well national laws matched up with the directive's stipulations. This evaluation revealed considerable variations in the issuance of EU Blue Cards across Member States, attributable to differing policy choices, which led to a competitive dynamic with national programs. The existing EU Blue Card Policy sets minimum requirements, allowing Member States considerable autonomy in implementation, leading to diverse approaches and instances favoring national schemes. The report highlighted flaws in transposition and revealed that Member States overlooked reporting requirements, which were subsequently addressed. In 2015-2016, the Commission conducted an additional assessment, concluding that the current EU Blue Card falls short of its potential to compete with national schemes for highly skilled TCNs (European Commission, 2016). The European Agenda on Migration emphasized utilizing the EU Blue Card to establish an attractive EU-wide program for highly qualified non-EU nationals. A communication in April 2016 aimed to achieve this through a unified EU common approach with more flexible application criteria, improved admission processes, enhanced rights, and increased mobility within the EU. This initiative complements other instruments in legal immigration, including directives on intra-corporate transferees, students, and researchers. On June 7, 2016, the Commission adopted an action plan to support Member States in the integration of TCNs and their social and economic involvement in the EU. The modified EU Blue Card initiative aimed to simplify and enhance the attractiveness for highly skilled TCNs, featuring less restrictive admission requirements, improved conditions for family reunification, eased mobility, and the elimination of parallel national schemes (Lecerf, 2021, pp. 5-6). While the 2009 EU Blue Card Directive sought to harmonize entry and residence conditions, the current directive faced criticism for restrictive admission conditions

and limited intra-EU mobility facilitation. The Commission's Work Programme 2016 announced a review, resulting in a proposal to replace the existing EU Blue Card Directive. It aimed to enhance the EU's power to appeal and retain highly skilled TCNs, promoting their movement between Member States. The proposal outlined specific criteria, including a valid work contract, evidence of fulfilling national law conditions, proof of higher professional qualifications, and health insurance. Salary thresholds were determined by Member States, with specific reductions for occupations facing skills gaps. The maximum processing time for Blue Card applications was reduced, and holders gained favorable conditions for intra-EU mobility and family reunification. Furthermore, Blue Card holders meeting residency criteria could apply for long-term resident status (European Commission, 2016).

7.3.2 Changes of the proposal in 2021

In its 2016 resolution on the need for an all-encompassing EU migration policy, the European Parliament appealed for a reform of the Blue Card Directive. The Blue Card Directive plan has been referred to the Committee on Civil Liberties, Justice, and Home Affairs. The Committee approved the report and resolved to initiate interinstitutional discussions on June 15, 2017. Parliament resolved in October 2019 to recommence work on the subject as part of the outstanding business to be carried over (Lecerf, 2021). With its new regulations, it hopes to improve upon the 2009 directive's inadequacies while also making the redesigned Blue Card more appealing. The plan, among other things, would result in higher movement inside the EU, more rights for the beneficiaries, and quicker, easier, and more equal access for highly skilled TCNs to the Member States' labor markets. For instance, if a person holds a Blue Card and has lived consistently in a Member State, the duration of the contract needed to receive the card has been lowered from 12 months to six months, as he/she has the period necessary to get long-term residence (from five to three years). Additionally, the amount of time spent in the first Member State prior to being granted the right to live in another Member State has been reduced (from 18 to 12 months). Holders of Blue Cards would also be permitted to travel to and remain in other Member States without needing to get a work permit from that Member State in order to conduct business there. According to the current proposal, the Blue Card's regular expiration time must be at least 24 months long, or the length of the contract plus three months; nevertheless, a renewal must also be at least 24 months long. In the time frame of 60 days, applicants should be informed about the decisions. This process can be even faster for employers that are already recognized by the Member States - this procedure could last up to 30 days maximum. Holders of a Blue Card can also be self-employed activity outside their primary employment, to which the Blue Card relates.

Member States can only inquire the holder to communicate employer changes or any other modifications that could impact the holder's status as a Blue Card recipient. This simplifies accessibility to highly skilled TCNs in the EU. A family reunion is made easier, and restrictions on their ability to access the labor market are lessened thanks to the immediate issuance of permits to family members of Blue Card holders. Additionally, the wage thresholds were lowered to be equal to, or at most 1.4 times, the average annual gross national pay. The new program allows more flexibility for recent graduates and employees in professions where there is a lack of workers because they would just need to make 80% of the national income requirement, in line with decisions made by the Parliament. Additionally, the new approach requires Member States to accept the practical experience as a substitute for academic credentials, which could be difficult because of the lack of clear guidelines, as the Parliament has previously acknowledged. The modification suggests eliminating duplicate national systems in order to enhance the appeal of the new scheme and correct the inconsistencies in the former scheme (Lecerf, 2021, p. 5). National Parliaments Advisory Committees, and Stakeholders such as The Council for Global Immigration and the Transatlantic Business Council share their views on the changes to the proposal. The Committee supports the directive's modification; however, it would encourage the Member States to maintain their national schemes. It also raises skepticism regarding the use of lower salary thresholds and highlights the significance of treating citizens of other countries equally and closely involving social partners. The two Czech Parliament Chambers withheld their support for the proposal, stating that it is not in line with the form of subsidiarity; they also raised the problem of abolition of national schemes. Bulgarian Parliament emphasized the same points, stressing the impact of the proposal on the Bulgarian labor market. National Parliaments from five member states Austria, Italy, Poland, Portugal, and Romania sent their remarks as well. The Council for Global Immigration and the Transatlantic Business Council are in favor of a Blue Card program that is enforced uniformly and encourages intra-EU mobility, even if parallel national systems are kept in place. There has been some criticism among academics as well. According to Jean-Baptiste Farcy, eliminating parallel national programs would not make the EU more appealing, since it would likely cause hesitation among the Member States. In light of the present political environment, he also anticipates a protracted and challenging parliamentary procedure for the directive. This prognosis is supported by Maria Vincenza Desiderio, who lists the elimination of national programs and increased intra-EU movement are some of the primary grounds for disagreement (Lecerf, 2021, pp. 5-6).

7.4 The Blue Card in Austria

2011 saw the introduction of the Blue Card in Austria, along with the scoring system for the RWR Card. Since then, 12c AuslBG has been in effect, defining the wage requirement for the Blue Card at 1.5 times the average gross yearly earnings in Austria. Also, the need for verification of a higher degree (minimum study length of three years) is specified.

A TCN who has completed a degree program at a university or other post-secondary learning facility that lasted at least three years may be eligible for an EU Blue Card. However, for information and communications technology professionals and service managers, proof of at least three years of relevant professional experience is sufficient if it is comparable to a university degree that requires at least three years of study.

One also has to have a legally binding work offer in Austria for at least six months that pays at least the average gross annual wage for full-time employees and is related to their field of study. Moreover, a qualified applicant is ought to make at least the typical full-time employee's gross yearly income. Moreover, the employment market test

(Arbeitsmarktprüfung) has revealed that there is not a single similarly qualified candidate who has enlisted as a jobseeker with the Public Employment Service and is eligible for the position. There is no points system for candidates for the EU Blue Card. For those who are eligible for subsidiary protection or asylum in Austria, the EU Blue Card is also accessible. The right to a fixed-term residence permit and work with a particular company is granted by the EU Blue Card for a 24-month validity period. That means that the EU Blue Card is issued for a period of two years, unless the employment contract indicates a shorter duration. In such cases, the residence title shall be issued for a period exceeding the duration of the employment contract by three months.

Additionally, if an applicant's secondary job is related to their primary job and all other legal conditions are met, they can also be self-employed. Additionally, individuals holding an EU Blue Card who have been engaged in a position meeting EU Blue Card criteria for a minimum of 21 months within the last 24 months are eligible to request a RWR Card Plus. This application can be submitted to the relevant residence authority in Austria, namely the Provincial Governor (Landeshauptmann) or the authorized district administration bodies (Bezirkshauptmannschaft or Magistrat) (Migration.gv.at, 2023).

As a result of recent legislation changes, IT professionals are now also eligible for the EU Blue Card if they meet all other requirements and have at least three years of verifiable professional experience in their field. (Austrian Business Agency, 2022)

Along with the originally noted adjustments to salary, IT-specific requirements, and secondment, the law's overhaul also improved the EU Blue Card:

Professionals meeting the criteria, having worked in Austria for a minimum of one year with an EU Blue Card, are permitted to take up a new fitting full-time position in Austria. They can commence work for the new employer immediately, even before the completion of the Change of Immigration Status ("Zweckänderungsverfahren") process for the "new" EU Blue Card. A labor market analysis is also no longer required in this situation. Skilled workers with EU Blue Cards who have been employed in Austria for less than a year may start working for a new employer 30 days after submitting an application for the Change of Immigration Status procedure, regardless of whether the application process for the "new" EU Blue Card has not yet been completed. When skilled individuals who are employed in Austria on the basis of an EU Blue Card leave their positions or decide to change employers or for any other reason, they have six months to seek new employment in Austria. They are not required to leave the country right away. Reduced minimum wages are in effect as well. A request for an EU Blue Card could previously only be granted if the required minimum yearly gross income of € 66,593 was actually paid. The reform reduces this lowest gross compensation to €44,395 per year (Austrian Business Agency, 2022).

Family Reunification

Family members of third-country nationals planning to live or settle in Austria for a period exceeding six months require an appropriate residence title for long-term stays, as short-term residency titles are not issued for stays under six months (Migration.gv.at, 2023c). Under the Settlement and Residence Act, family members eligible for residency titles include spouses, registered partners, and unmarried minor children, which extends to adoptive and stepchildren. For spouses and registered partners, a minimum age of 21 years is required at the time of application (Migration.gv.at, 2023c). Eligibility for the RWR Card Plus residence title extends to family members of RWR Card or EU Blue Card holders, contingent upon fulfilling certain conditions. These include demonstrating adequate financial resources (€1,110.26 for single individuals, €1,751.56 for couples, with an added €171.31 for each child), securing health insurance coverage—which is often provided through family co-insurance for RWR Card and EU Blue Card holders—and ensuring suitable housing according to local norms. Importantly, the issuance of residence permits to family members of

RWR Card and EU Blue Card holders is not subject to any quota. Moreover, family members applying for the RWR Plus are required to show basic German language skills at the A1 level (Migration.gv.at, 2023c).

8. Research Methodology

The previous chapters provide a detailed examination of how the RWR and EU Blue Card systems have evolved, including the specific requirements for each and the reasons they were restructured to better meet labor market needs. This detailed context is crucial as it helps us understand the methodology section and the actual research part of the paper more clearly. By learning about the development and adjustments made to these policies, we can better grasp why these changes were necessary and how they aim to address labor shortages. This sets a solid foundation for the next parts of the study, where we dive into how these policies are applied in practice and explore their effectiveness.

The applicable research method for this thesis to succeed in answering research questions would be a combination of existing academic literature and qualitative case study analysis, including semi-structured interviews. Using diverse data sources and a number of perspectives, a qualitative case study is a research approach that aids in the analysis of phenomena within a specific context and reveals the phenomenon's many dimensions (Baxter & Jack, 2008). Therefore, a qualitative method will be able to reveal a different spectrum of experiences among participants.

The following is a list of the four steps to conduct a case study which will be implemented in the empirical research part which consists of “**Foundation phase**”, “**Pre-field phase**” and “**Reporting phase**” (Rashid et al., 2019, p. 2).

When contacting the participants, the researcher must be thoroughly aware of the goals and objectives of the study, and the entire process of including the participants must be properly planned with the goal of extracting the needed information from them. The foundation phase also incorporates research questioning methods based on the earlier-formed philosophical standpoint. The pre-field phase, which makes up the second part of the checklist, includes a step-by-step research protocol guide that highlights the important processes created before carrying out the case study. It is centered on developing a research topic, a research methodology, ethical issues, acquiring evidence, interpreting empirical data, analyzing data, and other factors. The third step, known as the field phase, is where the researcher interacts with participants. The most important phase, according to the abduction approach, is this one since it allows the researcher to examine and comprehend a social phenomenon from the viewpoint of social actors. The second step of the checklist's design process for the research

protocol guide makes sure that participants are informed of their role in the study. The reporting phase is the last step in the checklist when participants and cases are described. Additionally, it includes interpretation and analysis of empirical data as well as specifics on study methodology elements. The report ended at the conclusion with a summary of the facts, the case profile, and the solution to the issue that was the subject of the report (Rashid, et al., 2019, pp. 10-11). These four steps, with their sub-processes, will be the foremost guidelines when conducting my case-study interview with the four companies and participants from these firms.

