



EDITED BY MAURIZIO AMBROSINI

EUROPE: NO MIGRANT'S LAND?

INTRODUCTION BY PAOLO MAGRI

ISPI

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Edited by Maurizio Ambrosini

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Introduction

The Mediterranean region has always been marked by intense migration flows. Lampedusa, the southernmost tip of Italy, is just 100 km away from Tunisia's shores. Most of the Dodecanese islands in Greece are less than 5 km from Turkey's coastline. It is thus normal that Italy and Greece have been at the forefront of the most recent migration "crisis" that has gripped Europe, with over one million migrants reaching the continent's southern shores last year.

The first signs of an impending migration surge were already visible in 2011, when over 60,000 migrants (mostly Tunisians) arrived in Italy on the wake of the Arab Spring. Despite this, policymakers at either the EU or national level have been dramatically slow to respond to changing conditions. A relative lull in sea arrivals in 2012 and 2013 initially appeared to vindicate those advocating for a wait-and-see approach. Over the last two years, however, a new sudden surge has brought migration back to the top of the political agenda, making it a hot topic capable of rapidly swaying a volatile and nervous European public opinion. Terrorist attacks in France, Belgium and now Germany have only compounded fears that unchecked migration flows may pose renewed security risks.

The lack of a coordinated policy response at the European level is not just the result of inertia and wishful thinking: there are structural factors at play as well. First, European migration policies remain for the most part a matter for national governments, which have proven too jealous of their prerogatives to devise a stronger common response. Second, EU countries have different preferences with regards to how to face up to this task, especially when choosing a mix between welcoming migrants or turning them away. Third, the direction and composition of migration flows have been

constantly changing, and this has often wrong-footed EU policymakers accustomed to slowly building consensus among the 28 member states with different national preferences, political priorities, and domestic electoral calendars, instead of rapidly acting to face emergency situations.

As an example of the current deadlock, one may consider what happened over the last two years. What was initially believed to be a crisis originating mainly from Northern African migrants and affecting Italy rapidly shifted to an emergency at Greek shores after August 2015, only to suddenly move back to Italy after the EU-Turkey agreement of mid-March 2016. The composition of migration flows themselves has defied expectations, proving to be much less predictable than initially expected. Asylum seekers travel side by side with people fleeing from poverty and seeking better opportunities. And both categories have shown to have distinct preferences over their ultimate destinations in Europe, being well aware of differing reception conditions, labour market and welfare opportunities, and previous presence of family members or nationals. This, in turn, has complicated attempts to discriminate between legitimate asylum seekers and “economic migrants” hoping to take advantage of overburdened national asylum systems and porous European borders.

In this context, it comes as no surprise that the European response has unravelled so fast. Acknowledging that the Dublin system (the first country of arrival in the EU processes most asylum requests) places an unsustainable burden upon member states that are nearer to Europe’s external borders, in May last year the European Commission proposed a relocation mechanism of asylum seekers among EU countries based on a solidarity principle and objective “quotas”. Even after having been politically tweaked in July, a proposal to relocate 160,000 asylum seekers in total gathered staunch opposition from a minority of mainly Eastern European countries. As the East-West rift has opened up, relocations have remained largely unapplied: as of 15 July 2016, just over 3,000 asylum seekers had been relocated.

Devoid of any other legal way to ease the pressure on their national systems, Italy and Greece have resorted to a policy that more or less allowed migrants to move freely beyond their northern borders.

This in turn triggered a reaction by Eastern and Northern countries, which closed their borders in derogation to the Schengen principle of free movement. Such a vicious circle has opened up new divisions between EU member states. Last December, Hungary, the Czech Republic, Slovakia and Romania filed a lawsuit to the European Court of Justice against the relocation proposal, and in July this year Hungarian Prime Minister Viktor Orbán announced a referendum on the matter to be held next October. Meanwhile, a nationalistic and anti-migrant backlash has swept through Europe. Once-moderate countries such as Austria have sided starkly with the anti-migrant camp, and in Germany the Eurosceptic and nationalist Alternative für Deutschland is now polling as the third party after the Christian Democrats and Social Democrats.

Unable to agree on shared solutions to migratory pressures, EU countries have attempted to “externalise” the management of the Southern Schengen external borders. One such attempt, championed by Angela Merkel, to convince Turkey to do its part led to the EU-Turkey agreement last March, which for the moment appears to have managed to reduce the flow of sea migrants to Greece from a flood down to a trickle. Other so-called third countries appear to be much more reticent to act to stop people moving from or through them – African states foremost among them. Besides understandable reticence and hostility to requests to unilaterally control porous borders, political instability in countries such as Libya make policies to manage the flow almost impossible to implement.

Such is the situation as the current Report goes to press: a Europe that approached the migration crisis divided is increasingly at odds with itself. Despite attempts to find viable solutions at the European level, national responses are prevailing. The lack of coordination in facing an emergency of this magnitude has deep-rooted origins in the different ways in which many European countries have decided to approach the migration challenge over the last two decades. In order to mend these differences, there is an urgent need to better analyse national approaches to both management of migration flows, and integration policies at home. This Report aims at doing just that.

In the first chapter, Catherine Wihtol de Wenden draws a grim picture of the inability of European countries to act cohesively in the face of common pressures at their Southern shores. As Europe copes with the biggest inflow of asylum seekers and other migrants since at least the Balkan wars, and even in the face of the risk that this situation goes on over the medium term, EU member states have proven too slow to respond. With a view to responding to the solidarity crisis and finding viable way outs to short-termism, in which politicians only pay attention to domestic public opinion and electoral calendars, time is ripe to improve supranational governance mechanisms. Europeans need to come to terms with their fears, and realize that what makes things worse is precisely their inability to jointly address the shortcomings of the current system. Effective ways to reap the benefits of migration by both sending and destination countries are at hand, if only policymakers and common citizens realized that this crisis is also a crucial opportunity to reform an unsustainable system, changing it for the better.

One of the reasons why in general it is difficult to find common solutions to the issues arising from (legal and illegal) migratory flows is the stark disconnect between the nature of the challenge and the level at which it is addressed, argues Anna Triandafyllidou. Both flows and their implications are transnational in nature, but the policy governance framework is still skewed towards national solutions. Even Europe, a region where policies for the management of migration flows (for instance minimum reception conditions and qualification requirements of asylum seekers) are somewhat coordinated at a supranational level, comes far short from the level of coordination that would be needed to effectively address issues that affect multiple countries at once.

The third chapter, by Emilio Reyneri, moves from the problem of managing migratory flows to an evaluation of migrants' contribution to the labour markets of destination countries. Building upon previous research, Reyneri convincingly argues that European countries are undergoing a demographic transition that makes a constant inflow of migrants necessary to support still relatively generous welfare systems. Interestingly, evidence shows that on

average migration flows do not increase unemployment among native workers over the medium run. While some low-skilled workers may end up losing out from a sudden inflow of competitive labour force from abroad, migrants tend to make a higher contribution to the welfare systems of their host countries than the share they use: this opens up some fiscal space to compensate the unemployed with higher benefits. In the end, the impact of migration on labour markets needs continuous monitoring and carefully planned, fine-tuned policies. We enter the realm where scaremongering is useless, and judicious policymaking is imperative.

In the following chapter, Christian Joppke sheds a somewhat positive light on integration policies in Western European countries. Joppke argues that dangerous moves from multiculturalism towards more and more “assimilationist” policies – policies that would force migrants to show proficiency and knowledge in the “cultural milieu” of destination countries – are not as strong as initially believed. In fact, most policies mandating some degree of civic integration do not tend to replace multicultural approaches, but are simply “layered on” more tolerant policies that have shown a high degree of resilience even in the face of rising xenophobia.

Finally, in the closing chapter Thomas Faist, Kerstin Schmidt and Christian Ulbricht show how the concept of citizenship has changed over the last two decades, moving towards an overall “inclusionary” direction that expands citizenship availability and connected rights to new categories of people, or makes them available earlier on in their life cycle. At the same time, exclusionary tendencies are not disappearing, and the authors show the high degree of heterogeneity that still characterises Europe by comparing policies across countries. In this respect, two issues are most pressing and require renewed attention. First, the migration debate is being progressively securitized, and this hinders migrants’ integration into local communities. Second, the reliance on economic criteria to discern between migrants who are allowed to acquire the citizenship of their host country and those who may not is producing a new, subtle sort of discrimination.

All in all, both the management of migration flows, and integration and citizenship policies in Europe still have a long way to

go. While political conditions might appear un conducive to international cooperation, the latter is urgently needed, and not just for devising a common European strategy. When “speaking with a single voice”, a set of specific policies and best practices needs to be identified and shared. European policymakers need to acknowledge that migration flows are affected by long term trends that are here to stay.

It is not too late to reap the benefits of migration flows, while at the same time addressing the challenges that they raise to our societies. European leaders need to go back to frank, pragmatic discussions with a view to finding the right mix of effective EU and national policies. This is ultimately the best way to oppose the populist narrative of Europe as a “no migrant’s land”.

Paolo Magri
ISPI Executive Vice President and Director

1. Current Patterns of Migration Flows. The Challenge of Migration and Asylum in Europe

Catherine Wihtol de Wenden

At the start of the XXI century, international migrations are involving 244 million people (i.e. 3,5% of the world's population), with roughly the same number of flows going to the north (120 million) as to the south (130 million), which is something unprecedented. No region, no country in the world is excluded from migration flows and all countries are involved either in emigration, immigration or transit flows, most of them in the three trends together, blurring the categories of migrants between family reunifications, foreign workers and asylum seekers. New profiles – such as isolated women, unaccompanied children, circulating elites and experts – have entered into international mobility. However, **the right to move is one of the least shared in the world:** global mobility is severely segmented based on nationality, class, gender, race, and other factors. In the meantime, the end of the Cold War, and the fall of the Berlin Wall in Europe in 1989, created a generalisation of exit rights, with easy access to passports, even in southern countries, along with more restricted rights to enter OECD (Organisation for Economic Cooperation and Development) countries.

In this chapter, we will deal with:

- **Current patterns of migration flows:** the world can be divided into four migration patterns: south/north, north/north, south/south and north/south migration flows, corresponding to various migration profiles, some of them being very recent;

- **Social mechanisms which have underpinned processes shaping flows:** the regime of border crossing according to the departure and destination countries, and mechanisms of closed or open borders may lead to trafficking, which is becoming a pull factor, along with push factors linked to political crises and unemployment;
- **The different and conflicting ways in which EU member states and Institutions are responding to the influx of migrants:** we have observed a line of fracture between the east and west of Europe facing the refugee crisis, a lack of trust from northern European states towards southern ones confronted daily with new migrant flows, a weak follow-up to the measures implemented such as relocation quotas, hotspots and other mechanisms, and a *fuite en avant* with the agreement between Europe and Turkey last March;
- **The crisis of the Schengen regime,** made up of scenario errors right from the beginning, perverse effects, a unique security approach helped by bilateral agreements of readmission between EU and non-EU countries, coupled with the twin **crises of Dublin II and of Frontex** consisting of “path dependency” on the institutions already created without viewing other horizons of immigration flow management. These institutions seem to preserve themselves, in a context where states look like obstacles to solidarity.

Globalisation and regionalisation of migrations

The world is moving. During the last forty years, international migration has grown by a factor of more than 3, from 77 million in 1975 to 244 million in 2015, and so have internal migrants (740 million). China alone has 240 million internal migrants and half of them are illegal. This globalisation of migrations, defined by the involvement of almost every country in a process of departure, arrival and transit, is at the same time accompanied by a regionalisation process: in every world region, there are more migrants coming

from the same region than coming from other parts of the world. This trend is due to the emerging presence of newcomers like women alone, unaccompanied minors, environmentally displaced migrants, internally displaced people: all migrants who rarely move far. Refugees in situations of forced migration, with or without legal status, now amount to 65 million, including internal (those who did not leave their own countries). Displaced people for environmental reasons are 42 million, 17 million of them international climate refugees.

