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 terrorist organisations. A third reason is the link between the spouse’s adjustment and assignment success, but there is a new direct link between family 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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1.30pm

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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.

This seminar is taking place at
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