The method for identifying and contacting companies involved an online search, primarily utilizing LinkedIn. This approach was chosen due to its effectiveness in reaching professional audiences directly. The companies selected for this study operate within industries known for experiencing a shortage of skilled labor, specifically in the technical sectors such as construction, engineering, and information technology. In total, approximately 20 companies were approached through LinkedIn with a personalized connection request and message explaining the study's purpose. Of these, only 2 companies agreed to participate in the research and requested anonymity for both their organization and 2 participating employees. Consequently, all data collected from participants has been treated with confidentiality. From the first consenting company, two holders of the RWR Card expressed willingness to participate in interviews. In addition to these, 4 other participants were chosen at random from a pool of 20 contacted individuals who were highly skilled TCNs. Among these four, one had previously held an EU Blue Card. Despite the limited response, the contributions from these participants have been helpful to the study. To cover topics that were not covered by the existing literature, primary research was conducted using qualitative semi-structured expert interviews including companies, Austrian Business Agency and targeted stakeholders from the HR department and either a RWR card or a Blue-Card holder. As there was not a satisfactory number of companies for conducting an interview, Austrian Business Agency was a good substitute as a beneficial source of valid information regarding EU Blue Card and RWR card.

Research questions to be answered are:

5. *To what extent has the EU harmonized the labor market when it comes to highly skilled TCNs?*

6. *How has the recast of policies answered employers' demands, taking into consideration the weaknesses in previous directives?*
7. *How has it increased attractiveness to highly skilled third-country nationals?*
8. *How have the processes been improved, taking into account the individual experiences of TCNs? 1. How can policy harmonization across EU member states be improved to better support highly skilled third-country nationals holding the EU Blue Card or RWR Card?*

Enrollment of participants: before conducting the interviews and alongside the literature review phase of the thesis, questions for the participants were created to align with answering the study's research questions. To contact interview participants, the professional networking platform LinkedIn was used, with initial contact made through personalized connection request messages. Upon confirmation of their participation, interviews were scheduled and subsequently conducted via Google Meets video conference - **the pre-field phase**.

Data collection: the approach for data collection was designed around conducting semi-structured interviews featuring open-ended questions, aimed at obtaining in-depth and descriptive responses from participants. Each interview, digitally recorded, spanned approximately 30 minutes. Following the interviews, transcripts were prepared using transcription software. The created open-ended questions, sought to gather comprehensive insights into the participants' experiences. Their responses proved to be highly informative, shedding light on a broad spectrum of topics. These included the application process, their personal journey in obtaining the card, and their perspectives on the benefits and challenges associated with it. The answers included issues such as the application procedure, their experiences in acquiring the card, their opinions of the advantages and difficulties of having the card, and their thoughts on the development of policies pertaining to both cards -**the field phase**.

Data analysis: the interview transcripts were summarized, and key themes were identified based on the shared experiences and insights of the participants. This analysis involved an examination of the narratives provided by holders of the Blue Card and RWR Card, alongside contributions from the participants of the two HR departments. The study offers insights into the experiences and perspectives of highly skilled TCNs and contributes to policy debates on

the harmonization of policies pertaining to both cards. The study also identifies areas for more research and policy development during **the reporting phase**.

Ethical considerations were also taken into account, including getting the participants' informed permission, protecting confidentiality and anonymity, and ensuring that the study is performed in a nondiscriminatory and non-stigmatizing way.

The sources used in the present thesis include EU documents, as well as governmental information websites of Austria (mostly used for information about RWR card) which offers information about its labor immigration regulations in English language in a highly transparent and detailed way. Among the EU documents, the 2009 Blue Card Directive and the 2016 proposal for a new Directive and its implementation in 2021 has been used to demonstrate the contents of the policy and the policy proposal and revision. Comprehensive and current literature on the Blue Card was utilized to the best extent possible due to the challenge of finding an adequate number of study participants.

9. Results

9. *To what extent has the EU harmonized the labor market when it comes to highly skilled TCNs?*

The Blue Card Directive is part of a collection of rules developed since 2001 when the European Commission suggested a comprehensive Directive for the work and self-employment of TCNs in the EU. However, the failure to establish such a common framework led to a step-by-step approach in European Union labor migration policy (De Lange and Vankova, 2022, p. 490).

The 2009 Blue Card Directive was not as successful as hoped in making the EU attractive to global talent. Only a few countries, like Germany, Poland, and France, mainly used it. In other EU countries, the Blue Card Directive had limited significance, as several factors contributed to this, including strict entry requirements, the existence of more favorable national schemes for highly skilled migrants, and insufficient promotion of the Blue Card Directive at the country level. This lack of awareness meant that both prospective migrants and employers had limited knowledge about it. Despite this, the EU's demographic challenges and skill shortages led to a revised Blue Card Directive in 2021, aiming to be more effective in attracting skilled workers. Member States are expected to implement it by November 18, 2023. Applying the revised Blue Card Directive provides a chance to tackle some of the significant challenges in EU labor markets in a more harmonized way (De Lange and Vankova, 2022, pp. 491-492). In the sphere of EU law, the entry of migrant workers is consistently restricted to an individual Member State. Because of that, intra-EU mobility stands out as a distinctive advantage the EU provides in contrast to national schemes. This rationale justifies the need for harmonized measures to attract and keep highly skilled workers (Guild, 2014).

The current body of EU legal migration rules aims to strengthen current national migration schemes rather than challenge them (Farcy, 2020). The EU measures in place establish only

baseline standards and explicitly permit the adoption of more advantageous regulations, acknowledging the coexistence of national schemes that grant substantial autonomy at the domestic level. This is achieved through the inclusion of optional clauses and references to national legislation. Moreover, the EU's power to establish common rules on labor migration does not affect the rights of Member States to decide on the number of labor migrants from third countries on their territory. Nor does it prevent them from carrying out labor market tests that give preference to domestic workers. Overall, this shows that the individual EU States have considerable leeway to interpret the objectives and principles of the Directives according to their specific labor market conditions and objectives (De Lange and Vankova, 2022, p. 493).

Overall, the recast Blue Card Directive, agreed upon in September 2021, replaces the 2009 Blue Card Directive due to its perceived failure in making the EU more competitive globally and addressing labor shortages. The new Blue Card Directive aims to improve entry and residence conditions, expanding its scope, reducing contract duration requirements, simplifying family admission rules, and easing intra-EU mobility. It introduces liberalized labor market access but retains flexibility for Member States. The Commission's proposal to abolish national schemes was not accepted, but the Directive mandates applying any favorable national rules to Blue Card applicants. Self-employment for Blue Card holders is introduced as an optional clause.

The revised Blue Card Directive introduces a harmonization approach recognized as 'encapsulating' national schemes. This method grants Member States a degree of control over their borders and labor markets while promoting alignment between EU and national migration laws. The Commission's employment of encapsulation mirrors the CJEU's principle of equivalence, aiming to limit the procedural independence of member states. This delineates the division of powers between the EU and its member states: the EU establishes rights through its substantive legislation, and member states devise resolutions in accordance with their own procedural regulations (De Lange and Vankova, 2022, p. 502; Lenaerts, 2011).

10. How has the recast of policies answered employers' demands, taking into consideration the weaknesses in previous directives?

Since the Blue Card Directive allows for employer-sponsored permits, in order to be attractive to employers, it must offer additional benefits compared to the numerous existing national schemes for labor migration of TCNs, without essentially eliminating them (Antoons and Ghimis 2021, p. 14).

From the employers' perspective, this means increasing the attractiveness of the Blue Card Directive's eligibility criteria beyond those of national systems. There is also a need to recognize professional skills and speed up processing times when assessing the eligibility of highly skilled migrants, possibly by integrating Blue Cards into the current fast-track procedures set up by recognized employers at national level (Rochel, 2020)

The Blue Card Directive should also simplify entry to the internal market by enabling short-term intra-EU mobility (Antoons and Ghimis 2021, p. 25).

In order to attract highly skilled TCNs in the "global race for talent", there must be offered a secure status that provides smooth integration. This involves enabling family reunification, easier admission to permanent residence and the right to long-term mobility within the EU. A secure status additionally reduces Member States' capacity to interfere in the Blue Card holder's interests (Rochel, 2020, p. 26).

The recast Blue Card Directive takes a comprehensive approach to reform, addressing several critical aspects that were previously seen as limitations or weaknesses. For employers, key issues included the complexity and variability of national schemes, the length and unpredictability of processing times, and the limited scope for intra-EU mobility. These aspects not only impeded the ability of EU-based companies to attract the best global talent, but also affected their operational flexibility and competitiveness. To remedy these issues, the revised directive introduces several innovative features. By aligning more closely with the needs of the modern labor market and the specific demands of employers, the Blue Card Directive aims to make the EU an even more attractive destination for highly skilled workers. This alignment is seen in efforts to streamline application processes, recognize a wider array of qualifications and professional experiences, and offer enhanced mobility and security to potential highly skilled migrants.

11. How has it increased attractiveness to highly skilled third-country nationals?

The EU Blue Card has undergone some significant improvements which would be beneficial for TCNs and are related to flexible requirements, eased recognition of qualifications and family reunification advantages. The eligibility criteria for the EU Blue Card will become more adaptable, with wage requirements ranging from 1 to 1.6 times the average gross annual salary, broadening accessibility. The minimum duration of work contracts will be reduced to six months. Professionals with equivalent qualifications and those in the information and communication technology sector will find it easier to demonstrate their expertise. Individuals with professional experience corresponding to a bachelor's degree in specific fields will also be eligible to apply. In the first year, EU Blue Card holders seeking to change positions or employers will only need to undergo a new labor market examination. Beyond this period, notifying relevant national authorities of changes in circumstances may be required. Additionally, highly qualified beneficiaries of international protection can apply for an EU Blue Card. In order to draw in and keep highly skilled workers from non-EU countries, family members of those holding an EU Blue Card will be granted entry into the EU's job market. After 12 months of work in the initial Member State, both EU Blue Card holders and their family members will have the opportunity to relocate to a second Member State under simplified mobility regulations. Furthermore, periods spent working in multiple Member States will be considered, facilitating access to the EU's long-term resident status. When it comes to the revised RWR Card the recent amendment has strengthened the appeal for highly qualified third-country nationals through significant changes and enhancements to the program. These improvements aim to streamline processes, provide greater flexibility, and establish more favorable conditions for skilled workers. Key enhancements include: Faster Processing - the revision promises swifter processing of procedures, reducing waiting times and enhancing overall efficiency. Simplified Criteria - modifications to the evaluation system for academic credentials, professional experience, and language skills, coupled with a fixed minimum wage for crucial workers irrespective of age, removal of the income threshold for university graduates, and an expanded scoring mechanism for the "age" factor for in-demand skilled occupations, facilitate easier qualification.

12. How have the processes been improved, taking into account the individual experiences of TCNs? 1. How can policy harmonization across EU member states be improved to better support highly skilled third-country nationals holding the EU Blue Card or RWRCard?

Speaker 1: Head of Mobility Department

Speaker 2: Head of HR department

The company 1 is known worldwide for its engineering services. Its main objective is to provide advanced solutions for the automotive sector. Dedicated to cutting-edge technology, the company works on system integration, design and product development, having a positive impact on the competitiveness and overall success of the automotive industry.

The interviewees mention that their company primarily focuses on the RWR card candidates and, according to their experience, they have no Blue Card holders. This suggests that the RWR card is the preferred route for their recruitment activities. The interviewees highlight that, in the past, there were difficulties in reaching the required points for highly qualified workers due to various factors like language certificates and work experience. The need for candidates to meet specific criteria caused stress for both HR department and applicants. The interviewees note that the new regulations since October 2022 have made it less difficult for candidates to receive the required points. This includes changes in the point system related to qualification, education, work experience, language knowledge, and age. The simplification of the point system is seen as a significant improvement. The interviewees mention that the preparation time for the process is now shorter because it's easier to get the required points. This addresses a previous challenge where reaching the required points was more complex and stressful. They state that, while the process itself remains around four to six weeks, the preparation time is shorter. Quick processing by the authorities, especially understanding the urgency of candidate requirements, is highlighted as positive. They are satisfied with the new regulations since October 2022, stating that it has immensely helped in the preparation of documents. The changes have made it easier for candidates to meet the requirements, reducing stress for both HR and applicants. The company is currently pleased with the process, and the streamlined application process is seen as a positive development. In summary, the recast of policies, especially the changes since October 2022, has positively impacted the company's ability to attract and hire highly skilled third-country nationals. The simplification of the point system, quicker processing times, and a streamlined application process are identified as improvements. The company's active use of platforms like LinkedIn

and a broader strategy for diversity and inclusion also contribute to making the workplace more attractive to a diverse talent pool.

Speaker 3: RWR Card Holder from the company 1 (Very Highly qualified worker)

The interviewee notes that the Austrian process was much faster compared to Germany. The company had a well-organized recruiting process, and once selected, the communication was continuous, leading to a smooth transition. The company provided a welcome booklet, which included essential information about the city, the RWR process, finding an apartment, and even suggested apartments and hotels. The interviewee emphasized the importance of having a contact person who provided detailed information on the documents required and steps in the process. The interviewee appreciated the clarity and planning provided by the company regarding the RWR process. This included specifying the types of documents required and the steps to be followed. The provision of a list of suggested apartments and hotels, as well as informing about the city, demonstrated a proactive approach by the employer. The interviewee highlighted the need for a residential apartment contract before applying for a visa in Austria. This was considered a potential challenge for those who do not have support in finding accommodation. The comparison with the process in Germany, where the interviewee was able to use a hotel booking initially, raises a point for consideration in the Austrian process. The interviewee expressed a positive outlook on their long-term plan in Austria and is already informing themselves about future steps, such as the RWR Plus card after two years. The interviewee suggested re-evaluating the requirement for a residential apartment contract before applying for a visa. Exploring alternatives, such as a hotel booking, could be considered to ease the process for those relocating from outside the country. In summary, the improvements in the processes, as perceived by the interviewee, include speed, efficiency, and support provided by the employer during the recruiting and relocation process. However, challenges related to the residential contract requirement for the visa were highlighted, suggesting a potential area for improvement to make the process more accommodating for individuals relocating from abroad.