The reason for this entrance into mobility is structural, linked with inequalities of development, demographic structures, gaps between rich and poor, information about better opportunities elsewhere due to new technologies of information and communication, offers of mobility due to trafficking, and political crises creating refugees. Europe is in the middle of these shifting trends. It is the first destination in the world in terms of migration flows, followed by the United States, the Persian Gulf and Russia. However, in terms of stocks of settled migrant populations, the US is first with 46 million foreign-born, with Europe a close second with 42 million settled migrants. During 2014-2015, Europe was confronted with an unforeseen arrival of asylum seekers from the Middle East: 625,000 asylum seekers in 2014 and 1.2 million in 2015 (mainly Syrians).

The four global migration trends

We can divide the world into four parts, according to the directions taken by migrations and the types of migrants involved: from south to north (70 million), there is a long tradition of flows of workers, family reunifications and refugees due to geographical proximity, colonial and linguistic heritage, and transnational migrant networks such as *couples migratoires* (one nationality in one country such as Algerians in France or Mexicans in the US, or quasi-diasporas like Turks or Moroccans in Europe, spread into several countries with high transnational networking). These flows are still growing, even if workers have today decreased compared to family reunifications, students and highly qualified elites from south to south, and to asy-

lum seekers and other forced migrations. Restrictive immigration policies have impacted upon these trends, being at the same time challenged by illegal newcomers. The rights of departure have become quite free in most countries of origin, while entrance in countries of arrival has become very difficult due to securitised border controls. But if the migrant enters legally, he or she may have progressive access to all the rights of other citizens, including access to citizenship in most cases where *jus soli* and access to naturalisation are open, as well as freedom of association and local voting rights.

From north to north, there are fewer migrants (50 million), mostly qualified young people who have exactly the same rights when leaving and arriving. Some of them are commuters, easily crossing borders as a way of life. We see these new profiles settling into mobility as a way of life (*circulation migratoire*) with all those who can leaving their countries as easily as they can enter another. The European experience of free circulation between Europeans from east to west after the fall of the Iron Curtain in 1989, as well as the newcomers from southern European to northern European countries has shown several examples of these settlements into mobility as a way of life and the importance of this unique space of internally free circulation in Europe, the most advanced worldwide.

From south to south, the figures are reaching the numbers moving from south to north (70 million, but we must add a lot of illegals), due to new types of migration that have recently appeared: women (50% of the world's international migrants), unaccompanied children, environmentally displaced people, south-south movements of labour forces such as towards Gulf countries or emerging ones. The departure from southern countries began in the 1990s, with the generalisation of passport access, and because entrance is easier than to northern countries. But rights are as poor at departure as at arrival: difficult access to social rights (namely family reunification), to citizenship and to asylum protection (among many of the 50 countries not signatories of the 1951 Geneva Convention on refugees, we find southern poor countries).

From north to south, we find again those who consider international mobility a way of life: seniors going to the sun when they

have retired, looking for more individual care, recently coupled with qualified unemployed young people looking at the south's new job opportunities. All these have freedom of departure and few entrance requirements, they preserve their social rights (as expatriates), but access to citizenship or to property ownership may be limited because a lot of southern countries are ruled by *ius sanguinis*. The number of these people is not very high, but it is increasing (20 million).

EU migration policies

Some myths and paradoxes are driving European migration policy, anti-immigration discourses and anti-immigration effects. Many of them belong to answers to short-term political and electoral concerns in member states: one could list military dissuasion as a means to stop migration, considering migration a security issue to be managed by repression, associating irregular migration with terrorism and criminality, regularisations as a pull factor leading to new flows, brain drain as an obstacle to development, immigrant labour as competition on European labour markets, development as an alternative to migration, the generalisation of return migration as a generational dynamic, or environmentally displaced people as a prime risk for Europe.

In this broad context, Europe is the first destination for immigration flows (and the US the first for the amount of settled foreign-born), but EU-level and national policy makers – along with a part of the public which hardly accepts this reality – seem to ignore the long-term dimension of this phenomenon, giving answers in emergency contexts, with a gap between the realities of long-term migration flows and short-term management policies of entrance and stay. For a long time (until 1974, date of the suspension of migration labour forces in most European immigration countries), immigration was viewed as a provisional solution to labour force shortages in a period of high economic growth.

A striking feature of migration politics in the increasingly integrated EU is that European nations and public opinion as well as governments failed to acknowledge their changing status from

emigration to immigration countries from the 1960s onwards. Historically a continent of intense emigration, sending millions of its natives all over the world through labour emigration, colonisation, trade, missions, wars, cooperation, Europe clearly became a land of immigration in the 1960s but both migration and immigrant politics seem to lag behind statistical and demographic facts.

In Europe various trends of migration policies and politics in the region have led to harmonisation of migration policies on the external dimension of European border control through the 1985 Schengen visa system and bilateral and multilateral agreements with countries of origin, leading to weakening entrance conditions and strengthening military forms of control and closure. The focus on closure in a world on the move can appear paradoxical. In the meantime, the countries of emigration have been transformed into immigration and transit countries by Europe.

Some new events like the murders in Paris committed by Islamic terrorists in November 2015, following a debate on the burden-sharing between EU countries of refugees from Syria, Iraq and the Horn of Africa led to a lot of contradictory opinions and debates on the opening or closing of national borders in France and Europe and to ethno-centric attitudes towards Islam as a form of otherness in European countries.

The Mediterranean as a crucial migration area, system and regime

Another crucial debate has been focused on the Mediterranean. However, concerning migration flows, the Mediterranean can be subdivided into three different areas: the Maghreb, the Near East, and the Balkans. These correspond to various forms of migration (immigration for work and family reunification, disentanglement from ethnic and religious affiliations, refugees). At the same time, the whole region is a crossroads of civilisations and ways of life led by trans-border networks, due to the intensity of its shared history of conflicts and dialogues, to its demographic dynamism in the

south (although in a demographic transition today) and to the interdependency of its economies. Nowadays the globalisation of migrations focuses on the Mediterranean as a concentration of practically all migration situations in the world: refugees, illegals, unaccompanied minors, processes of containment and of mobility, integration dynamics and security approaches, transnationalism and diasporas, religious identities and the pluralism of situations between the 22 states bordering the sea.

The debate around migration in the Mediterranean is very acute, due to the present refugee crisis, to the consequences of the Arab revolutions (unforeseen in their extent and length for Syria), to the proximity of emigration and transit countries, but also to the involvement of southern European countries in the arrival of newcomers. The logics of migration movements in the region, the perverse effects of the dissuasion policies of border controls and the various forms of transnational networks are spread between countries of departure and arrival.

The challenge of migration and asylum for contemporary Europe

Today Europe is faced with an unprecedented inflow of refugees because it is surrounded by countries in conflict, which have generally produced flows of forced migration, even if these do not all fit the profile of the Geneva Convention of 1951. Usually, Europe counted around 200,000 asylum seekers per year before the 1.2 million of 2015. But we must remember that this crisis is not so new, because after the fall of the Berlin Wall, Europe received 500,000 asylum seekers per year from 1989 to 1993, mostly in Germany, which welcomed three-quarters of all the asylum seekers in Europe, and then the crisis in the former Yugoslavia again led most refugees from this region to Germany.

The present flows of refugees are mainly coming from Syria (5 million have left their country since 2013 and 7 million are internal refugees within Syria), Iraq, and the Horn of Africa through

Libya, from Afghanistan and from Kosovo. Turkey has welcomed the largest part of them, with 3 million on its territory. This situation led to conflicting ways of responding to the influx of migrants between EU member states and its institutions.

Conflicting responses between the EU and member states

The first response by EU Institutions came in May 2015, through the voice of Jean-Claude Juncker, President of the European Commission, who proposed a burden-sharing relocation mechanism for 40,000 asylum seekers between the countries of the EU according to quotas mainly based on their wealth and population. This announcement was followed by a strong refusal by member states, being viewed as an intrusion into domestic migration policies. During the summer of 2015, many central European countries closed their national borders to the entrance of newcomers through the Balkan route, and Hungary was the first to oppose the welcoming of new refugees, followed by the Czech Republic, Slovakia and Poland, all countries threatened by the rise of extreme rightist parties. In September 2015, the European Commission again asked European countries to relocate 120,000 asylum seekers from Italy and Greece, on top of the 40,000 agreed upon in July. Then came the discourse of Angela Merkel on 7 September, announcing Germany's readiness to welcome 800,000 asylum seekers in 2015, and the mediated photograph of three-year-old Syrian Aylan Kurdi dead on the shore of Bodrum; in light of this, Western European countries with some reluctance accepted the figures proposed by the Commission (30,000 for French resettlement in two years). During 2015, according to UNHCR (UN High Commissioner for Refugees), Greece welcomed the largest part of newcomers, who then tried to enter other EU countries. But Italy, which was in the front lines prior to 2015 and which led the Mare Nostrum operation in 2013, saving 146,000 people in one year (November 2013 to November 2014) is again particularly involved – all the more so after the EU-Turkey agreements of March 2016, which stopped most of the passages between Greece and Turkey by sea.

With this agreement, Europe follows a long trend consisting of disregarding the rules of its common policy thanks to bi- or mul-

tilateral agreements with non-European neighbor countries. Libya was the most important partner with several European countries to serve as filter for sub-Saharanans wanting to reach Europe and it was repaid with money, infrastructure and recognition of Gaddafi as a legitimate partner in the “dirty job” of containment and returns. As Libya is now the land of traffickers in illegal passage, the partner has become Turkey. This country was so immediately considered a safe country for asylum seekers it struck a real bargain: 6 billion euros, the opening of a new negotiating chapter in Turkey’s application for EU membership, and the potential waiver of visas for Turkey citizens travelling to European countries. Turkey’s nationals currently do not pose any migration risk for Europe, although Turkey has the largest population of non-Europeans living in the EU (4.5 million): as of today, there are fewer Turks going to Europe than Turks coming back from Europe to Turkey. The legitimacy of President Erdoğan, somewhat criticised for his authoritarian style of governance, has been somewhat restored in the EU, and Europe also asked for a strange exchange during one year of 72,000 Syrians sent to Europe as asylum seekers in exchange for asylum seekers refused by the EU.

The factors of failure and the implications for EU institutions and member states

Among the main reasons for these bad responses there is the European immigration and asylum policy itself. Since 1990, most instruments of dissuasion, repression and confinement have featured European immigration and asylum policy as a security approach. The Schengen system of reinforcing external border controls led to the deaths of 30,000 people in the Mediterranean between 2000 and 2015, 40,000 since 1990. In 2015, 3,000 people died in the Mediterranean Sea and 1,400 in 2016 from January until June. Trafficking is the main answer to closed borders, with a lot of money to gain, few possibilities of controlling the main culprits and impunity for them. But every time there have been lots of dead people in the

sea, the Frontex mechanism of common policing (created in 2004 as a shared European control of the external borders of the EU) has been refunded and we can perceive some path dependency towards institutions created to control the illegal flows without asking about their efficiency. The Dublin agreements on asylum can also be questioned: the Dublin I (1990) agreement tried to define a common European asylum policy which reduced the chances of getting refugee status due to harmonisation between all European countries. But the most responsibility can be given to Dublin II of 2003, highly criticised but never cancelled, according to which an asylum seeker entering a EU country has to compulsorily ask for asylum in this country (“one stop, one shop” system). It does not work because newcomers have a precise idea of the country to which they want to apply and Greece is rarely the chosen one.

The most important failure was the solidarity crisis between EU countries. In recent years, burden-sharing was the line proposed by most of the important countries receiving asylum seekers like Germany and Austria after the fall of the Berlin Wall. The Dublin II regime passed the task to southern European countries on the Mediterranean, mostly Italy and Greece, which lack suitable infrastructures, particularly on the Mediterranean islands. A gap also appeared in 2015 between eastern and western European countries regarding the resettlements proposed by the EU: most countries belonging to the Visegrad group (Poland, Hungary, the Czech Republic, Slovakia) refused newcomers and closed their national borders, pleading the challenge brought to their homogenous identity and the context of terrorism. Solidarity is, however, one of the values of the EU, defined in several articles of the EU Treaty of Lisbon and part of the founding values of Europe, like democracy, human rights, liberalism, the division between church and state and diversity. We have seen a lack of trust between EU states regarding refugees, and situations where states have been the main obstacles to European solidarity, due to the strength of growing nationalist ideologies all over Europe. A return to national borders and symbols of state sovereignty have often been cited by countries during the refugee crisis.

