

# Surprising New Immigration Requirements: Cultural Knowledge And Language Skills

**As professionals working in this globally mobile world we are used to looking at immigration and employee competencies as two separate and unrelated topics. Recently, however, changes to immigration regulations have forced us to look at these issues together. Most of us know that immigration compliance requires heightened awareness of ever-changing laws, but now some countries are adding elements to their immigration requirements that are taking global mobility teams and HR professionals by surprise.**

A number of governments have added linguistic skills or cultural knowledge as a requirement for entry or continued legal work status, placing responsibility for compliance squarely on both the employee and the employer. Understanding why the sands have shifted is key to managing these new requirements. It's impossible to pinpoint one specific motive for this shift, but it is clear that for some governments the economic landscape of the past couple of decades has forced a protectionist approach to controlling the influx of skilled or non-skilled labour. For others, the drivers have been more political in nature: preservation of national heritage or, at the opposite end of the scale, fear of terrorist attacks and infiltration by terror organisations. A third reason is the generational differences in the approach to integration versus intolerance.

## The Facts Behind The Change

When you dig deeper into what makes governments review or impose immigration regulations, it becomes clear that you can broadly divide motivations and approaches into two categories: exclusive and inclusive. Exclusive reasons are well documented - who hasn't bumped up against a visa/work permit ceiling when trying to get a key employee into a host country? Exclusionary tactics have historically been employed for the protection of certain skills or industries, but everything is set to change within the next two decades. Governments and

businesses will have to work together to address the real talent shortages that are around the corner.

The PWC Talent Mobility 2020 report included some interesting statistics on demographic trends that will come into play, including declining birth rates in the US, one third of China's population being over the age of 50 at a time when the country is facing significant shortages in leadership skills, and Russia facing a reduction of 20 million people in its working age population by 2030. At first glance, these trends may not seem to have an immediate impact on global mobility patterns, but such demographic shifts will mean that countries that have typically 'controlled' immigration will need to open their doors to fill these gaps, leaving emerging market countries ideally placed as the sources of leadership talent and skilled labour, rather than the recipients. The most common exclusive tool that we are seeing is the restriction on the spouse or partner to access the job market. We are all familiar with the direct link between family adjustment and assignment success, but there is a new link between the spouse's adjustment and assignment acceptance.

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

## The New Normal

Whether approaches are inclusive or exclusive, the challenge for governmental administrations regardless of political leanings, societal structure or size is to provide legislation that manages immigration without curtailing economic growth.

An example of one country's effort to achieve this balance is the current S744

bill - also known as the Border Security, Economic Opportunity and Immigration Modernisation Act 2013 - put together by a bipartisan group in the United States. It seeks to provide a path to citizenship for undocumented workers and contains a component to deal with the green card backlog. Although the green card ceiling stays the same, family members of foreign workers would not be included in the tally. The US House of Representatives has offered amendments but the intent remains the same - solve a social issue and an economic one at the same time.

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

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

is the language level that the employee has to reach. The Common European Framework (CEF) is probably the most widely known language scale to measure ability. It assesses how many hours it takes for an average person to progress from one level to another; from beginner (A1) all the way to advanced (C2). For a person with no prior knowledge of Italian, the CEF indicates that it would take approximately 200 hours of language training to reach this level.

In our experience, very few companies have a language benefit within policy that provides anywhere near that number of hours for the employee, let alone the spouse or children over 16 years old. This is a clear example of a shifting immigration requirement that will affect mobility policy benefits for language training for assignees.

Who would have ever thought that an increasing focus on immigration compliance in global mobility would include assessing our assignees' cultural knowledge and language skills? It is an interesting shift, and one we as professionals need to monitor closely.

It's clear that linguistic skills and language requirements have become key components of a number of countries' immigration and integration policies and they are only likely to become more prominent as we see global mobility increase.



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### Immigration Update

This seminar will be a practical session providing advice on the latest Immigration developments and the implications for businesses, and will cover Immigration Policy Updates, Global Immigration Strategy and Management, Compliance and Risk Management.

This seminar will be presented by Ferguson Snell & Associates, and if you have an immigration enquiry that you would like Ferguson Snell consultants to cover on the day please email your enquiry in advance to [fs@fergusonsnell.co.uk](mailto:fs@fergusonsnell.co.uk).

This seminar is taking place at  
The 2015 Corporate Relocation Conference & Exhibition  
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