Speaker 4: HR department from a leading European construction company with a strong international presence. Specializing in civil engineering, transport infrastructure and building construction, this company is a key player in the construction industry, focusing on innovation, sustainability and high-quality construction services.

The interviewee mentions that the expertise needed often requires the RWR card rather than the Blue Card. This could suggest that the recast policies might be more accommodating for specific skill sets or industries where obtaining the Blue Card might be challenging. However, the interviewee doesn't delve into specific policy changes but emphasizes that for certain nationalities, the RWR card is often necessary due to challenges with meeting Blue Card requirements. The interviewee acknowledges that the application process for the RWR card is easy to follow. This could be indicative of improvements in the clarity and simplicity of the application process. However, the interviewee notes a lack of guarantee regarding the processing time, suggesting that there might be room for improvement in providing more predictable timelines for applicants and employers. The interviewee highlights a specific challenge related to individuals in partnership relations but not officially married. This reveals potential gaps or ambiguities in the policies that need clarification. The need for many telephone calls to clarify this issue indicates an area where the policies may not be fully comprehensive. Despite these challenges, the interviewee views the existence of these processes positively, especially when comparing Austria to other countries, such as Germany. This implies that the recast policies might have addressed certain weaknesses or complexities observed in other European countries. The interviewee expresses a positive view that, overall, the processes in Austria are more streamlined and smoother compared to some other countries. This could contribute to increased attractiveness for highly skilled third-country nationals. The observation that Austria's processes are viewed favorably compared to Germany suggests that the recast policies might have made Austria more competitive in attracting skilled talent. The interviewee's mention of unclarity in specific situations, such as partnerships without official marriage, indicates that there might still be room for improvement in making policies more inclusive and clear. An explicit mention of how the recast has addressed weaknesses in previous directives is not provided, so further details on specific policy changes would be necessary for a comprehensive analysis. In summary, while the interviewee notes positive aspects, including an easy application process and Austria's relative advantages compared to other countries, there are indications of challenges and areas where policy clarification or improvement may still be needed to enhance the overall attractiveness of the RWR card system.

Speaker 5: Austrian Business Agency

The goal of the Austrian Business Agency (ABA) is to encourage and facilitate investment and company growth in Austria. Acting as a national organization for the promotion of

investment, ABA assists foreign businesses in starting up and growing operations in Austria. ABA offers a wide range of services, including as guidance on the Austrian business landscape and support with TCN legal and administrative processes. ABA assists TCNs - qualified professionals who often come from non-EU nations - with managing the challenges of establishing themselves in Austria. This entails giving details on the regulatory framework, administrative processes, and business climate in the area. The agency may also assist in positioning Austria as a desirable location for international talent in order to draw in TCNs who are qualified and will support the nation's economic development. Additionally, ABA's services may extend to helping TCNs connect with potential employers, making the process of skilled migration more seamless and enhancing Austria's competitiveness in the global talent market.

The EU has introduced the EU Blue Card and RWR Card schemes to attract highly skilled third-country nationals (TCNs). The interviewee distinguishes between different cards, including 'sonstige Schlüsselkraft' (other key workers) and 'Mangelberuf' (shortage occupations). The EU Blue Card is considered beneficial for a specific group due to its high salary threshold. Intra-EU mobility is facilitated by the EU Blue Card, providing flexibility compared to national schemes. The EU has made efforts to harmonize the labor market through specific directives like the EU Blue Card and RWR Card. Distinctions between different cards suggest a tailored approach to address specific needs, indicating a degree of flexibility within the harmonization framework. The emphasis on intra-EU mobility showcases an attempt to provide additional advantages over national schemes. The recast of policies, implemented in October 2022, brought about significant changes. The minimum salaries for various cards, including the EU Blue Card and RWR Card, were reduced considerably. Language certificates are now valid for five years, and work experience is considered if it lasts longer than six months. The employer can now file applications for family members, streamlining the process. The interviewee notes a positive impact on employers, especially in attracting talent from other EU countries. The reduction in minimum salaries addresses a potential weakness, making the schemes more accessible. Changes in language certificate validity and work experience requirements show an adaptive response to practical challenges. Allowing employers to file applications for family members simplifies processes and aligns with the needs of internationally mobile professionals. The interviewee highlights that the EU Blue Card, despite its high salary threshold, has benefits for certain cases, such as family reunification. Changes in minimum salaries and processing improvements contribute to increased attractiveness. The EU Blue Card now considers work in the IT sector on a graduated level without requiring a university degree. The adjustments, including decreased salary thresholds, improved language certificate validity, and simplified

family reunification, collectively enhance the attractiveness of these schemes. The recognition of work in the IT sector without a specific degree requirement expands opportunities, making the EU Blue Card more accessible. Clarifications in the application process and decreased minimum salaries contribute to process improvements. The digitalization of processes, such as the Project Anna, streamlines the movement of files from embassies to authorities in Austria. The interviewee expresses a wish for further digitalization. Clarifications and decreased minimum salaries address potential barriers in the application process. The implementation of digital processes, like Project Anna, demonstrates a commitment to efficiency. The interviewee does not express a need for further adjustments at the moment. Emphasis is placed on allowing time for recent reforms to evolve and for individuals to understand the benefits fully. The interviewee suggests further digitalization as a potential improvement. The emphasis on giving recent reforms time to evolve suggests a cautious approach to further adjustments. The suggestion for increased digitalization aligns with the broader trend in streamlining bureaucratic processes. Continuous monitoring and feedback mechanisms can help identify areas that might need further harmonization or improvement in the future. The interview reflects a positive response to recent policy changes aimed at harmonizing and improving the attractiveness of the EU Blue Card and RWR Card schemes. The reduction in minimum salaries, increased flexibility in language requirements, and the streamlining of family reunification processes contribute to making these schemes more accessible to highly skilled third-country nationals. Digitalization initiatives, such as Project Anna, show progress in administrative efficiency. The interviewee's perspective suggests that careful consideration and evaluation of recent reforms are essential before introducing further adjustments. Ongoing feedback mechanisms, digitalization, and transparency measures can contribute to continuous improvement and better support for highly skilled third-country nationals across EU member states.

Speaker 6

RWR Holder (Very Highly Qualified Worker)

The interviewee suggests that the application process for the RWR card is relatively easy and efficient, taking about two months. This could indicate improvements in the simplicity and speed of the application process. However, the interviewee mentions potential challenges for spouses in the relocation process. The need for a separate process for spouses and a suggestion for companies to assist with the spouse's relocation highlights an area that might

need improvement. Streamlining processes for dependents could enhance the overall experience for expatriates. The interviewee points out a potential area for improvement in policy harmonization across EU member states, especially concerning family reunification. The example given is about the difficulty faced by the spouse in terms of appointments and visa procedures. Suggests a need for more uniformity in policies to facilitate smoother transitions for families. The interviewee proposes improvements in allowing extended stays for spouses or family members. The current requirement for the spouse to live at least six months in Austria due to the RWR Plus card may not be suitable for everyone. The suggestion is for a more flexible system that allows family members to visit for an extended period without the need for repeated visa applications. There's a suggestion for providing more support in the event of job loss. The interviewee proposes a longer period, possibly six months, for individuals to stay in the country if they lose their job. This recommendation aims to provide a safety net for highly skilled workers while they search for new opportunities. The interviewee provides an example from London where there is a facility for family members to visit for shorter durations without the need for a tourist visa. This suggestion aims to simplify the process for short visits, making it more convenient for family members to join the expatriate worker without the burden of frequent visa applications. The interviewee highlights the financial implications of the current system, such as the high cost of insurance for a spouse during periods of unemployment. This consideration emphasizes the need for policies that are not only efficient but also economically viable for the individuals involved. In summary, the interviewee's responses suggest that while there have been improvements in the application process for the RWR card, there are still areas that need attention, particularly concerning family reunification and support during job transitions. The proposal for greater policy harmonization across EU member states, especially in facilitating family visits and extended stays, could contribute to a more seamless experience for highly skilled third-country nationals across Europe.

Speaker 7

RWR Holder (Very Highly Qualified Worker)

The interviewee faced challenges during the visa application process due to the peak of COVID-19, leading to delays in the overall process. This highlights a situation where external factors can significantly impact the immigration process for (TCNs). The interviewee points out a significant obstacle in the form of the lack of a tracking system for visa applications.

Not being able to monitor the progress of the application creates uncertainty and frustration. The interviewee suggests that having a tracking system or customer care number would greatly improve the applicant's experience. The interviewee feels that the stay in Austria is secure as long as there is an employment contract. This indicates a strong dependency on employment for the stability of the residence, emphasizing the need for policies that consider the employment status of TCNs. The interviewee proposes the establishment of a system to provide applicants with more information about the status of their applications. This is crucial, especially during delays, to alleviate concerns and uncertainties among applicants. The interviewee highlights a challenge related to family reunification. In their case, they were required to apply for the entry visa and RWR card separately before their spouse could apply for the RWR Plus. The lack of a streamlined process for family reunification poses a challenge and suggests a need for more cohesive policies across member states. There's inconsistency in the processing times mentioned by the interviewee. While some colleagues received their approvals within a month, the interviewee's spouse had to wait for three months. This inconsistency may indicate variations in processing times across different cases and regions, emphasizing the need for more standardized procedures. The interviewee's suggestion for a tracking system aligns with the need for harmonization. A standardized tracking system that works uniformly across member states could contribute to transparency and efficiency in the application process. Interviewee's perception that their stay is secure as long as they have an employment contract highlights the link between employment and residence. Harmonized policies across the EU could address such dependencies and provide a more uniform experience for TCNs. In summary, the interviewee's responses underline the impact of external factors, like the COVID-19 pandemic, on the immigration process. The lack of a tracking system and inconsistencies in processing times point to areas where improvements can be made. The interviewee's recommendations align with the need for enhanced policy harmonization across EU member states to create a more transparent, predictable, and supportive environment for highly skilled third-country nationals.

Speaker 8

(Previous Blue Card Holder, now a RWR Plus Holder)

The interviewee initially intended to apply for an RWR card but was advised by an external agency to apply for a Blue Card due to expected faster processing. The Blue Card application

took only two months, a significantly shorter time compared to the perceived slower RWR card process. The interviewee did not encounter obstacles during the Blue Card application process and did not face delays. The process was straightforward, and the agency efficiently handled the submission to the relevant authorities. Upon receiving the Blue Card, the interviewee felt a sense of security, knowing they could stay in Austria for three years. This provided stability despite the tie to a specific employer during that period. After the Blue Card's expiration, the interviewee applied for the RWR Card Plus, which took longer than expected. There was a slight delay, but eventually, the card was granted, allowing the interviewee to continue their stay in Austria. The interviewee expressed a concern about the duration of the process, particularly for the RWR Card Plus. The initial commitment was two months, but it took around four months, causing some inconvenience. The interviewee highlighted that educational background must be excellent, and applicants must possess high-level skills. It implies that a harmonized set of criteria across EU member states could provide clarity and consistency for highly skilled TCNs applying for the Blue Card. A harmonized approach to application procedures and requirements for both Blue Card and RWR Card across EU member states could streamline the processes. This could include standardized documentation and eligibility criteria. The interviewee's concern about the duration of the RWR Card Plus process suggests that there might be variations in processing times. Harmonizing processing times or providing clear expectations could improve the overall experience for TCNs. The Blue Card, with its faster processing time, is viewed positively by the interviewee. Policy harmonization across EU member states could offer a consistent and transparent experience for TCNs. The perceived delay in the RWR Card Plus process indicates a need for more uniformity in processing times and expectations. To Work towards harmonizing criteria for both the EU Blue Card and RWR Card across EU member states to provide a consistent standard for highly skilled TCNs. To Develop more streamlined and efficient application procedures, ensuring clarity on required documentation and eligibility criteria. Establish transparent and uniform processing times for visa and card applications, providing applicants with clear expectations. Enhance communication channels during the application process, keeping applicants informed about the status and potential delays. Periodically evaluate and refine policies and procedures to adapt to changing needs and address any emerging challenges in the visa application processes. In summary, harmonizing policies and procedures across EU member states, along with a focus on efficiency and transparency, can significantly improve the experiences of highly skilled third-country nationals applying for the EU Blue Card or RWR Card.