Other outcomes would be possible but they were not debated, such

as implementing a 2001 European directive on temporary protection for newcomers not fitting the criteria of the Geneva Convention. One could also reopen some other legal channels of immigration in employment, which would weaken the explosion of so called mixed flows of job seekers trying to get refugee status. Declaring war on migration as was debated at the EU level a year ago and dissuading it with repression at militarised borders is not a suitable solution for Europe. The weakness of Euro-Mediterranean dialogue and the return to old, failed solutions such as return policies (as decided in the Valletta Euro-African summit of autumn 2015) are also part of the crisis, a crisis which is more about solidarity and dissuasion than about refugees, who largely concern few EU countries except for Germany.

Could international governance of migration policies be an answer?

Governance has been recently applied to migration management, in a context of great disorder and violation of human rights when migration has become progressively a world issue. Most southern countries have no immigration policy and few of them are signatories of the international Convention on Refugees (1951), statelessness (1954) and equality of work rights with nationals (ILO, International Labour Organisation) or children's rights (1989). New profiles, isolated women, unaccompanied children, elites and experts have entered into international mobility. But the categories of migrants have been blurred (workers, refugees, family members) due to more similar profiles among them than in the past, along with the categories of states (of immigration, emigration and transit), also in turmoil. This confusion, the discrepancies between objectives and results, the perverse effects of some national policies are pleading for world governance.

Historical background

During the 1990's, several specialists in migrations were underlining the contradictions between liberal economies and national secu-

rity approaches to migration, between the contribution of mobility to human development and borders closed with visa systems for two-thirds of the planet (UNDP, 2009), the emerging enunciation of a right to emigration and to mobility as a global public good in a world while closing entrances (UNESCO, 2010). The gaps between the objectives and failing practices have led to the idea that migration would be better managed at a larger level than the national state. In the meantime, transnationalism has spread as a new approach to migrations, hinting that the borders were not closed for a lot of flows: social, economic, cultural, media. Then, the use of mechanisms of global governance as an experiment for global stakes (environment, population, women's condition, climate) has introduced the idea that it could be enlarged to migration.

A term of reference: the United Nations Convention of 1990

At the global level there are some universal declarations governing migrations: the Universal Declaration of Human Rights of 1948 says that every individual has the right to leave a country including its own. The ILO also aims to protect social rights for migrant workers. However, while refugees have a universal text which is the Geneva Convention of 1951 on refugees, first dedicated to European states then enlarged in 1967 and 1969 to all the world, migrants lack a general and universal right because they are governed by countries' immigration laws which define the rights to entry, work and settlement at the national level. It sometimes looks like a far west because the most powerful nations are defining migration rules all over the world due to their power of attraction. In 1990, after ten years of work, the United Nations submitted for the signature of all member states (193) the UN Convention of 1990 on the rights of migrant workers and their families. This convention does not innovate or open to new rights. It simply refers to all rights existing in the world for migrant workers, but it does give some minimum rights to illegals. For this reason, no northern country of immigration signed the Convention, which has been gradually signed by 48 countries, all of them belonging to the south as emigration countries. These last, aiming at protecting their nationals abroad, often

encounter difficulties when they are themselves confronted with immigrants as new immigration countries because the rights they formerly wanted recognised were for their nationals.

Global governance

The global governance of migration was launched by Kofi Annan, Secretary-General of the United Nations, in 2006. He was interested in a process begun in Geneva in 2003 by several international organisations and NGOs to propose a broader reflection on migration than that led by the states (the GMG, first Geneva then Global Migration Group, created in 2003, which rapidly counted 17 partners). The idea to speak about migration on a global level was launched at the Cairo Global Conference on Population in 1994. But there has never been any global conference on migration such as those focusing on Population (Cairo), Women (Beijing), Discrimination (Durban), or Environment (Copenhagen) under the auspices of the United Nations. Kofi Annan decided in 2006 to create a High Level Dialogue at United Nations headquarters in New York, followed by annual meetings of the World Forum on Migration and Development in Brussels (2007), Manila (2008), Athens (2009), Puerto Vallarta (2010), Geneva (2011), Mauritius (2012), Stockholm (2014) and Istanbul (2015). The United Nations organised a second High Level Dialogue in New York in 2013.

The main idea, starting from the many perverse effects of some national immigration policies or from no decisions, is to draw on broader expertise than that of the nation states, in order to avoid the most unexpected effects: illegals settled for a long time in arrival countries without any prospects, dead people along the borders, inequality between men and women in daily life and work, child labour, development of the clandestine economy of passage, unaccompanied minors, isolated women, repatriations and new arrivals. The lack of efficiency in controlling national borders, in spite of security discourses and practices close to military action and the violation of human rights in practically every operation, have progressively led to the idea that a supranational level of decision would take into account more contradictory factors and ethic

principles than nations would, entangled in public opinion and security issues. The Forum is presently a work in progress and the basis of the reflection is the United Nations Convention of 1990 of the Rights of Migrants and their Families. But the Forum has weak legitimacy on the international scene because the High Level Dialogue itself does not belong to international diplomacy but to parallel practices. **The topic of migration is never dealt with at the G8 or G20 meetings.** The reason for this slow advancement of global migration governance (however foreseen by its Secretary-General, Peter Sutherland, and despite the will of the International Organisation for Migration (IOM) to head the system) is a lack of transnational mobilisation for such a cause. The actors pleading for less open borders are putting together the immigration states, nationalist public opinions and political parties and some defenders of the welfare state feeling threatened by new social consumers. Those who are in favour of opening the borders are on the contrary the emigration states (mostly signatories of the UN Convention of 1990), the associations of migrants involved in development in their countries of origin, human rights associations and enterprises lacking labour forces. They have no tradition of fighting together, which weakens the progress of the claim for global governance of migration. Although the nations of immigration are losing control of their borders due to the world in motion, they try to resist human globalisation, including migrations. But the mechanisms have been put into play and it will be difficult to stop the movement for global migration governance, due to the support of a lot of NGOs such as The International Catholic Migration Commission (ICMC).

Regional governance

In parallel, in order to better conciliate security with freedom to trade and work, and to facilitate the opening of borders (the final mobility factor needed in the mobility of capital and trade), some regions have organised regional systems of free trade, freedom of movement, work and settlement. The EU example is the most accomplished system for Europeans (with a severe counterpart for the non-Europeans wanting to cross Europe's external borders), as is

the Nordic area (including non-EU states) but there are other areas of labour force mobility: the Unión de Naciones Suramericanas (UNASUR) in Latin America, the Association of South-East Asian Nations (ASEAN) system, which combines countries with freedom of circulation and work with immigration states in the region, the Trans-Tasman Travel Arrangement (TTTA) between Australia and New Zealand, the Economic Community Of West African States (ECOWAS) between 15 countries of Western Africa. Other practices are more informal: the CIS has also suppressed short-term work visas for Central Asia and South Caucasus to Russia, while Turkey has suppressed its entry visas with 45 countries including the EU to encourage trade, tourism and work. We count around 22 regional systems of free circulation in the world but very few of them are working really well, due to political conflicts in the regions.

The emerging states and new questions

Global governance is on the move because southern countries are now part of the debate. Some of them are emerging states of immigration like the BRICS (Brazil, Russia, India, China, South Africa) but there are also some others (Algeria, Libya, Gulf States, Angola, Venezuela), while former emigration countries have become also immigration and transit countries (Turkey, Morocco, Mexico). They are trying to enter the scene thanks to diaspora policies towards their emigrants, requiring rights for them in their negotiations with immigration states (in exchange for repatriation agreements) and they are beginning to have a voice in World Social Forums as well in the Forum mondial sur la migration et le développement (FMMD) annual meetings and High Level Dialogue of the UN.

Another factor implying more global governance is the persistence of unresolved questions: statelessness is one of them, the case with 13 million people around the world, namely in Bangladesh, Myanmar and some sub-Saharan countries of the Great Lakes region. Another is environmentally displaced persons; we count 42 million of them all around the world but climate experts are foreseeing between 150 and 200 million by the end of this century. A project called the Nansen Initiative began in Geneva in 2011 but

the UNHCR does not recognise environmentally displaced people as refugees. Another unresolved question that could be more easily debated at the global level is the unexpected consequence of decisions which have outcomes on migration flows, such as the price of cotton, the development of coffee plantations in new countries alike Vietnam, extensive fishing in Africa by the Chinese or Japanese and other open markets for raw materials.

The global governance of migrations can be an answer to such questions. But it is still a timid and fragile diplomacy because the long-term illegitimacy of international migrations is causing some disorder in the logics of national states.

Conclusion

The issue of asylum and immigration has become high on European agendas as well as in national European policies, but the recent increase of refugees since the Arab revolutions of 2011 and particularly with the Syrian crisis has aroused the most debate, along with some grey situations such as Calais, in France. It has highlighted the limitations of European immigration and asylum policy, of the Dublin agreements on a common asylum policy, and the strength of the divergent interests of national governments. Most of these policies at state levels are not necessarily made to create good policy but to satisfy public opinion influenced by extreme rightist ideas, starting with a theatricalisation of European and national policies where all forms of walls, closure and controls have gained high political approval. But immigration also concerns other European and national issues such as demographic decline, employment in jobs not in competition with European labour markets, concerns about Islamist radicalisation, distrust towards all forms of agencies led by migrants such as those with dual citizenship. All these trends are contradicting the values of Europe, made up of solidarity, harmonisation, humanitarian protection and inclusion, challenged by the present crisis.

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2. Governing Irregular Migration: Transnational Networks and National Borders

Anna Triandafyllidou

Both irregular migration and asylum seeking constitute global challenges in the sense that they are international in nature – involving at least two countries, the country of origin and the country of destination – and transnational in their implications: the push and pull factors creating the flows are mediated by transnational networks and transnational institutions or actors that make the migration possible; the asylum norms are also transnational in their nature; and the interdependence among the different countries involved is such that their governance needs a certain level of transnational management and cooperation). Similarly, migrant smuggling is identified as a transnational criminal phenomenon that involves “criminal entrepreneurs” from many countries¹.

Global socio-economic inequality, ethnic conflict, civil unrest, political instability, environmental hazards, or simply sheer poverty cause people to leave their countries of origin seeking better employment and living conditions (migrants) or seeking protection (asylum seekers) in other countries. Irregular migration and asylum seeking flows are often closely intertwined as both types of populations cross international borders without appropriate documentation. Scholarly and policy research has also shown that

¹ Europol, *Migrant Smuggling in the EU*, February 2016, p. 7, file:///C:/Users/atrianda/Downloads/migrant_smuggling_europol_report_2016%20(1).pdf

sometimes people who are mainly motivated by economic reasons apply for asylum as a means to achieve legal status, while on other occasions people in need of international protection prefer to stay in a country as undocumented migrants in view of applying for asylum in a third country or because they are not aware of the options available to them or their related rights.

This chapter elaborates on how migration and asylum seeking are intertwined and argues that while these two phenomena need to be governed at the transnational level, eventually solutions boil down to the control of national borders. In order to make sense of new modes of governance emerging today in the field of asylum seeking and irregular migration at the transnational level, I am proposing the notions of irregular migration systems and transnational governance networks. Discussing, however, the recent refugee crisis and the main EU initiatives aimed at managing the crisis, I am concluding that eventually migration and asylum management still boils down to border control. In other words, while transnational governance networks are in place, they ultimately depend on nation-states and national borders for effective responses. This is a paradox for migration and asylum governance today that needs to be addressed both from a conceptual perspective but also and most importantly from a policy viewpoint, as border control tackles the symptoms but does not address the root causes of irregular migration and asylum seeking.

Irregular migration as a reality and as a policy category

Irregular migration² is largely considered a phenomenon of the late 20th and early 21st centuries, though concerns about it seem to grow faster than the phenomenon itself³. At the turn of the millennium, irregular migration and its implications, such as human smuggling or informal employment, emerged as inherent features and challenges of globalisation⁴. The causes of irregular migration broadly lie in the intersections between people's search for life prospects, labour market demand, and restrictive immigration controls. This is of course no news in the study of international migration and yet there is something qualitatively different today by comparison to, say, a century ago: alongside an increase in international population movements, globalisation forces produce "an ever-increasing set of restrictions to the very same human mobility they trigger"⁵.