Speaker 9

RWR Holder (Studienabsolvent- before a Student residence permit holder)

The interviewee faced challenges due to a lack of Austrian work experience, making it difficult to find a job. Internship opportunities were limited for part-time work, which complicated the process of gaining relevant experience in Austria. The interviewee initially switched from a student visa to an RWR card without applying for a job-seeking visa. This process allowed the individual to have a year as a student to find a job. The flexibility in visa transitions was helpful in navigating the job search. RWR The interviewee's RWR card application was relatively smooth. The company was supportive, offering legal assistance, although declined by the interviewee. The delay in processing was attributed to COVID-related challenges, but the overall experience was positive. The interviewee highlighted challenges in securing a job within the required timeframe due to unexpected company closure. The limitations of the 21-month rule within 24 months added pressure to find a new job quickly. The interviewee expressed concerns about the security of their stay in Austria, citing challenges when changing jobs. The complicated process could lead to losing months in the 21-month requirement, especially if the job search and application process take longer. The interviewee proposed reducing the duration of the RWR card from two years to one year. This suggestion is based on the changing nature of the job market and the challenges associated with being bound to a company for an extended period. The interviewee suggested expediting processes for students who have invested time in studying in Austria. This includes faster processing after approval from Employment Service to minimize waiting times for work commencement. While not explicitly mentioned, the interviewee's experiences highlight potential areas for policy harmonization. Streamlining visa transitions, processing times, and job change procedures across EU member states could enhance the overall experience for highly skilled third-country nationals. The interviewee's journey reflects the complexities of the job market and visa processes, especially for those transitioning from student status to employment. Concerns about job security and the inflexibility of the 21-month rule within 24 months were evident. The proposal to reduce the duration of the RWR card and expedite processes for students reflects a need for adaptability in response to changing circumstances. Continue to provide flexibility in visa transitions for students, allowing them adequate time to find suitable employment without unnecessary bureaucratic hurdles. Consider reviewing and potentially reducing the duration of the RWR card to better align with the dynamic nature of

the job market. Explore ways to expedite processes for students transitioning to employment after graduation, minimizing waiting times and bureaucratic complexities. Collaborate with EU member states to harmonize policies related to visa transitions, processing times, and job change procedures to create a more consistent and transparent experience for third-country nationals. In summary, the interview highlights the need for continuous improvement in processes and policies to address the challenges faced by third-country nationals in navigating the job market and visa requirements, with a focus on flexibility, efficiency, and harmonization across EU member states.

10. Conclusion

Connecting the theoretical frameworks to the situation of labor migration in Austria and the wider EU context, it becomes evident that the migration of highly skilled individuals, such as those under the RWR Card and Blue Card schemes, is crucial. These migration policies are designed to address the labor shortages detailed in the earlier chapters, by attracting skilled migrants to fill gaps in the labor market that cannot be met by the native workforce or intra-EU mobility alone. The RWR and EU Blue Card schemes are tailored to simplify the entry and integration of highly skilled TCNs into the EU labor market, thereby mitigating the challenges posed by demographic changes and the aging population. The literature discussed in previous chapters provides a comprehensive understanding of the motivations behind migration and the structural needs of economies for skilled labor. It also helps to contextualize the importance of policies like the RWR and Blue Card in the broader strategy to address labor shortages through highly skilled migration. These policies not only aim to fulfill immediate labor market needs but also contribute to the long-term economic stability and growth of the EU by ensuring a steady supply of skilled labor essential for innovation and competitiveness in a globalized economy. The push and pull factors underscore the complexity of migration dynamics and highlight the importance of understanding certain factors such as economic prospects, labor conditions and institutional quality to craft policies that attract and retain highly skilled migrants, ultimately benefiting the economies and societies of EU nations. The evolution of Austria's immigration policy towards highly skilled migrants reflects a global trend of countries competing for talent to address labor market shortages and enhance economic competitiveness. The introduction and subsequent reform of the RWR Card and EU Blue Card system indicate Austria's commitment to making its labor market more accessible to non-EU highly skilled workers. By adapting its policies to be more competitive and inclusive, Austria aims to attract a workforce that can contribute to its economy, innovation, and technological advancement. This approach underscores the importance of dynamic immigration policies that respond to changing economic conditions and labor market needs.

From the literature review perspective on policy recast of the RWR and Blue Card and interview with Austrian Business Agency, it appears that recasts have increased attractiveness by simplifying procedures, expanding eligibility criteria, and offering more favorable conditions for highly skilled third-country nationals, making Austria a more appealing destination for their professional endeavors. The interview with Austrian Business Agency touches on the EU's efforts to harmonize the labor market for highly skilled TCNs through the EU Blue Card and RWR Card schemes, highlighting recent policy changes that include lowered minimum salary requirements, extended validity of language certificates, and simplified family reunification processes. These adjustments, along with digitalization efforts like Project Anna, are designed to make the schemes more accessible and attractive to TCNs. The interviewee suggests waiting to see the full effects of these reforms before making further adjustments, with a focus on enhancing digitalization to improve process transparency and efficiency. Overall, the recent policy recast responds positively to employer demands and increases the attractiveness of Austria for highly skilled TCNs, suggesting a progressive approach to policy harmonization and improvement.

The interviews with the HR department provide insights into how the recast of policies and improved processes have impacted the attraction and hiring of highly skilled TCNs across different sectors specifically focusing on the experiences with the RWR Card. Companies, especially in the engineering and construction sectors, have found the RWR card to be a preferred route for recruiting highly skilled TCNs, noting significant improvements in the process since new regulations were introduced in October. Simplifications in the point system for qualification, education, work experience, language knowledge, and age have made it easier for candidates to meet the requirements, reducing stress for both Human Resource departments and applicants. The streamlined application process and quicker processing times were particularly appreciated.

From the perspective of TCNs holding an RWR card, the Austrian process was highlighted as faster and more organized compared to other countries like Germany. The proactive support from employers, including the provision of a welcome booklet and continuous communication, facilitated a smooth transition for TCNs. Challenges were noted regarding

the requirement for a residential apartment contract before applying for a visa in Austria, suggesting an area for policy improvement. Employers emphasized the need for policy harmonization across EU member states to support highly skilled TCNs better. Specifically, they pointed out the necessity for a more accessible application process and clearer, more predictable processing times. Certain ambiguities in the policies, especially regarding partnership relations and the necessity for official marriage documentation, were identified as areas needing clarification. The positive changes since the recast of policies, including the ease of following the application process and improvements in policy clarity, were acknowledged. However, there were calls for further improvements to address specific challenges and ambiguities, indicating ongoing needs for policy refinement and harmonization to enhance the system's overall effectiveness and attractiveness. These interviews underline the importance of continuous policy evaluation and adaptation to meet the evolving needs of employers and highly skilled TCNs, aiming to maintain and enhance the competitiveness of the EU in the global race for talent. Challenges related to bureaucratic delays, inflexible processes, and difficulties in transitioning between jobs persisted in their experiences, indicating that further improvements are necessary. Positive changes, such as the removal of salary thresholds and the streamlining of point-based systems, contribute to making the process more accessible. However, the two-year duration of the RWR Card and the complexities associated with changing jobs within this period remain concerns that might impact the overall attractiveness. A shared sentiment among interviewees is the need for a more responsive and faster process, especially for students transitioning into the workforce. Proposals to reduce the duration of the RWR Card to one year and streamline procedures for students reflect a collective call for more agility and efficiency. Harmonization, especially in terms of processing times and flexibility in transitioning between jobs, is crucial to better support highly skilled TCNs holding either the EU Blue Card or the RWR Card.

What is also important to highlight is that the data collected from participants' interviews primarily reflects experiences preceding the revision of the card, thus limiting our ability to conclusively address the aspect of harmonization. Conversations with HR departments suggest a preference for RWR Card over the EU Blue Card in Austria, possibly due to a lack of awareness among employers about the benefits of the latter, such as simplified procedures for family reunification. However, the establishment of Austrian Business Agency as a consuceling center for both companies and skilled workers holds promise for altering this perception in the future, potentially enhancing the attractiveness of the EU Blue Card.

Overall, while significant progress has been made in making Austria and the EU more attractive to highly skilled TCNs through policy recasts, ongoing efforts for further flexibility, and efficiency (such as faster processing times and less ambiguity when it comes to application status of TCNs) are necessary to fully address the evolving needs and challenges faced by TCNs and employers alike. Future improvements are highly probable, as the implementation of the recent recasts remains an ongoing process.

11. Limitations

While the interviews offer valuable insights, it's crucial to acknowledge several limitations in this study. Firstly, it is more difficult to contextualize the results when the COVID-19 epidemic and the Ukrainian conflict are not analyzed in this study. The exclusion might not fully represent the challenges of TCNs. Moreover, the relatively small sample size of interviewees and the challenges encountered in interviewing Blue Card holders introduce limitations to the generalizability of the findings. The experiences of a larger number Blue Card holders, remain underrepresented as it was challenging to interact with them which potentially leaves out crucial perspectives for this study. Further, the proposed improvements and challenges are derived from a specific set of interviews and might not encapsulate the entirety of experiences within the diverse TCN community in Austria. To build a more complete overview, additional interviews involving a more wide-ranging and diverse participant pool would be essential to have a better understanding of the details involved in the processes and policies affecting TCNs in Austria, as significant improvements might be expected in 2024 since the implementation of the new policies (related to EU Blue Card) took place in November 2023.

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13. Appendix

Please note: The order of speakers mentioned does not correspond with the sequence presented in the results section.

Questions for RWR Card or EU Blue Card Holders:

1. Ask the interviewee to present themselves regarding the position and educational background briefly.
2. What kind of residence permit do you possess? Which criteria did you fulfill to obtain your residence permit? Could you briefly explain your path?
3. How long was the process of obtaining the residence permit? Have you experienced any obstacles?
4. How was the overall recruiting experience in your current company? How long was the recruiting process?
5. Do you feel like your stay in Austria is secure with the RWR or Blue Card?
6. Would you propose some improvements when it comes to the process or requirements?

Questions for HR Department

1. How many RWRCard Holders/Blue Card Holders are in your company? (in percentages or specific numbers)
2. Between the RWR and the EU Blue Card, both aimed at attracting highly skilled individuals from third countries, which one do you observe being used more often in practice, and what do you think are the reasons behind this preference?
3. Which schemes would you advise your clients (companies or individuals), or do you advise both?
4. Considering the shortage of Highly-skilled workers, how do you attract candidates for these hard-to-fill positions? Does your company have a specific strategy regarding that?
5. Have you been using a consultancy that obtains working residence permits for international workers? Or do you have a department that is dealing with these matters?

6. Which scheme would you recommend and why? Is the EU Blue Card considered an obstacle when considering mobility?

Questions for Austrian Business Agency (ABA)

1. Between the RWR and the EU Blue Card, both aimed at attracting highly skilled individuals from third countries, which one do you observe being used more often in practice, and what do you think are the reasons behind this preference?
2. Which scheme would you advise your clients (companies or individuals), or do you advise both of them?
3. Why would you choose/advise either RWR or EU Blue Card?
4. As recent changes have been made in both schemes (revision of the Blue Card and RWR modification of requirements), how do you view these changes?
5. How has the revision of policies addressed the needs of employers, taking into account the weaknesses of previous schemes (especially concerning EU Blue Card)?
6. Do you hold the view that with current modifications of both schemes, conditions for obtaining the cards have been improved? What has particularly been improved in your opinion?
7. Do you still sense the need for adjustments to both the RWR and Blue Card frameworks?
8. What has to be modified in the other scheme to use or recommend it?

Ask the interviewee to present themselves regarding the position and educational background briefly.

RWR Card Holder (Highly qualified workers)

Speaker 1: I'm Speaker 1 from India. I came here in end of September, and I started working at Company 1 in October last year. It's of course not my first time in Europe here. I was previously in Germany also, so I knew a little bit of the process there. And yeah, maybe that's also one of the reasons why it was a bit easier for me, but the process of course is quite different here in Austria with the RWR. So back in India in 2011, I completed my bachelor's degree in mechanical engineering. And after that, I started working at Faurecia Interior Systems, which is also a similar company like *Company 1* in the automotive industry. And there, yeah, I started my career, so to say, from Faurecia. I worked there for 11 years, out of which one year was in Germany. That's what I mentioned. I was in Germany for one year for a specific project. And after that, now last year I changed, I applied to *Company 1* and yeah, everything worked out well with the interviews and so on. And then the process started with

the HR and a mobility department here in *Company 1* and after three months I think going through the process I started working here so to say.

What kind of residence permit do you possess? Which criteria did you fulfill to obtain your residence permit? Could you briefly explain your path? RWRCard, How long was the process of obtaining the residence permit? Have you experienced any obstacles? How was the overall recruiting experience in your current company? How long was the recruiting process?

I had been in Austria before, from when I was in Germany I was traveling, but then it was more as tourists but in Graz here it's my first time, yes. Okay, and you said so the process of the entire process of obtaining the residence permit was around three months. Okay, now that's maybe a bit difficult to generalize because three months was like the complete process, so the hiring process with interviews and so on took three months altogether. I think it is the actual visa process itself was a bit shorter. Yeah, so basically when I had the interviews, I had of course the technical interviews first and when they were done, I had the HR interviews. After the HR interview was done, they asked me for a list of my documents. That's when I started.

getting into the RWR process. That's when HR also explained to me what kind of visa I need, what is the process for it and what all documents I would need. So then I had the first list of documents which I had to collect back in India. Some of them did not exist I had to apply for those documents back in India and then I had to send all scanned copies of all of these documents to my HR here in *Company 1*. And they applied for the work permit, yes, for the work permit from their side in the, how is it called, to the foreign office. And so basically to prepare these documents it took around three weeks of time because I, but this was more the process back in India. I had to get some documents from the police department that there are no criminal records and so on against me. And it's, I think a normal process also

third world countries that they need for the RWR card and the other documents, let's say. So this was three weeks. Then I submitted all the scanned copies. I did not have to send them via email or mail or post to here in to *Company 1* or to Austria. I gave them the documents, then they sent it over to the foreign office. There was also of course a form which had also all the regular basic information required for visas, my past employment and so on, my certificates and all the documents. These were as scanned copies, they were sent out to the foreign office. And then I was told by my HR that I would be receiving an email from the foreign office and also from the Labor department checks that if there are some local candidates who can fulfill the requirements of this role and so on, I think that's a necessity. This I know from Germany much well because there I actually had this document, this approval from the labor department, but here I did not see this directly. Then I received an email from the embassy that I need to go to the Austrian embassy in India to submit my passport to get a preliminary visa yeah because now I have had like an approval email that the work permit is approved and you can apply for a travel visa to come to Austria to complete the rest of the process for the RWR. And then I had to go to the embassy with this paper and the other documents and everything else and submit my passport there. So this was a bit different because here for Austria, I have never even seen this paper of approval. But I have just this email that yes, it is approved and you can come here and complete your RWR process. So this was one major difference and when I was in Germany, I did not actually have a card. I had just directly a work permit visa stamped on my passport valid for one year. Here it is a bit different now because here I have a long-term contract. So it means that I am eligible for the RWR card and not just a short or a one-year limited visa. So that is something which is, I would say as a first step, is different. Processing wise, I found that the Austrian process was much, much, much

faster. But that I think is more dependent on having more applicants who are applying for Germany rather than to Austria. That's my assumption. Statistically, I think there are more applicants who are going to Germany or more even students. So I think the embassies here in Germany are more overloaded compared to Austria. That's that's my assumption. So just to complete the process as such. So then when I have my visa on my passport, of course, with that visa, I'm not allowed to work, but I'm just allowed to travel to Austria. It was valid for just four months. So with that visa, I came here.

And in the first week, then I had to complete the final process for the RWR card, which is again to go to the foreign office to submit my fingerprints. So, yeah, not just the fingerprints, I think it was also the registration of my apartment which needed to be completed. So when I came here, the next day directly, I went to the Rathaus to complete my registration of my address where I was living. The day after that, or after one day, I went to the foreign office, where my HR had already taken an appointment with the person. I went there, I submitted my fingerprints, I also submitted a photo of me to the office and exactly one week after, or no, not even one week after, I did it on Monday and on Friday, she had called me back to collect the card. So I went back on Friday again to the same office and I had the card in my hand.

NZ: And what type (category) of RWR do you have?

Speaker 1: I suppose it's for qualified workers, for highly qualified workers.

NZ: And you are located in Graz?

Speaker 1: Yes

NZ: how was the overall recruiting process in your company?

Speaker 1: Frankly, it was really unbelievably fast and really clean. So they knew everything already in advance. That was what helped me a lot because then I did not have to research over the Internet, talk to people or something like that to get information from other sources. So they had a really good recruiting process, of course, the interview parts and these are I think normal procedures. But once the selection was done, once the offer was closed or finalized, I was in communication continuously with the HR contacted or gave me the contact or planned a meeting with the mobility department and I have this one contact person who firstly briefed me with the complete process what is to be done, what documents are needed, what are the steps in the process, and she was basically tracking everything at each step that it is going as per plan so that we are not losing more time till I move here, and I'm able to start working here. So in that way, planning-wise, it was really clean. It was also good to have, we had this kind of a welcome booklet, an online PDF document, which was already giving me all the information of the city, of the RWR process also, of how to find an apartment. They had also given me a list of apartments, which they had. They had suggested so to say or which are much easier to book while sitting in India. So this was something really good. They had also given me a list of hotels if I had to temporarily stay initially at a hotel and then move to an apartment later. So this communication and this information was really very clean. It was quite sorted. So I never really had any blocking point or everything went very smoothly. Frankly, as I said, I was not expecting it, but it was really smooth and really fast also.

NZ: And do you think your stay in Austria is guaranteed with a RWR Card

For me, it is in any case a long-term my plan. Of course, my personal plan is a long-term plan. So that's why I'm already reading and getting myself informed about red by red plus for example which I would have to apply after the two years or before the two years are completed. These things are something which I'm already informing myself because my plan in general is a more long term plan. Of course, everything has to work out with the company, but in general, my feeling is quite positive about it.

NZ: Would you propose some improvements when it comes to the process or requirements?

I'm just going again in my head through the timeline. If I miss something. I think it was, yeah, the documents were quite clear and I think they are also country based. I think in the Austria visa process it is expected that you have a residential apartment contract already before you apply for a visa. This something is what I feel for somebody who's coming from outside becomes a bit difficult. For me, it was not difficult because I had a good support from my company. But if there is somebody who does not have the similar support to find an apartment or to find a place here, then it could become a bit complex. So I'm not sure about this really if, for example, if instead of an apartment, if I had a hotel booking for one month or two months or whatever duration would that be accepted for the visa or not. This is something which I'm unsure about, but I was told that you need to have an apartment contract before having the visa. That was not the case in case of Germany, if I remember well. I did not have an apartment before I moved to Germany. I just had a hotel booking for one month, and even after I moved to Germany, for two months almost, I was living in the hotel. And then I finally found an apartment because that process is not so easy, especially if you're not in the city. So sitting back in India, it's not easy to find an apartment, but this is something that maybe I'm also unsure about if the if I understood it correctly, that it is always needed to have an apartment contract before applying for the visa.

NZ: This is a really good point. I will mark this down. Perfect. Well, that's all from my side. I don't have any more questions. I just want to thank you once again. It's super helpful for me to get to know your experience with this. And this will definitely contribute to my thesis.

Speaker 1: And yeah, thank you so much once again. No problem at all. I'm happy to help.

HR Department, construction company

Brief introduction of the role

I am a, we call it, we don't call it human resource anymore. In Company 2 we call it people and culture. *Company 2* has various divisions and on the division I'm working, I am running the division - people and culture. And working with four different subdivisions, I have an overview of four different subdivisions in different countries. My task is pretty much taking care of all related to the people and culture topics in different divisions. Not different subdivisions, on the divisions that I'm working. And those include different countries as well, not just Austria. These are pretty much, actually, my focus is less on Austria, mostly the other countries. I'm not sure if it is related to your topic as well because I am less focused on

Austria and mostly focused on different countries. In different countries, it's around 10-12 countries that I'm responsible for I have less focus on Austria. I have an experience in the Austrian market in terms of the RWR card but not necessarily with the *Company 2*.

NZ: Do you have a global mobility department at *Company 2*?

Speaker 2: It's not the global mobility department. There is an HR service which is taking care of these topics. And it is not called the mobility department. This is pretty much the people and culture service center or central unit which is taking care of that. I cannot really name any persons or any particular person who can help you with that or would be of interest to help you, to be honest. But I can share with you my overall experience. I cannot represent *Company 2* in this regard, to be honest. Okay, but your overall- But I just share my experience with this card and in general.

NZ: In your overall experience, which scheme do you mostly or do you frequently witness in reality?

Speaker 2: For the people or the expertise that we really needed, they are the people who need RWR card and they have not been given the Blue Card directly. Therefore, they needed to go through the procedure of the RWR card and not the Blue Card because most of the nationalities which we have hired needed that permission, and they could not really get the Blue Card at the first site or the first instance. Probably because of the high requirements of the Blue Card like the salary threshold and necessarily knowing the procedure.

NZ: How do you attract candidates for these hard-to-fill positions?

I can share my observation in general in fulfilling those positions which are rare in the market, of course, very much focused on employer branding, very much focused on onboarding the people, and very much focused on how we perceived as an employer in the market, and how we can retain the people. There are many policies of retention, how we can improve internal policies, and so on and so forth.

NZ: General experience with the RWR Card?

The application is very easy. It's not something that is time-consuming. The application is very easy to follow and very easy to fill out. But the process length is not guaranteed how long it takes. It may take between one week to four weeks. And it may take more than four weeks. It may take eight weeks. Like how, and when we can expect that? We can expect that in two weeks, or we can expect that in eight weeks. That's the let's say, the only issue around that. And there was some unclarity in terms of in terms of, for instance, if the people coming from the third countries, and they are not married, but they are in a partnership relation, how does it work for their partner? This was an unclear process. They needed to be clarified with institutions. How shall we take this into consideration? There are people who are not married, but they have a partner, and some of them are even having their children together, but they still are not married. How do we consider it? And they needed a lot of telephone calls here and there to clarify this process. This is not regulated in the general requirements because from what I've read so far, it's only for the... how to explain it... they would need an official marriage certificate for someone to get, for example, a red, white, red card plus of the person who is a red, white, red card holder.

NZ: this is a very good point.

Speaker 2: But overall, somehow it is good that this process at least exists, looking at it positively, because in other countries like we had some collaboration with Germany, and it seems Germany is more difficult or more complicated than Austria, and Austria is more smoothen, and it's like at least these processes exist because some of the colleagues were talking about that it's more difficult in some other countries, and we were like okay good at least we have that in Austria. This is pretty much my observation around that.

Speaker 3

RWR card Holder (Very highly qualified worker)

Ask the interviewee to present themselves regarding the position and educational background briefly.

Speaker 3: Sure. So I have a master's in geoinformation systems and I have almost eight years of work experience if I don't count my internships. And right now I'm working with this startup called Black Shark AI which is working towards building a digital twin of the planet earth. So it was my GRS niche expertise helped me to get this job. And that's how I ended up in Austria. I did my bachelor's and masters in my home country (India).

NZ: what kind of residence permit do you possess and what which criteria did you have to fulfill to obtain this?

Speaker 3: I have the RWR card I don't have the RWR plus I just have the regular RWR. And for the criteria, I remember that my HR had filled out a form, and it had some kind of point system to see if I even had the eligible points to come work in Austria. So it was a combination of what your education is, what, you know, how many years of work experience do you have, how old you are. And there were a bunch of other questions, which I don't remember, but we had just like .. I think one of the criteria was also like language but because I hold a master's degree and my entire education has been completed in English I didn't necessarily have to give German certificate. I think all that was required from me was to give the English exam, that also helped me increase my points and also it made the whole application process much easier.

NZ: Do you know what kind of RWR card is that? Is that for shortage occupations?

Speaker 3: Yes, it is only as long as I'm working here and the contract. And it's, you know, it's as for the duration of your contract. And if I understand correctly, a lot of people get that. So you get this for two years, which is tied to your organization. So if I lose my job, I don't know what happens, but I think you do get some time to find something else. But If I decide to leave, then my visa also expires with that. And after two years, you can apply for a RWR plus, which is not tied to any organization. And then you are also free to jump jobs without them having to sponsor your visa.

NZ: Okay, and how long was the entire process?

Speaker 3: Yeah, about two months.

NZ: During this process, have you experienced any obstacles?

I think for me, It was fairly easy. Like I didn't have to go to Delhi, but I think for my husband, I think one of the challenges that we faced was the organization was willing to only take care of my visa, but not my spouse's. And I've seen that that's kind of how the process works. Like the company will only do it for you. They will do whatever it takes to get you here, but not so much for your spouse. For your spouse, they connect you to CINT, which is an organization that helps expats relocate. And I'm not sure if you know about CINT, but they generally work very closely with expats, and they have these workshops and seminars for us to kind of, you know, understand certain processes here. So I was, I was given, you know, I was allocated to a CINT representative who was helping with my husband's visa process because my husband's visa process, I had to do it myself. In India, I'm based in another state called Maharashtra, but the Austrian embassy was only in Delhi, which is another state. So we had to write to them an email and ask for an appointment because there was no calendar system. A lot of the embassies actually have this appointment system where you can go select a date, but for the Austrian embassy, it was a little different. We had to write an email, wait for them to respond. And then they would say, OK, in the next week or two weeks, these are the dates that are available. They'll give you like four or five dates. And to get that response from the embassy was, it took a really long time. Like it would just keep getting, I think, getting pushed down. And I was just told that, you know, keep writing, keep asking. And I think when I was writing, I got my visa. And then I wrote to them saying, Hey, I've got my visa and my husband doesn't even have an appointment yet. Then they gave an appointment. And then we had to go to Delhi and he had to physically submit his documents and give his thumbprints. My visa had already come, my work contract was there, you know, all that information. So once he gave his thumbprints, then again, it hardly took about around two weeks, and he also got his passport stamped. But I think one suggestion I would have there is maybe if the organization when they are relocating one partner, if they could also help with the spouse and, you know, the immediate family, like maybe the spouse and children if there are children involved. So they can come together because what happened for me, I had to come alone and then, you know, find an accommodation and everything. And he just had to wait until he got his visa. Then I had to join here on 1st November. So I had to come before him. For my husband, I had to take an appointment in the Austrian embassy in India, which is in Delhi, go there, submit his documents and then come back. So he couldn't just go and give his passport to the VFS like I did. Okay. So it's slightly different, yeah. And that lasted a bit longer until he got his D visa stamped. Yeah, because you can't just show up at the embassy you have to ask them for an appointment and that takes a really long time for them to respond to you saying, okay, these are the dates, because I was writing to them for a really long time and there was no response. And then finally, when we got the dates, there were a lot of holidays, but we took the earliest appointment and then we had to go to Delhi. So the time from you writing the email, waiting for an appointment, then flying to the state, all of that took much, was a bit lengthy a process, but once they took his passport, it was really easy because he had to give his passport to them, like at the embassy, and they said they'll send it by post.