² Also referred to as "illegal", "undocumented", "clandestine", "unauthorised", etc. Although all such terminology may be problematic as far as it assumes normative meanings, we mostly employ interchangeably the terms "irregular" and "undocumented". Nicholas De Genova criticises the implied teleology of immigration categories and statuses, which are "posited always from the standpoint of the migrant-receiving nation-state, in terms of outsiders coming in, presumably to stay" (N. De Genova, "Migrant 'illegality' and deportability in everyday life", *Annual Review of Anthropology*, vol. 31, 2002, pp. 419-946). For a discussion of terms see (among others): F. Düvell, (ed.) *Illegal Immigration in Europe: Beyond Control?*, Houndmills, Palgrave/Macmillan, 2006; Idem, "Introduction: The pathways in and out of irregular migration in the EU: A comparative analysis", *European Journal for Migration and Law*, vol. 13, no. 3, 2011; A. Triandafyllidou (ed.), *Irregular migration in Europe: Myths and Realities*, London, New York, Routledge, 2010.

³ C. Dauvergne, "Sovereignty, migration and the rule of law in global times", *Modern Law Review*, vol. 67, no. 4, 2004, p. 599.

⁴ Cfr. F. Düvell, "The globalisation of immigration control", *Open democracy*, June 2003, http://www.opendemocracy.net/people-migrationeurope/article_1274.jsp; D.G. Papademetriou, "The global struggle with illegal migration: no end in sight", *Migration Information Source*, 2005, www.migrationinformation.org; D. Bacon, *How globalisation creates migration and criminalizes immigrants*. Boston, Beacon, 2008; C. Dauvergne, *Making people illegal: what globalisation means for migration and law*, Cambridge, Cambridge University Press, 2008; M. Bommes and G. Sciortino, "Irregular migration as a structural phenomenon", in M. Bommes and G. Sciortino (eds.), *Foggy Social Structures: Irregular migration, European labour markets and the welfare state*, Amsterdam, Amsterdam University Press, 2011, pp. 11-20.

⁵ M. Bommes and G. Sciortino (eds.), *Foggy Social Structures*:... cit., p. 214.

Not only has the significance of undocumented migration grown in the last three decades or so; its volume has considerably increased. Papademetriou asserts that it was “the fastest rising single form of migration⁶” during 1995-2005, quoting estimates bringing the share of the undocumented to 15-20% of the global immigrant population, while Düvell mentions an estimated 22-44 million irregular migrants globally in 2002⁷. Irregular migration is not encountered in developed countries only, but also in low-income ones; the majority, however, reside in the US⁸. Around 11 million immigrants were thought to live without documents in the United States in 2008, making up a share of 3.6% of the total population and about 30% of the foreign-born⁹.

Rather than an exception or social pathology, undocumented migration at the turn of the XX century emerged as a structural feature of modern society. What is new, however, in the last decade is the close intersection between irregular migration and asylum seeking flows and the role that transnational governance networks play in it.

Mixed flows: irregular migration and asylum seeking

Imposing increasing restrictions on legal migration or asylum seeking risks initiating a vicious circle: it generates the incidence of irregular migration, increasing the risks and costs undertaken by migrants and their dependence on smuggling networks, which turn to more sophisticated methods to avoid controls, and provides reasons for even more restrictions. In addition, irregular migration routes and smuggling activities in particular further blur the distinction between different categories of migrants¹⁰. In their attempt to flee towards safety, refugees may undertake irregular moves and resort to smugglers, while migrants with primar-

⁶ G. Papademetriou (2005).

⁷ F. Düvell (2006).

⁸ G. Papademetriou (2005); Ibid.

⁹ G. Papademetriou (2005); F. Düvell (2011), p. 247.

¹⁰ I. Van Liempt, *Navigating borders: Inside perspectives on the process of human smuggling into the Netherlands*, Amsterdam, Amsterdam University Press, 2007, p. 14.

ily economic motives may resort to asylum routes in the hope of gaining legal stays¹¹.

In “both legal approaches and public imagination”, the lines between economic migrants and refugees are increasingly blurred¹². Although international agencies such as the UN High Commissioner for Refugees (UNHCR) or the EU High Level Working Group on Asylum and Migration, have acknowledged the “migration-asylum nexus”¹³, the interrelationship between forced, semi-forced and voluntary migration challenges conventional assumptions in policy-making. Van Hear and co-authors¹⁴ point out that “mixed migration” is primarily associated with the agendas in (Western) destination countries, reflecting concerns over irregular migration and border controls as well as unfounded asylum claims and the return of asylum seekers whose claims have been rejected.

Apart from situations where “refugees and other migrants move alongside each other making use of the same routes and means of transport and engaging in the services of the same smugglers”, having close links in transit countries and similar experiences in destination ones, “mixed migration” may also refer to the changing character of movement along the way¹⁵. It thus features at all stages of the migration process: the root causes leading people out of their countries may be mixed, as well as people’s motivations to move,

¹¹ K. Koser, “Dimensions and dynamics of irregular migration”, *Population, Space and Place*, vol. 16, no. 3, 2010, p. 183; see also N. Van Hear, R. Brubaker and Th. Besa, *Managing mobility for human development: the growing salience of mixed migration*, United Nations Development Programme, Human Development Reports, Research Paper 2009/20, 2009.

¹² C. Dauvergne (2004), p. 601.

¹³ N. Van Hear, R. Brubaker and Th. Besa (2009), p. 8.

¹⁴ *Ivi*, p. 10.

¹⁵ E.G. Koser (2010), reports on the intermingling of irregular migratory routes and smuggling to the West of Afghans and Pakistanis, the former generally eligible for asylum in the EU, the latter considered as driven by economic motives. A. Dimitriadi, *Transit migration in Greece. The Case of Afghans, Pakistanis and Bangladeshis*, Athens, Nissos (in Greek), 2013, also documents such conflation when studying the transit of irregular migrants from Pakistan, Afghanistan and Bangladesh via Turkey to Greece; N. Van Hear, R. Brubaker and Th. Besa (2009) offer a similar example of how refugees may use established routes for both migration and trade, using the example of Afghans who often embark on their journey to Europe from refugee camps in Pakistan, while those of them who found refuge in Iraq become labour migrants (pp. 9-10, 12).

while motivations may change over time. Furthermore, it is not always clear whether the root causes of movement, or the primary motivations of a migrant, are in fact either “forced” or “voluntary”.

People who are seeking asylum and who would qualify as refugees or as people in need of international protection are often fleeing their country of origin with fake passports (in order to evade persecution) and lack the necessary documents (e.g. a visa) to enter their first safe destination country. In addition they may use the services of human smugglers in their effort to escape from their country of origin. Upon arrival, it can be quite problematic to distinguish between asylum seekers and irregular migrants (the main distinction between the two being that the former are fleeing persecution and are in need of protection while the latter are moving mainly for economic reasons). Actually the reason is not only the unauthorised entry of either into the destination country's territory but also the general blurring of the distinction between asylum seekers and economic migrants today. People fleeing for instance from Bangladesh or Pakistan or India mainly for economic reasons may have been pushed to emigrate also for political reasons (because they belong to a lower caste or they supported the “wrong” party or originate from the “wrong” clan of families).

Transnational governance frameworks for irregular migration, asylum and smuggling

International migration has gradually become the subject of a global governance framework albeit in a flexible, informal and consultative way, as characterised by the work of the Global Commission on International Migration (GCIM) in the mid-2000s and later by the Global Forum on Migration and Development – since 2007 and ongoing to this day, after the conclusion of the High Level of Dialogue of 2013 under the auspices of the UN. There is no formal institutionalised framework for the governance of international migration in the way, for instance, that it exists for trade or indeed health World Trade Organisation (WTO) and World Health Organ-

isation (WHO). Institutions like the International Organisation for Migration (IOM) while transnational in nature are mainly service providers depending on individual states for their services. And indeed while IOM at the time of its creation in the 1950s had a larger structural budget, it currently depends mostly on project money and hence individual countries are its “clients”.

Betts observes two additional features of the global governance of international migration. First, that the emergence of these global migration governance arrangements or frameworks has been coupled, as Betts rightly argues¹⁶, with the emergence of a related nomenclature of scholarly studies and policy-research projects around this field. Indeed, such knowledge creation networks have contributed to the emergence and visibility of the global governance of migration as a policy field and as a governance framework. Second, that the governance of international migration cuts across the work of several of the other areas like international trade or international labour regulated by the WTO or the International Labour Organisation (ILO).

However, Betts seems to overlook that the governance of international irregular migration also cuts across several other fields and relates to the work of several transnational actors: thus, combating irregular migration and particularly migrant smuggling involves fighting international crime (and hence the work of Interpol and Europol) or the fight against drugs (and hence the work, for instance, of the United Nations Office on Drugs and Crime, UNODC).

Indeed, both asylum and irregular migration are governed by international laws and transnational institutions. Thus, asylum is formally regulated by international law instruments and through the work of the UNHCR. It has a specialised UN agency and a near universally ratified treaty (the Geneva Convention of 1951) that constrains state choices and their discretion in matters of admission¹⁷. The same is true, however, for migrant smuggling and trafficking in human beings, which are regulated by the UN Palermo

¹⁶ A. Betts, (ed.) *Global Migration Governance*, Oxford, Oxford University Press, 2012, p. 3.

¹⁷ G. Loescher, *The UNHCR and World Politics. A Perilous Path*, Oxford, Oxford University Press, 2001; see also G. Loescher, A. Betts and J. Millner, *The UNHCR. The politics and practice of refugee protection in the twenty first century*, London, New York, Routledge, 2008.

Protocols of 2000 and pertain to the area of action of the UNODC as well as of Interpol and Europol. We may argue, therefore, that in either area we have a formal multilateralism framework and strong institutions of transnational governance unlike in the area of labour-related legal migration where processes are more consultative and intertwined with wider economic and trade partnerships.

Following from the above reflections on the close inter-relationship between irregular migration, asylum seeking and illegal activities such as migrant smuggling, and on the need for an analytical perspective on their governance that does not compartmentalise these phenomena but rather points to their complexity and liminality at first instance, I am suggesting the use of two heuristic concepts, the notion of irregular migration system and that of transnational governance network.

Irregular migration systems

In fully recognising the dynamics of irregular migration today, we need to take into account a certain level of stability and structure within them. This measure of stability and structure is implicitly or explicitly acknowledged and theorised by several migration theories (network theory, institutional theory, world systems theory, cumulative causation approach¹⁸), not least of course by the very theory of migration systems. I define a migration system as a set of sending and receiving countries that experience similar in- and out-flows and share some common socio-economic and political features. As Massey et al. argue “countries within a system need not be geographically close since flows reflect political and economic relationships rather than physical ones. Although proximity obviously facilitates the formation of exchange relationships, it does not guarantee them nor does distance preclude them” and “[as] political and economic conditions change, systems evolve so that stability

¹⁸ D. Massey et al., “Theories of International Migration: A Review and Appraisal”, *Population and Development Review*, vol. 19, no. 3, 1993.

does not imply a fixed structure. Countries may join or drop out of a system in response to social change, economic fluctuations, or political upheaval”¹⁹. Migration systems are not established solely by the fact of movement as such, but rather by a “cumulative causation” effect of past migrations: “Settled migrants’ presence generates chain migration, evolving into transnational communities which facilitate further migration”²⁰.

However, the notion of a migration system also integrates a network perspective: migrants obtain information and raise resources through formal and informal networks that are both nationally based but which also span across state borders including immigrants at destination, employment brokers, travel agencies, citizens of the destination and transit countries in various roles (as employers, transporters, NGO volunteers providing social support or legal assistance).

Transnational social networks form part of wider intermediate structures in a migration system, which form the actual links between countries of origin and destination. Such links may be comprised of three sets of elements²¹: technical means (e.g. transport connections), resources (information and money to utilise transport), and political-legal regulations (e.g. passports and visas). Various kinds of brokers and institutions – including smugglers – arranging migration routes and border crossings emerge as new intermediate structures, as “structural complements to migrant networks, indicating that interpersonal ties are not the only means to penetrate international borders”²².