NZ: Okay, and once he received his visa D and when he was able to enter Austria, how long was the process for him to obtain Red, White, Red Card Plus?

Speaker 3: It was quite quick. I think, as soon as he came here, I just had to register him for the Meldezettel. And once he got his meldezettel, we just took an appointment for the RWR. And then, for the RWR now it was slightly different again, like I had to go in person show them some documents like my police clearance certificate was one of the documents they asked you for, and they gave they asked me to come physically and collect it in about a week or two but for my husband after I registered him I had to use his type d visa and get his ÖGK because his insurance is also something I have to pay his social insurance because he doesn't have a job until he finds a permanent job the partner has to pay. So with the help of the visa deal that he had, we got an ÖGK. Once we got the ÖGK number, we just had to write to somebody in the Austrian authority that this is his ÖGK number, and there's a passport, notice and everything. And we had to make a fee, we had to make a payment again of about 65 euros or something. And they, I think then he just had to go and pick up his red, white, red card or they sent it by post. I can't remember, but it was, I don't think he had to do much once we registered for his health insurance. I think it was, I think they sent it by post and yeah, he had to be in person to collect

NZ: How was the overall recruiting experience in your company? How long was the recruiting process? Were you the one who applied for the position or you were contacted by the company?

Speaker 3: So I was actually contacted by the Company 3. They said there was a position, and it would involve relocating. And I just thought, let me explore it. So it was about a month or so. Two months, yeah. Like it took all of June and a lot of July. And then I think by end of July is when I had accepted, almost one and a half months.

NZ: And now, as you have your RWR card, do you think your stay in Austria is guaranteed?

Speaker 3: Not really, because if for any reason I lose my job, I'm actually not really completely aware of what happens. I have spoken to like a few people, and they said that, because as per my contract, either the company can give you a one-month notice or you can give them a one-month notice. But it all depends, like, you know, if say, you're let go, it depends on your negotiation. Maybe they let you stay for three months, or they let you stay for four months and that gives you enough time to find something else. But if it's just one month, and you don't find something because they take the visa back because it's tied to the company, then they have to go back. Yes. So if I lose my job, it's hard to continue living for like three or four months or six months until I find something else.

Would you propose some improvements when it comes to the process or requirements?

One is, yeah, it would be great if the company just can do it because then the spouse also gets to come with you because it's a lot of emotional support because you're relocating from another country and coming alone sometimes can be a bit overwhelming. So if the companies can do it and it happens together, it's nice. And I think that, yeah, that, and I feel like this other thing about, you know, because your visa is tied to your company and if your contract says like, okay, one month, it's really short. If there was some way that says that if you lose your job, like you don't leave on your own, but if for some reason you lose your job, then you should be given like, you know, at least six months by default to find something else and decide if you want to stay, or you want to go back. So I feel like maybe some kind of, you

know, extended duration which you can stay. I'm not sure what it is. It's not happening yet. So, but yeah, that would be my suggestion. And I think the other suggestion that I had actually, I was, I was talking to SINT, it is, you know, just in the case of my husband, like giving his example, he has his own business in India. So initially, yeah, he did come thinking he would try to do something here. But we have decided that, he'll just go back and forth because he has, his company needs him right now and because he has RWR plus card, he has to live at least six months in Austria or we have to surrender it. And if we have to give his card, then every time he comes to meet me, he has to come on a tourist visa, which takes a really long time.

So I remember somebody else also was mentioning that, you know, if they could be, I don't know, even if it happens, it'll happen anytime soon. You know, some kind of facility where your family can come and stay with you for an extended period of time. Maybe something like a Type D visa, but even Type D, they said there's no guarantee that he can come and stay for two months at a stretch. So not a tourist visa, but something that allows your spouse to visit you or you know, say your parents, they can, they don't have to apply for a tourist visa. I don't know if something like that could be possible because I know London has something like that. I have a friend whose parents live in London, and he lives in India, and he has his visa, which doesn't require him to complete a minimum number of months in the UK. He goes every year for a month to visit them. That's it. But doesn't have to keep applying for visa. His visa is valid for 10 years. So he just, he needs to just make one visit in two years. So, you know, I was just thinking if there was something like that for my husband, it would just make our lives a little simpler because at the rate we are going, it looks like we will have to give up his visa if he doesn't complete six months. And then I'm also paying for his insurance, which is quite steep. So if he comes on this other visa, he can just get the worldwide travel insurance.

Speaker 4

RWR (Highly qualified workers)

NZ: I would have a question regarding the process. So did you apply from your home country or you applied from Austria? What would be the background, and how long was the overall process?

Speaker 4: Okay, actually I have applied for visa for the complete visa process from my home country, which is India. During that time, it was the peak of COVID-19. Everything was closed. I had to wait for many months to get the visa approval. So I think it had taken around four to five months in total, right from the start of the application until getting the visa. I had to wait for another three, four months because I was working in India. I was on a notice period for three more months.

So I had to travel in the month of November to get the RWR card. So it was a pretty long process, but this was due to COVID.

I had to come to Austria first and get the RWR card so that my wife could apply for RWR Plus. So they informed me as such because previously my HR was trying to apply for my wife as well altogether to try to come to Austria together, but it didn't work. The the Austrian embassy in India had told us that it was impossible to process our visas together. So first I had to get the entry visa and come to Austria, get the RWR card and I can apply for my wife's

dependent visa. For her, it took three and a half months, I think. And later she had to apply for entry visa again once the approval is done. It was informed to us by the embassy that she can apply for entry visa. And that process, entry visa process took only 2 to 3 weeks. And she had got the entry visa and came to Austria. After which we went to the authority, immigration authority here to get the RWR plus.

NZ: And during that time, have you experienced any obstacles?

Obstacles in the sense we were unable to track the application. We were just informed that it was sent to Graz or somewhere in Austria for the process and approval. But we did not have any tracking number to track the application about the status? Whether some documents are missing or it's under approval with someone given to us. We were unable to track, and we had to wait for three months because we were informed that it can even come in two weeks or three weeks because during that time one of my colleagues had tried for his wife as well. He has got it as early I think within a month but for my wife it took three months. Until now, I have no idea why it took so long for the approval. I understand that the time it has been taken, but only problem is if we could track the application, then we feel that we are safe. We know where is the application at what state so that it would be, but it did not work.

NZ: Do you feel like your stay in Austria is secure with the RWR or Blue Card?

Speaker 4: As long as I have an employment contract, I feel that my stay is safe.

Oh, in the overall process, yeah. One thing is the tracking system for the applicants or through some customer care number or something through which we could get the update about the application because sometimes HR might have the information, but sometimes they also don't have access to it so they need to contact the authority to get the status. So this is kind of a big loop to get some information about the application. If it comes in the standard time, it's okay, fine. But when it gets delayed, it's better to know where it is delayed or by who it's delayed, right? So if we have some kind of system to get the application information or status, it would be really better for applicants to wait even some more time. But we need to know all the information about it.

This is a globally recognized company specializing in engineering services. It focuses on providing innovative and cutting-edge solutions in the automotive industry. With a commitment to advanced technology, the company engages in product development, design, and systems integration, contributing to the overall success and competitiveness in the automotive sector.

Participants

NZ

Speaker 5: Head of Mobility Department

Speaker 6: Head of HR department

Head of HR Department

Speaker 5: Okay, Martina is already here. Yeah, sorry, I'm late. Hello, no problem. We already started a bit, so I understood that Nada is doing some research on the RWR improvements we got in October.

Speaker 6: Yes, and it's for the master thesis. Um, when I remember correctly, I think, Speaker 5, most of the questions have to be answered by you because you are the expert.

NZ: Thank you, Speaker 6, for also for taking the time and having this call with me. Um, and I, my question is, uh, would it be okay that I record this meeting because I will have to transcribe it for my interview? Would that be okay for you?

Speaker 6: Yes. It would also be better not to mention the name of the company, because we didn't talk to our press department, or communications department if we are allowed to give this interview. So it would be easier for us if we could keep it confidential. Because you know, in such a great company, you have a lot of people you have to ask when you give some official comments.

NZ Good. Then I will, I will keep it confidential, I can describe the industry the company is in.

Speaker 6: The engineering unit.

NZ: Okay. It would be great if you could tell me a bit more about the engineering unit itself. Just kind of a recap of the unit, how many people are there and what is the product and so on. If that's okay, just for me to have an understanding of that particular unit within Company 4.

Speaker 6: Yes, you know that the Company 4 plant has about 9000 employees. And the engineering unit has 1500, mainly white-collar workers. Okay. And we are doing engineering for complete utilities, which are sometimes produced here in our planning house, but sometimes they are also produced by the customer itself. We have been growing a lot in the last few years. So since 2018, I think we have made 500 employees, plus only in the engineering department.

And the Company 4 Unit Community is a global network. So we have about 4,500 engineers working globally. So we have locations in Italy, France, India, China, and Germany. And our projects are often staffed with international colleagues. That's why we have a lot of experience with incoming and outgoing persons and traveling, expatriation, and so on. And Karen is from our global mobility department. So we have our own department with specialists caring for people that are outgoing or incoming from other locations or from outside the company.

NZ: So my first question was, I don't know if you're allowed to tell me the numbers, but for me, it is important to know the split between the numbers of red, white, red card and blue card. So do you know how many red, white, red card holders and blue card holders are in your company or in percentages or specific numbers? What would be the split?

Speaker 5: So basically, we focus on the red red red card candidates. We, according to my experience, we have no blue cardholders here. So the process that for us that HR is doing recruitment activities that then found somehow a candidate abroad. And this candidate of Company 4 and then we are asked to support the application of the RWR card, the main type is this RWR for other key workers. This is the main type we apply for or support our candidates to apply for.

NZ: Okay. So in reality, you witnessed RWR card. You said there are Blue Card holders as far as you know. Why is that so?

Speaker 5: No, according to my experience, I don't know any blue card holder here in Graz, honestly, we are mostly familiar with the process and requirements for the RWR card.

NZ: Okay. So the main type is RWR card.

Speaker 5: And in the past we focused on these other key workers and the list of shortage occupations became longer. So every now and then we apply also for this type of RWR card - key workers in shortage occupations.

We never applied for this very highly qualified workers type. Due to the new regulations since October, it's less difficult for us to receive or support our candidates to receive the required points. In the past, we tried to calculate which points are received by the candidates - qualification, education, work experience, language, knowledge and age. Often it was difficult to reach the points because the language certificate was too old or the experience was too high or too less, but now with the new regulations since October it's quite always possible to receive the required points, so this is a kind of improvement which is very nice. So we have no stress to ask the candidates, you have to do an actual German language course or English language course because we don't reach the points. This was also always a bit stressful for us. So with this new point of the system, we are very lucky to support each candidate with the application quite good and quite fast.

NZ: That's really good. Thank you for clarifying this. And when you look at the length of the process, is it shorter than it was before?

Speaker 5: Well, the preparation time is of course now shorter because it is easier to get the required points. And then we find the documents here in Austria directly. So most of the time we gather all the information, we send all these documents with what is required. Recommendation letters and whatever is needed to be filed by email to the immigration authority. We have a very good contact to the immigration authority, which is forwarding everything to the labor authority. And the process itself, I think it's the same.

Speaker 5: When we file the documents, the process is the same, but the preparation time is shorter.

NZ: And when you say the process is the same, you mean the length of the process is the same, so around four weeks?

Speaker 5: Yes, because we send everything by email to the immigration authority. They forward it very quickly to the labor authority. The labor authority knows that we always need the candidates very urgently. So they process everything quite quick. So in our experience, it takes, of course, some weeks, let's say, four weeks, six weeks until this process, this admin

process in the authorities is done. Of course, we noticed this is the minimum period they need to get or to go through all the to have their internal processes done. But then it's for us fine, because then the candidates can either they have to apply for a visa to come to Austria for the fingerprints for the red card or they can travel because they have ready the right papers to travel to Austria. If the fingerprints are there after one week, the card is ready. So the process itself is quite okay for us.

NZ: Would you propose some improvements when it comes to the process or requirements?

And I think the question comes a bit early because we are happy now that we have these new regulations since October.

We are happy that this helps us immensely with the preparation of all the documents. So let's see how it works in the next months. Then maybe we find further comments or further wishes we have for the process, which maybe improves it better. And, but let's see. At the moment we are quite happy.

NZ: Have you ever been using a consultancy that is dealing with working residence permits or you always had a department for that?

Speaker 5: For the RWR card we always had a department supporting the candidates in the process, it's always the same. But we have of course a lot of assignments of suppliers, of clients, of other Company 4 employees from our other from other regions. And these applications are either done by us for internal employees and for external for client, employees of clients, and customers, we have an immigration lawyer.

NZ: considering the shortage of high-skilled workers here in Austria generally, do you, how do you attract candidates for hard to fill positions? Do you have a specific strategy for that?

Speaker 6: Well, we honestly don't have a very clear strategy. We are posting all our job openings over LinkedIn. That helps a lot so we get a lot of applications from abroad. We don't have a problem with that. We thought about job postings on other platforms in other countries, but there is not so high employment rate as in Austria at the moment, but we didn't need to because over the LinkedIn platform we get enough profiles from abroad at the moment.

NZ: Does your company have an overall strategy for attracting TCNs nationals?

Speaker 6: Yes, we have a diversity and inclusion, a manager who is responsible for strategies, because of course, we want to attract more women. But the problem is that there are not so many women with technical degrees. So we would love to take them, but I think we have to support girls from the beginning on to go for technical studies. That's our main problem that there are not so many people coming from the university as we would like to.

Diversity and inclusion is for Company 4 one of the main topics, main goals for the next years.

Previous Blue Card Holder, now RWR Plus Holder

Speaker 7

Speaker 7: So I am a graduate of AB Psychology. I also have a master's in Industrial Psychology. I was an HR before, like in operations, but then I become more technical when I was introduced to Workday. So that's why I became a workday consultant.

NZ: Could you tell me a bit, because you had a blue card with your previous position?

Speaker 7: When I was hired in Austria, at first they wanted to apply for a RWR card, in my previous company. But the tricky part was that they thought it will take time and in Austria everything taking is really slow in the process, so luckily I think the agent from the consultancy suggested that with my credentials anyway, I will pass with a Blue Card. I didn't know that if you're applying for a Blue Card your university should be on this list and your educational background should be like this I think they have a list.

NZ: And who proposed the Blue Card?

Speaker 7: An external agency. It was not part of the company. And then when they applied for the Blue Card, it just took two months, less than that even... So when it was approved, then I started to work in that previous company.

NZ: So how long was it like the period from recruiting, from you applying, to the end of the process?

Speaker 7: So they applied it in May. They applied for it in May 2019, and then we received the confirmation in July 2019. I think I started working in August. It was the agency that took care of the entire process for the Blue Card.

NZ: And what criteria did you have to fulfill for the blue card?

Speaker 7: For blue card holders in order for the let's say the country of where you're applying for it, your educational background must be excellent, then the skills, you really must be a skilled person so that it can be given to you.

NZ: Have you experienced any obstacles during the process?

Speaker 7: To be honest, no. When I submitted everything, we just waited and then they submitted it to the MA35.

NZ: Okay, and have you received any kind of, like track of the process from the agency?

Speaker 7: Ah, just once because I was in the Philippines when they applied for it. So, I needed to go back to the Philippines because I have no visa here. I can't stay here in Austria. I

was here in Austria first and then when they applied for my Blue Card, apparently my visit visa expired, so I need to go back to the Philippines while waiting. And they just gave me, I think just one confirmation, during the first week of July, that it's still in progress. And then by the second update is that I got the approval - that it's approved.

NZ: And so you said the overall recruiting experience, the process until you got the card was around two months?

Speaker 7: Yes, approximately.

NZ: Okay, that's really fast.

NZ: And when you have the blue card back then, so it was valid for three years? Yes. And when you had it back then, how did you feel? Did you feel that your stay in Austria is guaranteed with the card?

Speaker 7: Yes, yes. Yes? Yes, because aside from that I had it for three years, although it is exclusively tied to my employer at that time, I still had the security that I could stay in Austria for as long as I have my Blue Card. And when the three years passed, I applied for the RWRcard plus. So when I applied, initially I thought they, although my company, not agency anymore, just someone from HR helped me with what needed to be done, what are the things that I needed to do, and I submitted the same set of documents.

Usually, they are committing two months of process, but I got it for like at least four months and my Blue Card expired in August and I still didn't receive my RWR plus card so I couldn't go outside Austria, but after a month then they released the card.

NZ: What should be improved is the process?

Speaker 7: I believe it's the duration of the process.

Speaker 8

RWR card holder (Studienabsolvent)

NZ: Could you tell me something about yourself about your position and about your educational background briefly?

Speaker 8: Okay, as I did my bachelor in Kosovo. Mm-hmm. I did my bachelor in Management and informatics then I came to study in Vienna and then started to study Marketing

I had two majors. One of them was marketing - international marketing and the other one, organization and personnel management. It took long until I finished and it took long to find a job. I had a shop in Kosovo. So I was always doing marketing and stuff in Kosovo. So I never worked before in Austria. It's made it even harder to find a job because I had no internship or something like that here. So you actually had no way to find a job without job experience. And the job experience that I brought from Kosovo, it was not worth it, so to say, or not acknowledged in Austria. I applied actually for a lot of internships, but the problem was that all the internships in the time that I applied were full-time internships, and then you had to take again a paper from AMS because we are just allowed to work 20 hours and internship was anyway counted as a full time job.

So this is a big problem to find an internship so that you have a little bit of working experience in Austria in your direction because you could go and sell stuff somewhere in a normal shop so that you can live, but the problem was that you couldn't find an internship for 20 hours to gain some work experience so that it would be easier for us in the future to find a job.

So I was like one and a half years without a job after I graduated. Actually one year because I graduated a little bit earlier, and I was still on a student visa when I found the job. Because my visa experience was one month before I graduated.

So I had actually one year as a student to find a job, and then I could switch for another year to take the opportunity to find a job and stay longer in Austria, but I didn't need that, so I directly switched from a student visa to the RWR card without applying for a job seeking visa.

I had the date when I have my master's exam and my master's presentation. And it was not sure if I would pass or not. So I needed another student visa because the job seeking visa was done for something else. And if I wouldn't pass my exam, would be hard for me then in the job seeking way to find a job and to again, prepare myself for the exam.

I decided to take another student visa. So I went there and explained the situation, and I had enough exams and enough ECTS to take another student visa. My study was not ended officially because without the master thesis and without the master exam, it's open. So this is why I could take another student visa, and then I had the whole year as a student to find a job. I passed my exams, but the visa remained, so you don't have to go and change it. After you finish your studies, you can hold it until the end. And then they told me if you don't find a job, you can still come take the job seeking visa, but I found the job, so it was not necessary anymore.

NZ: Approximately, after a year and a half, you found a job?

Speaker 8: After a year, approximately, actually exactly one year, because I graduated in April and I found the job April or March next year. So it was exactly after one year, right before I had to change my visa, I found the job. I have now a RWR card for graduates of Austrian universities, and I just applied for a permanent residence because I have been living in Austria for 10 years now.

NZ: Which criteria did you fulfill to obtain RWR card? And how was the overall process? Have you experienced any obstacles? And does your company support you in that way?

Actually, for me, it was really easy. It was the time of Corona. So I had to send it by post. And the company was a small, familiar company. Like it was not such a big company, and they didn't know how it is and how long do they have to wait for me to start working. But they needed someone in the office to do marketing and administration. So they really needed someone and told me that they can support me with lawyer and everything I needed. But I said no, because I knew how the process works. So I took from them just the two documents that the company should give you, like the contract, the work contract and this Erklärung. I don't know how it is called in English. So I took these two documents right after my interview. So like a day after my interview, my boss agreed that he wanted to hire me. So he gave me both of the documents and I completed everything needed.

It was really with the process, just the problem was that I waited too long. They really took eight weeks. Make to the ninth. Actually, I applied in April. At the end of the April and I started to work 15th of June. So like two and a half months already.

NZ: So you actually waited more than eight weeks?

Yeah, I waited more. It was really too long. I called, but they said like it's Corona, and they have like no employees there, and it was complicated for them also. So it was allowed to take a little bit more time and so on. But yeah, I couldn't do anything about it. They told me just that it's positive. Then I have to wait two weeks for the card so that I can take the card. AMS, for example, gave me permission to work after four weeks. And it was the MA35 that took longer. And I asked the MA35 if I can start to work without the card because it was approved already that I am allowed to work from AMS side and they told me that I have to wait for the card. So why should I just wait all this time when I got the permission from AMS anyway to work? So it was like six weeks later I started the work when actually I could have started earlier, and I think that's unnecessary.

When we talk about recruiting experience at your company, how long was the recruiting process? How did that work for you? This company was really fast because my cousin he worked there. So he told me that they are looking for someone, but actually I didn't apply because I said okay that's a small company. And for sure they are not going to pay me so because of the RWR salary requirement. And I didn't apply in the first week. So I said to him, thank you, I will think about it. And I was the whole time looking for another job in the bigger company when I was waiting for an answer. So after one week he called me again, hey, they really want someone and they need someone. So just send your CV and try it, maybe they will do it for you. Because it was always like small companies, they won't do it, they will not deal with the process. Small companies, they don't want to wait, they need someone immediately. And it was really complicated. So I said, okay, let it, I'm just going to try to apply in larger companies. It was a mistake. Actually, the small company took its time and they made me the interview. And after the interview, they said, yes, we want to hire you.

And actually everything happened in one day. It was very surprising for me because I had experience with bigger companies and it took them one month, after three interviews to say no at the end. So the overall recruiting process went pretty fast. Really fast. So it was just a direct interview with the main boss. And there was the CFO there. So they both agree, like at that first interview, this is all they need.

NZ: Do you feel like your stay in Austria is secure with the RWR or Blue Card?

Speaker 8: Not at all, because it happened to me that the company that I was working before, they had to close after 16 months. So I had to find a really fast new job so that I don't lose the kind of 21 months working within 24 months, because if I would lose that, it would all start over again. And this was the answer from MA35 actually, that if you don't find a job very fast, they anyway took the one, two months from the 24 months at the beginning when they wanted to change my visa from student to the other one. And then the process when you apply to the new visa will take also two months. So you automatically lose three months because the process is too long. So you have to be working if you want to change the job and find another job and apply and then change it. The changing process is so difficult. And for me, it was even worse because the company had to close. I didn't want to change. So the good thing was that my boss said, okay, we will wait with firing you. You will be the last person who is going to be fired. So just find another job while you are working now and I was lucky to find another job fast. But otherwise, if the procedure to find a new job takes one month, and finding

a job takes two, three months, so you automatically are out of the 21 in 24 months. So I think this is so complicated. You are not sure with this kind of visa, not at all. And I find two years is too long because these things can happen.

NZ: Would you propose some improvements when it comes to the process or requirements? Yeah, I would say that the duration of RWR card should definitely be one year instead of two years as it was. I understand that the government wants that the employees don't leave the company that fast after this process. But anyway, if you start to work somewhere, and then you just have to change it, it is a lot of headaches. It's not that easy. And to be bonded with a company for two years is just complicated for everyone doing that or that we have to do that. The documents that are required are okay, it's not that it's something that it's unnecessary or too much. I'm glad that they removed already now how much you have to be paid because this was also a topic. Like, without experience in a starting process, you had to be paid so much. This is why it was so hard to find a job. I would say that they just have to decide earlier, faster, that the process for the students should be faster because they finished studying here. It makes a fast no difference if you study here, or you come from another country and you find a job and you apply. So the only difference is that you don't have "Arbeitsmarkprüfung". Everything else is the same, so you are not "privileged" that you studied in Austria. I think they should do something about it. Like the students that invest seven years of their lives here shouldn't have so many difficulties on finding a job or, even after they find a job, so many difficulties to take the permission. So I guess after AMS approves it, they should be ready to go to work and just wait for their card whenever it comes. Because that's a bureaucratic process. That shouldn't be there, and most of the companies don't want to do this because of this waiting time. Like they, that's the first question from the interview is, is when, when you, when can you start, and you say after two, three months, need someone now. Yeah.

NZ: I definitely agree with those are some excellent points. And when it comes to the one year, like you said, it was before it was one year, and then they changed it to two years. And concerning the market right now, which is super unstable. I think it's just, that this is a very long time and the changing process is a hustle. Then that's it. I don't have any more questions. Thank you so much.

Speaker 9

Interview with Austrian Business Agency

NZ: is it okay for you that we do this in English?