Migration systems may thus result and be sustained beyond transnational migrant networks, since all kinds of “interdependence between receiving, transit and sending countries encourages more immigration”, and “all transnational contacts have at least some mi-

¹⁹ *Ivi*, p. 454.

²⁰ J. Doomernik and D. Kyle, “Introduction”, *Journal of International Migration and Integration*, vol. 5, no. 3, 2004, p. 266.

²¹ H. van Amersfoort, “An analytical framework for migration processes and interventions”, in H. van Amersfoort and J. Doomernik (eds.), *International Migration: Processes and interventions*, Amsterdam, Spinhuis, 1998; I. van Liempt (2007), p. 37.

²² *Ivi*, p. 38.

gration consequences”²³. To the extent that irregularity is a central aspect of both the patterns of movement and its structural determinants within an existing or emerging migration system, we may talk of irregular migration systems.

As Bommès and Sciortino have written, “irregular migration systems do not comprise undifferentiated, huddled masses. But are instead distinguished by a variety of backgrounds, some already established in countries of origin (even if transformed by migration) some created in the process of adaptation to the receiving context”²⁴. To this we would add the role of migrant networks and intermediate structures. Bommès and Sciortino refer specifically to the development of irregular migration systems in post-1989 Europe, which have had a strong influence on both the economic transformation of post-socialist countries and on the changes in demand for labour in agriculture, construction and domestic services in western European economies²⁵. They argue that these have been determined by the relationship between irregular migration, the informal economy and state strategies, and mediated through a myriad of social networks and other types of links established between eastern and western Europe.

Transnational governance networks

The notion of transnational governance networks is necessary to capture two elements that characterise irregular migration systems: first, the intermediate, informal, non-state actors and their role in the whole process as facilitators of the movement; second, the emerging and ever increasing role of transnational actors such as IOM or UNHCR in these phenomena as well as that of regional actors such as Frontex or Europol for instance in the European framework.

In a 2014 Special Issue, Geiger and Pecoud point to the progres-

²³ G. Papademetriou (2005).

²⁴ M. Bommès and G. Sciortino “Irregular migration as a structural phenomenon”... cit., pp. 15-16.

²⁵ *Ibidem*.

sive regionalisation and internationalisation of the governance of international migration and asylum seeking, putting the emphasis on the latter²⁶. They argue that there is a constant tension in the regulation of international migration between state sovereignty and the need for cooperation. In line with my distinction above, Geiger and Pecoud point to three types of international organisations that regulate the related fields of migration and asylum seeking: ILO for the regulation of labour migration, UNHCR concerning asylum and refugees, and IOM. They also point very aptly to the elusive character of these international organisations and their indeterminate character, as they partly embody state interests and state funding but at the same time acquire a logic of their own, whose purpose is the ongoing expansion of their activities as well as their own logic and administrative culture.

This ambiguity of international organisations is readily observed in intergovernmental processes like the Global Fund on Migration and Development (GFMD), where national governments keep the upper hand but where international organisations such as those mentioned above and a certain transnational elite of experts floating around these events become essential parts of the process in providing consultancy to governments, connecting the dots, putting government officials in touch, preparing draft documents on which state delegations are then called to agree. Indeed, as Merlingen argues, these international organisations offer a form of global governmentality in the Foucauldian sense. They expound and diffuse governance to transnational actors, both public and private²⁷.

The agenda mobilised by international organisations concerning international migration and asylum may be a positive and proactive one appreciating migration as a normal phenomenon, pointing to positive synergies between migration and development and “triple win” situations, as well as inviting states to adhere to universal principles of fundamental rights. However, at the same time this

²⁶ M. Geiger and A. Pecoud, “International Organisations and the Politics of Migration”, *Journal of Ethnic and Migration Studies*, vol. 40, no. 6, 2014, pp. 865-887.

²⁷ M. Merlingen, “Governmentality, Towards a Foucauldian Framework for Studying IGOs”, *Cooperation and Conflict*, vol. 38, no. 4, December 2003, pp. 361-384.

construction of a global governance discursive framework serves its own needs as it puts nation states as core actors in this fundamentally transnational process.

The studies by Anne Koch and Oleg Korneev published in the special issue edited by Geiger and Pecoud show how certain policy fields are elevated to priority areas for regulation as they offer an area of activity for transnational governance institutions such as IOM and UNHCR²⁸. Koch's study focuses on the governance of return, both voluntary/assisted and forced. Indeed, IOM is heavily implicated in projects that assist states in returning undocumented migrants to their countries of origin and this has become a main area of project activity for the organisation in the last ten years. UNHCR on the other hand has progressively also incorporated the return of rejected asylum seekers as a priority area that is a key component to the overall asylum system and to the effective handling of the interface between asylum seeking and international migration. Korneev convincingly argues that IOM has actually become a bureaucracy with its own interests: rather than a mere implementing agency it has become an actor in and for itself which now for instance mediates the cooperation between Russia and the EU in matters of readmission. IOM has become a key actor in policy transfer and cooperation in this field, somehow emancipating itself from its own funders, notably national governments.

Scheel and Ratfisch add further to the findings of Koch and Korneev, showing how UNHCR operations in Morocco and Turkey presume that the distinction between asylum seekers and irregular migrants is set in stone and crystal clear²⁹. They thus prioritise the expeditious return of rejected asylum seekers as part of their activities, becoming themselves also part of migration management

²⁸ A. Koch, "The Politics and Discourse of Migrant Return: The Role of UNHCR and IOM in the Governance of Return", *Journal of Ethnic and Migration Studies*, vol. 40, no. 6, 2014, pp. 905-923; O. Korneev, "Exchanging Knowledge, Enhancing Capacities, Developing Mechanisms: IOM's Role in the Implementation of the EU-Russia Readmission Agreement", *Journal of Ethnic and Migration Studies*, vol. 40, no. 6, 2014, pp. 888-904.

²⁹ S. Scheel and P. Ratfisch, "Refugee Protection Meets Migration Management: UNHCR as a Global Police of Populations", *Journal of Ethnic and Migration Studies*, vol. 40, no. 6, 2014, pp. 924-941.

and effectively disregarding the mixed character of flows outlined above and well documented in the migration literature.

It is interactions between state actors, non-state transnational organisations, and international organisations or regional actors like the EU, that I am trying to capture with the notion of transnational governance networks. Interestingly, these transnational governance networks involve actors with fundamentally opposed interests: states that seek to regulate migration, asylum, and labour-related movements; employment agencies; NGOs providing social support to migrants and their families; international organisations seeking to expand regulation but simultaneously make themselves indispensable in the process. Indeed it is this mixed and contradictory character of the actors involved in transnational governance networks that makes them both so interesting and important.

Transnational governance networks and national borders

The emergence of transnational governance networks which seek to control and regulate irregular migration systems contributes to the emergence of a transnational security governance framework that perhaps paradoxically focuses on (national) border control. This paradox of interdependence and transnational governance, on the one hand, and of national border control on the other, has become painfully visible in the recent refugee crisis. Indeed, southern European countries and more specifically Greece and Italy have been confronted with exponentially rising flows of asylum seekers and irregular migrants since 2013, and particularly during 2015-2016. None had predicted the dramatic escalation of irregular maritime arrivals that took place during 2015 and was in full swing until March 2016.

During 2015 Greece received through its sea border with Turkey over 770,000 people and already during the first three months of 2016 nearly 150,000 people had crossed the narrow straits that divide the Turkish coasts from the Greek islands of Lesbos, Samos,

Chios, Leros or tiny Tilos and Farmakonisi. The top countries of origin of irregular maritime arrivals to Greece are Syria, with over 50% of the arrivals, Afghanistan (25-30%) and Iraq (something over 10% and nearly 20% in recent months), while top nationalities among arrivals in Italy include Nigeria, Somalia, Eritrea, Senegal, Mali but also Gambia and Ivory Coast (at 10-15% of total arrivals each). In response to these flows, which actually are mostly headed north aiming to reach Germany, Sweden and other northern European countries, the European Commission took several measures in an effort to give a coordinated response.

The first of those was Operation Sophia, decided in May 2015, which aimed at attacking smuggling networks through military means in the countries of last transit, notably Libya. However, it has effectively remained inactive for a number of reasons, including the fact that the actions should take place in the territory of the third [transit] country (Libya) in agreement with this country's provisional government, and should be authorised by the UN Security Council (which is quite unlikely to concede authorisation)³⁰.

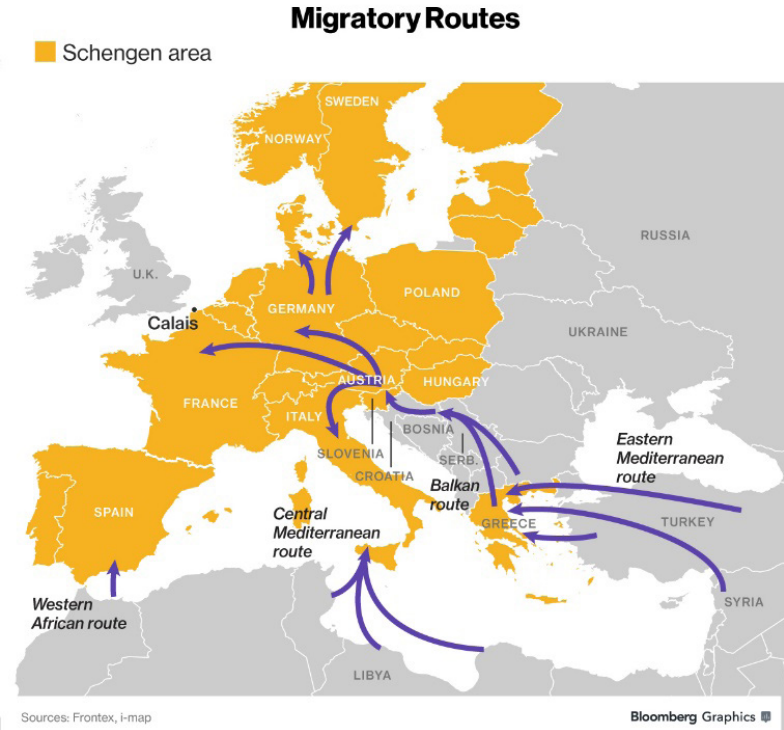
Relocation quotas were decided in May 2015, and again in October 2015, for a total of 160,000 people³¹, of whom 50,400 from Greece. However, to this day very few relocations have happened (under 2,000 in total, including people relocated from both Greece and Italy) as countries on the receiving end drag their feet and send "shopping lists" of the kind of "good" asylum seekers that they would like to select.

As the refugee flows escalated during the 2015 summer months, and as the Greek-Turkish sea borders became the main corridor, the EU sought to engage Turkey more actively in the management of the flows. The first EU-Turkey joint action plan, agreed on 15 October 2015, offered EU financial support to Turkey for the inte-

³⁰ Cfr. T. Tardy, "Operation Sophia: tackling the refugee crisis with military means", Brief no. 30, Institute for Security Study, 30 September 2015, <http://www.iss.europa.eu/publications/detail/article/operation-sophia-tackling-the-refugee-crisis-with-military-means/>

³¹ Cfr. European Commission - Fact Sheet, *Refugee Crisis – Q&A on Emergency Relocation*, Brussels, 22 September 2015, http://europa.eu/rapid/press-release_MEMO-15-5698_en.htm

FIGURE 1 - MIGRATORY ROUTES FROM THE MEDITERRANEAN TO EUROPE



gration of the Syrian asylum seekers that the country was already hosting (over 2 million people) in exchange for Turkish cooperation to combat smuggling networks that operated on its shores³². This plan, which was not actually implemented, was complemented in February 2016 by a decision that NATO forces would patrol the Greek-Turkish sea borders with a view to stopping smuggling networks from setting off dinghies with asylum seekers/irregular migrants crossing from the Turkish coast to the Greek islands.

³² Cfr. European Commission - Fact Sheet, *EU-Turkey joint action plan*, Brussels, 15 October 2015, http://europa.eu/rapid/press-release_MEMO-15-5860_en.htm

Furthermore, a 17-point plan was decided on at an EU summit on 25 October 2015 with a view to effectively managing the flows and keeping countries in the Balkans and further north in the EU from closing their borders, leaving tens of thousands of refugees stranded at various border crossings without shelter for the winter. Special emphasis was put on increasing capacity to provide shelter to refugees along the Balkan route to ease the pressure on other European countries that are the end destinations. Greece offered to create 30,000 reception places by the end of the year and 20,000 more through rent subsidies and family hosting with the support of the UNHCR³³. Last but not least, a further action plan enlisting the cooperation of African countries with a view to taming the flows was proposed at the Valletta Summit.

Indeed, the above list of initiatives and plans testifies both to the transnational character of the challenge but also to the transnational governance networks activated in seeking to provide effective responses. However, the flows continued unabated during the last winter months of 2015 and early months of 2016 despite inclement weather, while final destination countries like Sweden and Germany struggled to cope. Sweden decided to close its borders in late December 2015 and not accept any more asylum seekers while Austria was also alarmed by the fear that some of the asylum seekers and migrants headed to Germany might eventually stay in the country.

The Austrian government's decision in late February 2016 to close its borders created a domino effect with the countries along the Balkan route (Slovenia, Croatia, Serbia, and former Yugoslav Republic of Macedonia – FYROM) progressively limiting passage to only Syrians, Afghans and Iraqis and eventually completely closing their borders. Thus incoming asylum seekers and other migrants started getting stuck in Greece with no possibility for moving further north to another EU country.

These national-level decisions were put under scrutiny in terms of their compliance with the Schengen system³⁴ and were con-

³³ Cfr. European Commission, *Leaders meet on refugee flows along the Western Balkan route*, October 2015, http://ec.europa.eu/news/2015/10/20151025_en.htm

³⁴ Cfr., E. Guild, E. Brouwer, K. Groenendijk and S. Carrera, *What is happening to the*

demned by several EU governments (particularly the closure of the Austrian borders). However, they suggested that while both the challenge and its governance were quintessentially transnational in character, nation states could enforce their national-level solutions (like Hungary had done earlier in summer 2015 by closing its borders with Serbia and Slovenia, albeit at the time it was an isolated case, condemned as the outcast of the EU).

The crisis generated in early March by the closure of the Balkan route led to the urgent convening of two EU-Turkey summits on 7 March 2016 and again on 17-18 March 2016, with the view of creating a cooperation plan whose core measure would be to stop the inflow of asylum seekers and other migrants coming via Turkey to Greece. In the “EU-Turkey deal” (agreed upon on 18 March 2016), Turkey agreed to step up security efforts so as to “protect” the external EU border – notably the Greek-Turkish border – while the EU promised visa liberalisation of Turkish citizens by summer 2016. While a number of other measures were mentioned in the agreement the emphasis was on the control of the border and on stopping the flow.

While the plan was successful in terms of reducing the influx to a trickle, it caused significant collateral damage: notably, a high number of people were stuck in Greece – about 50,000 of them in mainland Greece. In addition, an approximate number of 8,000 people were stuck in the Greek islands and not allowed to leave them as they were required to follow the procedures agreed upon between the EU and Turkey – notably they had to apply for asylum and, if accepted, be relocated to other EU countries. However, those who did not apply for asylum or whose claims were found to be unfounded or inadmissible would be returned with summary procedures to Turkey, which would be obliged to accept them (and further return them to their countries of origin). While returns to Turkey have been low (approximately 2,000 people have been returned to Turkey from the Greek islands since 25 March), Greece is still struggling to register all arrivals and to process them through the national asylum system

Schengen borders?, CEPS (Centre for European Policy Studies) Paper in Liberty and Security in Europe no. 86, 16 December 2015, <https://www.ceps.eu/publications/what-happening-schengen-borders>

so that they would be eligible for relocation to other EU countries.

If we were to apply a provisional assessment of the above-listed measures aiming to manage the refugee crisis we can easily conclude that the most important measure of immediate effect has been the EU-Turkey joint action plan and the later EU-Turkey deal signed in March 2016 which focused simply and clearly on border control. Even if its future appears uncertain (and dependent on the visa liberalisation agreement implementation), the deal has managed to interrupt the flows and dismantle, at least temporarily, the smuggling “business”. The importance of the national, territorial border has thus been reconfirmed.

However, the overall management of the refugee crisis, notably the first reception, processing and final admission and integration of these people remains a transnational issue, for which transnational governance networks are crucial. For instance, cooperation between EU institutions, the Greek government, local authorities and large international organisations such as UNHCR and IOM, or the Red Cross, as well as smaller NGOs, are necessary for implementing housing and integration schemes. Cooperation between national asylum authorities, local NGOs and cooperatives and the European Asylum Support Office is necessary in both Greece and Italy in order to process asylum applications and give people a final destination and a future.

What remains a challenge at the conceptual level is to make sense of this tension between transnational interdependence and national territorial power. At the policy level, the challenge is not to confine our “solutions” to the short termism of stopping the flows but also keep working for the medium- and long-term solutions of refugee reception, distribution where necessary, and integration both into the labour market and into society. In addition, any medium- or long-term approach needs to consider the root causes and try to impact on those with a view to managing asylum and migration flows more effectively rather than stopping them at the border.

3. Needed, but not Welcomed: Immigrants in the European Labour Markets

Emilio Reyneri

The growing demographic imbalances: Why (sustainable) inflows of workers from abroad are needed in the long run

Because of the fall in birth rates after the postwar boom, since the 1980s the new generations have been less and less numerous and, furthermore, they enter the job market later and later due to increasing access to higher education. On the other hand, thanks to huge progresses in healthcare, life expectancy has increased astonishingly. Thus, “old” Europe is becoming older and older. In the last decades the structure of the population changed dramatically: on the one hand the share of elderly people has increased markedly, on the other people of working age and the labour force in general (which does not include young people still pursuing studies) have shrunk, in spite of an increasing activity rate for women.

Nowadays in the European Union the elderly dependency ratio (people aged 65 or more relative to those aged 15-64) has reached nearly 28% and is expected to climb to 55% in 2050 should there be no immigration from abroad. The expected trend of the proportion of elderly relative to the labour force is even worse: from 40%

to nearly 80%¹. This implies that the EU will change from four to two working-age people for every person over 65, and from having nearly three working people for every person over 65 to a bit more than one. Furthermore, after 2030 the numbers of young and prime age people will likely shrink so much that even the size of the total population is expected to decline.

Because working people are those who are expected to support the youngest and the (much more expensive) oldest through either family relations or the welfare state, we must wonder how to cope with such a growing imbalance. Since we cannot imagine reducing young people's access to higher education, in the case of closed societies only three ways are possible: delaying the retirement age of the elderly, increasing the participation of women in the labour force, and increasing the productivity of people in employment, because increasing birth rates is a goal that can be achieved only in the long run and requires very expensive policies². All these ways are at the core of the recent social and economic policies in all European countries, although with different timing, depth and success. However, those policies show obvious limitations: the age of retirement and the activity rate of women cannot be increased beyond a certain point, and an ageing labour force is not able to increase its productivity very much, although some studies show that workers in their sixties or even seventies can be as productive as those in their prime.

Therefore, it emerges that to cope with the ageing (and decline) of their populations, in the long run European countries also need to receive a large amount of young workers from abroad. At the same time, a policy of replacing the declining native working-age population with immigration shows its limitations, too, as the migratory inflows must be sustainable from the cultural, social and ecological points of view. In fact, according to old but still reliable projections³, to maintain the elderly dependency ratio at the current level

¹ R. Muenz, *Ageing and demographic change in European societies: Main trends and alternative policy options*, SP Discussion paper, The World Bank, March 2007.

² A. Luci-Greulich and O. Thévenon, "The impact of family policies on fertility trends in developed countries", *European Journal of population*, November 2013.

³ United Nations, *Replacement migration: Is it a solution to declining and ageing populations?*, Department of Economic and Social Affairs, Population Division, 2001.

the EU15 should receive more than 13 million people (over 0.4% of the population) each year and, in particular, Italy should receive more than 2 million people (0.65% of the population) and Germany nearly 4 million (0.6% of the population). Of course, such levels of immigration cannot be sustained, not only because of insoluble problems of social and cultural integration, but also for ecological reasons since these inflows would imply an impressive growth of the total population, which would even double.

For these reasons a recent report by the European Commission⁴ more mildly forecasts for the EU27 in the next 45 years a net yearly average inflow that would range from 900,000 to 1,300,000 people (about 0.2% of the population). That inflow would mainly enter four countries (Italy, the UK, Germany and Spain), but it would also regard almost all the other countries, even the Eastern ones that are currently experiencing a net outflow, because they also are affected by the increased ageing of their populations. Therefore, migration from Eastern to Western EU countries is expected to cease in few years and new inflows should come from Africa, Asia or Latin America. However, that level of immigration would only slow down the growth of the usual elderly dependency ratio, which by 2060 is expected to exceed 50% even if the aforementioned inflow will have worked. Since the total dependency ratio (people under 20 and over 65 in relation to the population aged 20-64), which also takes children and students into account, is projected to increase from 65% to more than 94%, every prime-age person will have to support one person, either a child or a senior. A scenario that raises doubts about the European Commission's too mild forecast of the amount of labour needed from abroad.

To conclude, if immigration cannot be *the* solution to the very serious ageing problems of Europe, sizeable inflows of prime-age immigrants and their high-birth-rate families are definitely needed to help cope with those problems in the near future.

⁴ European Commission, Directorate-General for Economic and Financial Affairs, "The 2015 Ageing Report. Economic and budgetary projections for the 28 EU Member States (2013-2060)", *European Economy*, no. 3, 2015.

In the short-term: immigration does not increase unemployment for the native-born

Nowadays, since they are faced with the opposite problem – large-scale unemployment after several years of the most serious recession since WWII – most European countries would appear not to need additional workers from abroad. Broad public opinion supports that idea since half of the people interviewed by the 2009 Eurobarometer survey agreed that “the presence of people from other ethnic groups increases unemployment in our country”. Thus, a short-term perspective would conflict with the long run.

However, no evidence supports the belief that immigration increases the unemployment of native citizens. First, from a diachronic point of view, we can observe that in the European countries the relation between unemployment and migratory inflows is negative. In past years, immigration increased when unemployment decreased and a demand for foreign labour emerged, whereas, when unemployment increased, inflows of immigrants declined sharply. In countries (such as Spain and Ireland) where unemployment boomed, returns increased so that the immigrant population shrank, whereas inflows went on to increase in Germany, the only European country that was not hit by the crisis. The decline in new entries was more evident when family members (and, even more, asylum seekers) were excluded from the tally and this was due not only to greater restrictions in granting work permits by the receiving countries, but also because the behaviour of prospective emigrants looking for a job depends largely on the conditions of the receiving labour markets, since most of them have employment in their own countries⁵.

Second, because their unemployment grew more than that of native citizens, immigrants served to reduce the impact of the crisis on native workers. Immigrants hold more precarious jobs (either fixed-

⁵ As it results from the very few surveys that collected data on the labour market position of immigrants before entering European countries for working reasons in the last years (I. Fellini and R. Guetto, *Assimilation vs downgrading: a comparative analysis of immigrants' occupational careers in Spain, France and Italy*, paper prepared for the RC28 meeting in Bern, 29-31 August 2016).

term or in small firms) and work in industries (such as construction) more sensitive to the business cycle, so that they are more likely to be fired when firms have to cut their workforce. A large share of migrant labour acts as a buffer that enables native employment to be more stable over time.

Third, generally speaking immigrant workers do not compete with the native-born even when they have the same skills and qualifications. Several factors combine to prevent real competition. Many migrants have a poor command of the language and/or do not manage to get recognition of their qualifications. Moreover, their mostly ethnic-based social networks often bind them into segregated relations when they are looking for a job, and they can be subject to a double discrimination: statistical (employers can be afraid to hire people whose references they do not know well) and cultural (employers can prefer to hire people having the same background). In fact, most immigrant workers replace the natives in poor jobs that the new generations, dwindling in size and more and more educated, are either not able or not willing to fill, and many others fill jobs for which there is a real shortage of skills (as occurs in health-care). In Western European countries from 1996 to 2010 immigrants, by taking routine manual types of jobs, pushed natives towards more “complex” and better-paid jobs and while this job upgrade slowed it did not halt during the recession⁶. Thus, immigrant workers even become complementary to highly educated natives and allow economic activities that need a mix of highly and poorly skilled workers to continue.