Speaker 9: Yes, it's fine for me. Just maybe one question upfront from my side, in which context are these questions or what is the bigger scope of your master's thesis? Maybe you wrote it in the email, but that was some time ago, so maybe I don't remember exactly. Yes, so I send a list of questions to your colleague, Veronica. The questions I'll have, but just the context of your master's thesis is just needed

NZ: The topic of my master thesis is exploring the experiences of highly skilled third country nationals, specifically focusing on the EU Blue Card and RWR card holders, and how the recast of the policies answered employers' demands, and how has it generally increased

attractiveness for highly skilled third country nationals, and generally how the processes have been improved or are improved taking into account individual experiences of the holders, and also I thought because of the recent changes, you have been collaborating with MA 35, I think your input would be of a great value for my thesis. So if it's okay, we can start off with questions right away.

Speaker 9: Okay, thank you. Now I'm on board. Okay, perfect.

NZ: So, yeah, so going through the questions that I have. As I mentioned, so we have the red, white, red card and the EU blue card. And which scheme do you like in your experience so far, have you witnessed in reality, so to say?

Speaker 9: Um, yes, I guess we have to distinguish because the statistics have still not, um, somehow the new figures with the, with the, you know, the Ugh... sorry. I have to kill my phone. So as you already mentioned, the new legislation, which is in place since October last year, we still have to give those new legislation time to evolve. So I guess all the numbers and the statistics we still have are from the old scheme. And therefore, always the highest numbers were the red or red cards for other skilled workers or the 'sonstige Schlüsselkraft' as it's called in German, but especially in the IT or MINT sector.

Speaker 9: generally, let's call it mid-sector, of course, the red white red card for skilled workers in shortage occupations as a 'mangelberuf' are in my experience, the most valuable for the Austrian labor market, but also the EU blue card, but for a really specific group of people, which was due to the high salary threshold.

Speaker 9: So the most common cards, in my opinion are the sonstige Schlüsselkraft and those in the Mangelberuf, especially in the mid-sectors. And also the RWR card for graduates, also for Studienabsolventen, like you, who will graduate from an Austrian university - still not as high in numbers but is also a very important card from my point of view.

NZ: Okay.

Speaker 9: The answers in those kinds of details are okay for you or?

NZ: Yes. So I suppose the reason for that is because of the market demands for, for example, Schlüsselkraft, because there is a need for, those are shortage occupations and probably that would be the reason why this particular type of RWR card is a frequent case.

Speaker 9: Yes, so the demand in specific occupations is high throughout the years. And also what we can see that not necessarily that somebody applies for red or red card in shortage occupation, but just takes the red or red card for other skilled workers, because sometimes it's a bit easier to be obtained in terms of which, what was the education experience in working in a specified occupation, etc. etc. So I think a lot of people who are working actually in the occupation versus a shortage don't have necessarily the regular rate cut for shortage occupations. So I guess you can count those two together.

NZ: Okay, okay.

NZ: And so when it comes to the EU blue card, you said it's for specific cases.

Speaker 9: For specific cases, I meant it in that way that it has a had a quite high salary gap. I don't have the exact numbers now in mind, but I think it was above 60,000 euros yearly salary. So if you're in a regular graduate or if you've come to Austria after you graduated from a university or school in a third country, most likely you won't have such a high starting salary. And so the EU blue card is also in Austria in a scheme for first immigration, if you want to call it like that. So it's very likely that you won't meet this high salary gap, but still the EU blue card has some benefits. For example, if you're looking into cases where workers or talents are immigrating with families, if the family already needs knowledge of German, etc. etc. Then the EU blue card has some benefits regarding that.

NZ: Okay. Great. And when it comes to, for example, if a specific client or an individual kind of needs the support from your side - Which scheme would you advise? Or do you advise both of the schemes, depending on the case?

Speaker 9: First, we advise both of the schemes. But first, we don't advise directly, so we just give our thoughts, if you want to call it like that, and then the person itself has to choose for which card or settlement permit they want to go.

Speaker 9: But for example, we firstly, we always ask these three magic questions. What is your education? What is your salary you're going to be paid? and what is the occupation you're going to work in? Because then you can see is this occupation a shortage occupation, If not, then you are already out of certain scheme. Then the salary is also an important question if you will go for the RWRcard for, um, "sonstige Schlüsselkräfte" or maybe also the EU blue card.

Speaker 9: Or the fourth question is, did you graduate from Austrian University? But usually you can see that from the CV whether the person has this experience. So we always ask, what is the education? How much work experience you have in your field? Is that matching with the occupation you're going to work? And from that, we have to advise on the one scheme, but basically, RWRscheme or EU blue card scheme is equal from the starting point on, but of course, each of the cards has its benefits, and then we try to advise accordingly.

NZ: Okay, great. Yes, and when we talk about recent changes that have been made, so we have the revision of the EU Blue card, and then we have some modification of requirements of the RWR card, how do you view these changes? In terms of how the revision of the policies have addressed the needs of employers.

Speaker 9: I think basically they addressed the needs quite well because there have been a lot of clarification. I mean, in some cases the law hasn't changed so much, but there have been a lot of clarifications. Just give me one second because I somehow have my notes with where I read down my seven top changes with the last change, but I can't find it on my SharePoint because that was in October. But if you give me one minute, I'll find that.

Speaker 9: Here we are. So as already mentioned, there has been a lot of clarification alongside the process, where do we need which documents. Then I think the biggest point is that the minimum salaries have decreased considerably, also for the RWR cards and also the EU blue cards. For example, a RWR card for graduates, also the other skilled workers, but

also the EU blue card as already mentioned, which was a really, really big point, I think which affects people.

Also, the language certificates, which are now valid for five years, previously only for one year. So that was a really huge point from my point of view. That the work experience is also counted if it lasted longer than six months. Previously, it was longer than one a year, which had some kind influence when it's getting close to the points, that is a major improvement.

Speaker 9: Also, if the English is a corporate language in the company, then you get five extra points. And now, as in April, there was another change or another legal reform. Now these five points also apply for French, Spanish, and BKS (Bosnian, Croatian Serbian language) apart from German and that is quite can be, it was a non-bureaucratic way of how to fulfill these criteria because the company has to make a statement that the company language is English, for example, or in a certain department, the company language is English. If you look, for example, take IT department, it is very likely that in IT department, the common language is English. So that was also a major improvement. Then there is actually no proof of accommodation if a person comes alone. Immigration with family is a different matter, but that also was, uh, we gave some hurdles in the, in the past. Also, big part, uh, is that, um, future employer can also file the application for the family members, which was not possible prior to October 2022. And this is a huge benefit in terms of processing time, because before the legal reform, the first person was able to file its application or the company was able to file the application, which we always advise because then you don't have to go to the embassy in the country where you're living. And then as soon as this application was processed positively, then the family members could file the application, but not in Austria or not via the employer, but via the embassy and now that has changed, that also the employer can make, for example, a huge package of files and also file the applications for the family members.

Speaker 9: also for the family members, the RWR card plus, which you get already at the beginning, are as long as valid as the for the person who immigrates to Austria. That has also changed because previously it was only one year. So these are the major changes. And as I said, the minimum salaries which were reduced for the RWR Card for graduates, the RWR Card for other key workers and also the EU Blue Card. And I think this set of measures, alongside with a lot of clarification, really helped a lot to speed up the process and also to make it easier for people to come to Austria.

NZ: Perfect. I wasn't aware of the recent changes when it comes to the language and accommodation. To be honest, this is very good information for me to include in my thesis because from the interviews that I had with, with the co holders, they were actually complaining about those two, uh, points. So, uh, I think with the simplification of that, the process will, will definitely will be, uh, improved, uh, in, in the future, so to say. And, uh, a bit more in depth here, because that's the questions we get all the time as soon.

Speaker 9: If you talk only for one person, if you come with family, it's a bit different. But if only one person wants to come to Austria and applies for a RWR card, as soon as the person applies, he or she needs only to know in which district they are going to live because that determines which authority in Austria is processing the, the case afterward. Of course, you can move wherever you want. Doesn't matter, but as long as the file is processed, they should stay there.

Speaker 9: So, which means between the process, you have to obtain some housing or accommodation there, but you don't need to have that before you file the application. If you immigrate with your family, then it's still the case that you need the documentation

beforehand. But there we tend to get a lot of questions. And the thing I mentioned with the French, Spanish and BKS that was in April this year, so these are really recent changes.

NZ: Okay, we actually answered the next question. So what has particularly been improved in your opinion? You listed the points. And so having in mind all these improvements from your experience, do you still sense the need for adjustments to both the red, white, red and the EU blue card frameworks?

Speaker 9: From my point of view, there is no further need for adjustments at the moment. We don't know what will bring the future, but I think due to these quite big legal reforms, this reform needs time to evolve and that everybody also knows the whole benefits. Now we were talking about the proof of accommodation, I think that has to spread out and so the reform needs time to work and maybe one benefit I forgot.

Regarding the EU blue card, there are a lot of benefits regarding EU mobility. So if you already have an EU blue card of another EU member state, it's easier to come to work in Austria. And so also this intra-EU mobility while holding an Austrian EU blue card was also quite improved and also the possibility, first, salary was decreased.

And also now you can get the, um, EU blue card If you have worked in the IT sector on an occupation, which is on a graduated level, so-called, but you don't have, you don't need necessary degree from a university prior. You had to have a degree to be eligible for a, uh, EU blue card in the IT sector. That has now also been easier to obtain. That was that I forgot beforehand, but yes a lot of adjustments and new benefits and improvements from my point of view. So for now, I guess we should leave the legislation as it is, but that's my point of view

NZ: just one more question when you mentioned the EU mobility. Does it kind of instigates a complication when it comes to the employer because of the mobility aspect of the EU blue card. If I frame the question differently, so would the mobility be an issue for an employer? Or did you have maybe an example from your previous experience where they said, we will rather choose the RWR card because there is a chance, there is this flexibility when it comes to the mobility of the EU blue card and that could be, for example, a potential issue for the employer.

Speaker 9: No, not that I have experience. Sometimes it's even better because the employer asks us, is it possible that this person can also work a couple of days outside of Austria, another European country? So this also brings benefits and improvements for employers. I wouldn't say that it's basically, it's more the other way around because Austria is lacking people. And then if an employer is in touch with an applicant who is already a blue card holder in another European country, then it's now easier to get this person to Austria. So I would say it's more, it's also an improvement for the employers because they can more easily attract holders of EU blue cards of another European countries to Austria and the mobility gives them also the possibility if there are appointments or short business trips in other European countries, you don't have to hassle about work permit or stuff like that. So, okay. In a negative way, I haven't sensed something right now.

NZ: Okay, perfect. Well, that's actually everything so far from my list of questions. Is there anything else or do you have any questions for me? And if not, then we can wrap it up, so to say.

NZ: Oh yes, just I forgot to mention, of course, before I publish my thesis, I will send you the transcription part and also the part that I analyzed from this conversation beforehand so that you can have it for your review.

Speaker 9: Yes, please, that would be nice. Then I can have a read on that one prior. Just one point. Just looking at my notes, I have one wish. If there is adjustment.

Speaker 9: Of course, the further digitalization of the process, because there have also been huge steps now with the reform. For example, if you file your case at the embassy, it is now, how do I call it? It's called the Project Anna, but I get you confuse the readers of your thesis with that word. It's just, it's a digital process, how the files find a way from the embassy to the authorities in Austria. And that also is speeding up the process a lot. And also the, like MA 35, all those authorities are now working in a more digital manner. But that of course can also be widened in the near future.

NZ: So if... So just, if I understood correctly, so this project is in the process or this is something that would be in addition to the improvements.

Speaker 9: That's already in place. Since January this year, your files are sent to Austria in a digital manner. Okay. And then are also processed in a digital way. But of course, how you can file your application, email is possible, of course, you can build the authorities. There would also be, there's a space for more of projects in the terms of digitalization, but it's just because it's 0.7 or 0.8 that didn't have any wish. So I thought I think up of a wish. So that's the only adjustment I can think of.

NZ: Okay, actually that I got for the improvement of the process, I got an input from an interview and she said that she would like to have kind of a tracking link of her application. So just that she knows that it's safe, it's there. So this is some kind of like a thought for improvement, like a tracking link of the application. I think that this could be a great idea, also in line with the digital data. Yeah, because then also maybe you have a bit. Mm-hmm.

NZ: Sorry, I didn't want to interrupt you, but the connection was a bit bad. No, no, no, I didn't say anything. Maybe it came later.

Speaker 9: No, but the tracking link is a good idea because then also you decreasing questions to the authorities like, did you get my application? The classic one, how long will it take? Or is there already, is it also at the labor market test already done or not? Or is there? Is it at the AMS? Is it back from AMS? Is it at the embassy? Where is it? So I guess also something like that would decrease the numbers of questions to the authorities itself. So that's a good idea. I would support it. Exactly.

NZ: Perfect. Then thank you so much for your time and for your input. And as already said, I will send you everything beforehand. This will probably take some time because I've been a bit slow with, with, with writing. It's, it's kind of, it's a process. But yeah, thank you so much and have a great day.

Speaker 9: Thanks, you too. Pleasure meeting you.