The fact that immigrants are always more unemployed than natives does not contrast with such a scenario. Besides a reference to the Marxian theory that a reserve army is necessary for any capitalist economy, a large availability of migrant labour supports the unavoidable changes that are increasingly frequent in European economies. The turnover of immigrant workers is higher than that of

⁶ F. D’Amuri and G. Peri, “Immigration, jobs and employment protection: Evidence from Europe before and during the great recession”, *Journal of the European Economic Association*, April 2014.

natives: they lose their jobs more often and find a new job sooner⁷, as is also confirmed by their lower proportion of long-term unemployment. Moreover, immigrants are much more mobile inside the European receiving countries, where territorial mobility has long been declining, as it occurs in the affluent countries, so that they enter more the regions where unemployment is lower.

Immigration does not put a strain on the welfare state, but risks undermining social cohesion

Because immigrants are more unemployed and more at risk of holding low-paid jobs, they are also more likely than natives to get unemployment benefits and family subsidies. But those subsidies are only a minor part of welfare spending in European countries. As in all ageing societies the largest proportion of public spending is in pensions and health-care, in most countries the net contribution of immigrants to public finances is positive because relatively few of them are elderly persons who retired and need expensive medical care. Since the lower age and higher labour market participation of immigrants make the difference, their contribution to welfare is more positive in new receiver countries (such as the southern European) and less positive or even negative in old receiver nations (Germany in particular), where at present live as old retirees many immigrants who entered the country in the 1950s and 1960s. In any case, according to available studies, the fiscal effect of immigration is generally rather small, even when it is negative⁸.

Also the “welfare-magnet hypothesis”, according to which migrants are more likely to move to countries with more generous welfare systems, is not confirmed by sound evidence as regards people who migrate for economic reasons⁹. Of course, this is not

⁷ As regards Germany and Italy, see I. Kogan, “The price to be an outsider: Labour market flexibility and immigrants’ employment paths in Germany”; and G. Fullin, “Unemployment trap or high job turnover? Ethnic penalties and labour market transitions in Italy”, *International journal of comparative sociology*, no. 4, 2011.

⁸ OECD, *International Migration Outlook*, 2013.

⁹ N. Schulzek, “The impact of welfare system on immigration: An analysis of welfare

the case for asylum-seekers, who make any effort to get to the European countries where they hope to be hosted with more generous benefits. Thus, the countries that were entered by many refugees have to face really high spending in welfare benefits, at least until the refugees start to work. After just four years, however, between 50% and 75% of refugees move out of social assistance, according to studies regarding Canada and Sweden quoted in a recent OECD (Organisation for Economic Co-operation and Development) report¹⁰. Moreover, the same report adds that in a period of economic depression, also caused by the fiscal austerity enforced by Germany and the northern European countries, an increase in public spending in these zero/low deficit countries to support asylum-seekers escaping from war should have a positive impact on the entire European economy, as it should provide a (modest) boost to aggregate demand, with most of public subsidies spent on non-tradable goods and services by refugees whose propensity to consume is likely to be very high.

In any case, even in countries where the fiscal impact of immigrants is positive, a large part of public opinion believes that all immigrants take great advantage of welfare and endanger its financial sustainability. This discrepancy between evidence and public perception was rightly explained by the fact that immigrants are largely over-represented in the most “visible” dimensions of social insurance: unemployment benefits, social housing and child subsidies¹¹. But another reason can be deeper and more difficult to rebut.

Subsidies to needy people are a clear transfer of monetary resources from one part of the population to another. If this transfer is large, in order for it to be accepted there must be a strong solidarity and well-rooted social trust between the part of the population that pays taxes and the part that receives the benefits. This feeling of

magnets as a pull factor for asylum-seekers and labour migrants”, *Migration Studies Unit Working Papers*, LSE, 2012/2; G. Giuliotti, *Welfare migration*, IZA Discussion Papers, no. 6450, March 2012.

¹⁰ OECD, “How will the refugee surge affect the European economy”, *Migration Policy Debates*, no. 8, November 2015.

¹¹ P. Fargues, *Is what we hear about migration really true? Questioning eight stereotypes*, European University Institute, Migration Policy Centre, 2014

belonging to a single community was particularly strong during the Second World War, when the idea of welfare state was conceived, and continued during the subsequent “thirty glorious years”, which saw its great expansion in all the Western European countries, but also the strengthening of the production and distribution of welfare services in the countries of the Soviet bloc. Since the end of the XX century, however, social cohesion based on a sense of common belonging has gradually weakened. This process may be largely the result of recent immigration inflows. Studies conducted in Britain and Germany showed that immigration reduces the willingness of non-immigrants to finance welfare benefits out of taxation, in particular targeted benefits like those devoted to supporting unemployed and poor people¹². More generally, other studies¹³ show that as ethnic diversity increases, social cohesion erodes and cooperation weakens, so that people become less willing to support generous welfare programs. It should not be a surprise that “welfare chauvinism”, according to which welfare provisions should be restricted to natives, is spreading, in particular in the northern European countries, where the burden of taxation is the highest, as is the entry of refugees.

“Selective” immigration policy: each European country receives the immigrant workers its labour market requires

Economic immigrants who entered European countries in the past 30 to 40 years were very different as to country of origin and personal characteristics as well as to means of entry. Many of them had a work contract before they entered, but many others did not and

¹² P. Collier, “Immigration, Social Cohesion, Welfare. Immigration’s ‘Dark Side’: A Challenge for the Left”, *Policy Network*, 5 December 2014; A.W. Schmidt-Catran and D.C. Spies, “Immigration and Welfare Support in Germany”, *American Sociological Review*, no. 2, 2016.

¹³ M.A. Eger, “Even in Sweden: the effect of immigration on support for welfare state spending”, *European Sociological Review*, no. 2, 2010; T. Sumino, “Does immigration erode the multicultural welfare state? A cross-national multilevel analysis in 19 OECD member states”, *Journal of Ethnic and Migration Studies*, no. 3, 2014.

entered the host country thanks to temporary visas not for working reasons or even illegally. All of them, however, were not only pushed by the bad economic prospects of their countries of origin, but were also pulled by a labour demand coming from the receiver countries. This was also the case for the great many unauthorised immigrants who entered the southern European countries in the 1990s because, after regularisation, almost all of them found registered jobs and were perfectly incorporated into the host labour force¹⁴. Economic migrants always meet a demand from the receiver labour market because they fill its peculiar shortages, even if it is not so evident because this occurs especially for low-skilled jobs.

A rough indicator is the cross-national relation between the education of immigrants and that of natives: the proportion of immigrants with higher education is greater in the countries where the proportion of highly educated natives is larger. The reason for this relation is the difference in the skill mix of the labour demand: in the European countries where the economic and social fabric is skewed towards highly skilled jobs, the labour demand stimulates more young natives to achieve the highest levels of education and also attracts more highly educated migrants, not only from less developed countries. The differences regarding migration policies in European receiver countries reflect these differences in labour shortages¹⁵. The great demand for highly skilled labour explains why Ireland and the United Kingdom implemented an immigration policy targeted at favouring the entry of highly educated workers and seeking to close their doors to poorly educated migrants. In contrast, only a great demand for low-skilled labour can explain the policy of “benign neglect” towards unauthorised immigration implemented by Italy and Spain, because migrants who enter through the “back door” are much more prone to take bad jobs. The first policy was called “selective” because the im-

¹⁴ As regards Italy, see OECD, *Economic Surveys: Italy*, 2005; E. Reyneri, “Italy”, in E. Honekopp and H. Mattila (eds.), *Permanent or circular migration?*, Budapest, IOM, 2008.

¹⁵ I. Kogan, “Politiche migratorie, processi di selezione e inserimento occupazionale degli immigrati”, in P. Barbieri and G. Fullin (eds.), *Lavoro, istituzioni, diseguglianze*, Bologna, il Mulino, 2014.

migrant workers to be received were explicitly selected according to needs for highly skilled labour, but even the second policy implemented a selection process, although implicit, as it *de facto* favoured the immigration of low-skilled workers that were needed by the domestic labour market.

If the difference between immigration policies is based on the main labour market needs of each European country, we can easily understand why it has been so difficult to arrive at a common policy. The European Commission's choice of a selective immigration policy had little impact because Italy and Spain went on to regularise unauthorised male and mostly female immigrants until the outbreak of the crisis. More recently the decline in new inflows of economic migrants in most Western European countries was only partially the result of a more selective and strict policy, but was mainly caused by the increase in unemployment that made job searching much more difficult for prospective migrants. And the end of the recession did not cause a rebound in large inflows of economic migrants because it coincided with the outbreak of a mass entry of refugees seeking asylum in Europe unconnected with any labour demand by the receiver country. Therefore, at present we cannot forecast whether a common policy of selective immigration shall prevail or whether each European country will continue with its own specific immigration policy.

We can, however, remark that both these opposing policies meet only short-term needs and can present serious contradictions in the long run. On the one hand, the selective immigration policy overlooks the fact that, for demographic reasons, in the long run all the European countries also need migrants willing to fill low-skilled jobs, which do not decrease and even grow in sectors such as personal services. On the other hand, a policy that fails to attract highly educated immigrants relinquishes the advantages that in the long run fresh high-level human capital can bring to its economic and social development. An overview of the present impact of immigrant workers on receiver countries can highlight these questions.

The impact of immigrant workers on the economic and social fabric

The impact of economic immigrants depends largely on their educational qualifications and their incorporation into the receiving labour market. One dimension, however, is common to all of them: migrants for working reasons are positively selected as regards unobservable characteristics such as psychological traits. Generally speaking, they are more risk-takers, more ambitious and more motivated both to work hard and to change their conditions¹⁶: all qualities that are valuable to increasing productivity when work is no longer standardised, and that are no longer very common among natives of wealthy and appeased societies.

As regards highly educated immigrant workers, if the quality of the skills acquired in their country of origin is good, they can be a sizeable factor of innovation¹⁷. Even without referring to the important role of immigrants as inventors in the fields of science and engineering (which could be more specific to the context of the United States), the ethnic, cultural, linguistic and genetic diversity of workers can have a notable impact on innovating products and production processes. Many innovations derive from applying a different point of view that only outsiders can have. However, diversity can also have a negative impact, because conflicts that could arise between different groups can hamper the cooperation that is needed for any process of innovation. Which of the two sides of ethnic diversity prevails depends on how large the demand is for highly skilled labour and therefore how scarce the competition is between highly educated native and immigrant workers. In any case, we must always remember that in a globalised world migration can improve trade between sender and receiver countries, and even open markets for new products.

¹⁶ A. Constant and K. Zimmermann, "Migration and ethnicity", in A. Constant and K. Zimmermann (eds.), *Handbook on the Economics of Migration*, Cheltenham, Edward Elgar, 2013.

¹⁷ P. Fargues (2014).

Less straightforward is the impact of immigrants who enter unskilled jobs. According to the classical economic approach¹⁸, the importation of cheap labour should reduce innovation and slow down the modernisation of industry because it discourages investing in labour-saving technology and in highly-skilled labour-intensive productions. This impact, however, regards only manufacturing and even in manufacturing it might only be partial because in some cases prospective high-tech work needs to be complemented by work that cannot be either modernised or exported to other countries. Furthermore, both in agriculture and construction the demand for unskilled labour is likely to remain large and in ageing and wealthy European societies only immigrant workers shall be able to meet this demand. Last, but not least, immigrants meet the growing labour demand for personal services, which is polarised between highly and poorly skilled jobs. If in some European countries immigrants fill the shortages of doctors and nurses, in all of them they fill the shortages of waiters, household help and caregivers. Only male and, even more, female migrants who are prone to be low-paid and to accept demanding working conditions, enable both private and public welfare to function. However, we have to remark that in the southern European countries the great availability of female migrants allows the preservation of a familistic welfare, preventing the take-off of a universalistic one.

Finally, if self-employment and unregistered jobs are considered signs of a weak and backward economy, another dark side of immigration can be found. In fact, in most European countries immigrants are replacing natives in low-skill self-employment, above all in retail trade and catering, but also in handicrafts. Only in some cases are these ethnic enclaves, where all the customers are immigrants, but much more often immigrants enter jobs discarded by natives as being unprofitable or tiresome (for example, due to too long working hours).

¹⁸ A. Venturini, *Post-war migration in South Europe, 1950-2000: An economic analysis*, Cambridge, Cambridge University Press, 2004.

Thus, immigrants provide a service that can be very useful for all consumers, but perpetuate a low-productivity business. On the contrary, as regards the underground economy, which is largely widespread in southern European countries, the economic impact of immigration is only negative. Of course, immigrants, even those who entered without proper authorisation, were certainly not the cause of this phenomenon, long well-rooted in those countries¹⁹, yet especially those immigrants who have only a temporary migration project and are not interested in entering the pension system can contribute to perpetuating the off-the-books economy, replacing natives who can get better job opportunities.

Occupational downgrading: the waste of human capital and the lack of social integration

Excluding those highly educated migrants who hold a contract for a highly skilled job before migrating, most of those who enter European countries undergo a process of occupational downgrading and only several years after migration they manage to get a job (often partially) suited to the skills acquired in their homeland²⁰. The reasons are quite obvious: most migrants have a poor command of the language of the host country and many skills are country-specific, i.e. they cannot be usefully transferred to another country. Therefore, most immigrants and above all those coming from less developed countries are hugely over-educated for the work they do.

In Europe, many native workers are also over-qualified, but they are mostly young people at the beginning of their working careers, while this phenomenon affects most prime-age migrants, too. Thus, in all the European countries immigrants are more likely to be over-qualified than workers born in the country, but this is particularly pronounced in southern Europe and in some

¹⁹ E. Reyneri, *Migrants' involvement in irregular employment in the Mediterranean countries of the European Union*, International Migration Papers, no. 39, Ginevra, ILO, 2001.

²⁰ This is a general feature of migrations, for the European case see I. Fellini and R. Guetto (2016).

countries of northern Europe (Denmark and Sweden), where the proportion of foreign-born workers holding jobs for which they are over-educated is at least twice that observed for the native-born²¹. Apart from the case of refugees, which regards the Nordic countries, the readiness of immigrants to take up jobs below their educational attainment is more than compensated for by the possibility of earning much more than in their own country of origin, but this term of reference is fading as incorporation into the host society increases. Therefore, if at the beginning being over-educated can improve the performance of migrant workers, afterwards it can decrease their attachment to work and lessen their productivity.

In any case employing immigrant workers in under-skilled jobs – caused mainly by a lack of recognition of foreign educational qualifications as well as a range of discriminatory practises and networking based only on co-ethnic relations – leads to a widespread waste of human capital and in the long run risks undermining their social integration, which is also important for the functioning of the labour market.

Persisting ethnic penalisation: the social risks for the new second generations

A second generation is already largely present in the old Western European receiver countries, but the offspring of contemporary migrants will increase very much in the new receiver nations, too. Most of the “second generation” immigrants are born in host countries and are legally citizens of them, so they differ from the children of the native-born only as regards their ethnic or cultural background. However, their outcomes in the labour market are worse than those of their counterparts without a migration background, although with considerable differences between ethnicities.

²¹ OECD, *A profile of immigrant population in the 21st Century: data from OECD countries*, Paris, 2008.

The penalisation of the second generation starts in school because the educational attainments of the children of immigrants tend to be lower than those of the children of natives. That difference is partly due to the poorer economic and educational resources of their parents, but even controlling for socio-economic background, second-generation students remain at a substantial disadvantage. In particular, a much larger proportion of children of immigrants do not go beyond lower secondary education: therefore, they continue to provide a large supply of unskilled labour and are at greater risk of unemployment. In every European country, the unemployment rate of second-generation immigrants is 1.5 to 2 times higher than that of the children of natives. That difference, however, is only in part due to their lower level of education, because the gap remains large even for those who have educational attainments comparable to those of native-born children²². Finally, the children of immigrants are also penalised when they find a job because they are more over-qualified than the offspring of native born parents: the gap ranges from 2 percentage points in Germany to 7 percentage points in Spain²³. The reasons for persisting ethnic penalisation are much more questionable than in regard to first-generation immigrants. According to Bourdieu, second-generation immigrants have as little economic capital as the native-born poor, but they also lack also the cultural (how to behave in personal relations) and social capital (access to networks) that the children of native-born parents possess. Furthermore, they are very often subject to discrimination by employers, as the International Labour Organisation (ILO) testing procedures emphasised²⁴.

This reproduction of “secondary” manpower seems suited to the functioning of the European receiver labour markets because it satisfies the increasing low-skill shortages that native-born children can no longer fill. However, if occupational downgrading for the

²² OECD, *Jobs for immigrants. Labour market integration in Australia, Denmark, Germany and Sweden*, Paris, 2007.

²³ OECD, *Settling in: Oecd indicators of immigrant integration*, Paris, 2012.

²⁴ K. Attström, *Discrimination against Native Swedes of Immigrant Origin in Access to Employment*, International migration papers, no. 86E, ILO, 2007.

first generation was more than compensated for by higher income and a better way of life compared to the country of origin, for the second generation there is no compensation for the lack of social mobility. Such a situation is risky not only from a social point of view, as the increasingly deviant behaviour among second-generation youths in the old European receiver countries shows. As a matter of fact, the frustration of expectations leads to a decline in commitment to work, which can have a negative impact on economic outcomes, too. In today's developed societies both at the top and at the bottom of the occupational grid work is "emotional", i.e. it involves the whole personality of the worker: from professionals who are always "connected", to waiters or nurses caring for their customers. Thus, the labour market must be inclusive, avoiding the segmentation founded on ascribed features, such as the ethnic.

Immigration and integration need long run and finely tuned policies

Debating immigration policies from a labour market viewpoint when most European countries are dealing with huge inflows of asylum-seekers fleeing war and hunger and are shocked by terrorists with a migration background can appear odd. However, as the old Europe is inevitably destined to profoundly change its population, becoming a multi-ethnic society, some policies might help to manage the oncoming transition.

According to that perspective, European countries might transform the present problem into an opportunity for the future. If in the short-term the additional public spending needed to care for refugees can boost European economies hampered by austerity policies, in the medium-term most of the refugees who will not return home²⁵ might provide a labour force to fill the increasing shortages

²⁵ As during the 1990s 1 million out of more than 2 million people from Bosnia and Herzegovina went back home when the war was over (UNHCR, Briefing Notes, 21 September 2004), we can expect that the same might occur as regards refugees from Syria.

caused by demographic trends. Two policies would be needed: first, reducing the waiting period during which refugees are not entitled to work (which in many European countries is rather long); second, implementing measures (vocational training, technical language courses) aimed at getting refugees into jobs as soon as possible.

Generally speaking, any measure that European policy makers would implement should be based on the acceptance of the long run nature of immigration. That is not an easy task because this idea does not yet prevail in national populations and politicians are accustomed to seeking the support of their constituencies on a short-term basis. The opinion that new inflows of immigrants are needed for labour market purposes is even harder to accept when many native workers are unemployed, but the expected economic recovery should change the popular mood, facilitating the work of policy makers on migration and integration issues.

As regards the new inflow of immigrant labour, the choice between measures targeted either at high-skilled or low-skilled workers is rather misleading because both types of workers are needed in all the European countries, although to a different extent. Furthermore, favouring measures to attract high-skilled workers must be tempered by the risk of impoverishing developing countries, whose governments heavily criticize the brain drain. It is not only an ethical question, because European countries should also be interested in the economic growth of the developing ones. The real problem is facilitating the entry of workers who are suited to fill the shortages, whether high- or low-skilled. This is not a problem that is easy to solve, as has been shown by the failure of the Blue Card (an approved EU-wide work permit) and by the limitations of national programs. Both the Blue Card and the national programs for highly skilled workers are firm-driven, i.e. migrants must have a work contract or a binding job offer before entry. Such a procedure, however, is little suited to Small and Medium-sized Enterprises (SMEs), which do not have organisations able to seek and recruit workers from abroad and cannot bear the costs of the services of private intermediation agencies.

A solution to make job matching across different countries less cumbersome and lengthy and to overcome the disadvantage of SMEs would be granting prospective immigrants a job-search visa, i.e. a temporary permit allowing them a reasonable period of time to look for a job. The number of these permits should be fixed on a yearly basis and it could be broken down either by educational attainment or work skills, and between emigration countries in the case of bilateral agreements (also in order to avoid an excessive brain drain). That procedure is also the only way to deal with the demand both for medium- and low-skilled workers and for the household help and caregivers sought by families, because in these cases hiring requires a face-to-face matching and the use of private agencies can conceal exploitation and labour trafficking²⁶. Finally, granting job-search visas can help prevent the vicious circle of unauthorised immigration and undeclared employment, because it can satisfy the pressures of migratory chains since most of the applications would be allocated to relatives and friends living in the receiver country, who must actively support immigrants until they have found a job and are liable to sanctions if they overstay their visas²⁷.

Even more difficult are labour and educational policies aimed at integrating immigrants and their offspring into the job market and widening social cohesion beyond ethnic and cultural divides because they must challenge some vested interests of native citizens. As a matter of fact, to end the labour market segmentation that penalises immigrants, public policies must support their mobility towards more permanent and skilled jobs. Of course, measures must be implemented that remove any reason for discrimination both in schools and in hiring and careers. However, as should occur for any disadvantaged group, affirmative action would also be needed. This type of actions is not at all usual in Europe, but regards

²⁶ To face these risks IOM launched the International Recruitment Integrity System, which accredits and monitors socially responsible employers and private agencies involved in international recruitment.

²⁷ E. Reyneri, "Irregular immigration and the underground economy in Southern Europe: Breaking the vicious circle", in E. Jurado and G. Brochmann (eds.), *Europe's immigration challenge. Reconciling work, welfare and mobility*, London, I.B. Tauris, 2013.

women in some countries, and might be judged unfair by the largest part of public opinion, accustomed to thinking that “migrants take jobs the locals refuse”. In any case, all the policies fostering a better integration of migrants and their children in the labour market risk increasing their competition with natives, especially if the demand for highly skilled labour does not increase very much. Therefore, the long run goal of wider social cohesion might cause social conflicts in the short-term. Only careful and finely-tuned policies might avoid that risk.

4. After Multiculturalism: Neo-Assimilationist Policies in Europe?

Christian Joppke

Not long ago, the political leaders of Europe's Big Three spoke out against multiculturalism, in rapid succession and near-identical terms. But even before, the writing was on the wall. Consider only two of the three previous flagships of multiculturalism in Europe, the Netherlands and Britain. The Netherlands, under the influence of the populist right's gain in strength in the early 2000s, had long set out toward an increasingly hardline "civic integration" policy for immigrants. And Britain, under a Labour government that had previously been friendly to multiculturalism, had moved toward a policy of "social cohesion" and strengthening "Britishness" after domestic race riots in northern England in the summer of 2001. These riots were attributed to a penchant for self-segregation and "parallel lives" among Britain's Muslim communities that multiculturalism had obviously offered no remedy for. If multiculturalism is in "retreat"¹, these have been multiple and protracted retreats, and also ones that have been immediately denied². So what should we make of it?

An American observer acutely described the latest headline-grabbing denunciations of multiculturalism by German Chancellor Merkel, British Prime Minister Cameron, and French President

¹ As I argued in C. Joppke, "The Retreat of Multiculturalism in the Liberal State", *British Journal of Sociology*, vol. 55, no. 2, 2004, pp. 237-257.

² S. Vertovec and S. Wessendorf (eds.), *The Multiculturalism Backlash: European Discourses, Policies and Practices*, London, Routledge, 2010.

Sarkozy, as “effective, albeit irresponsible, populist politics”³. Indeed, when Chancellor Merkel found that multiculturalism had “utterly failed” there was no multiculturalism policy to blame, because such a thing had never existed in Germany, at least not at the national level. An equally astute observer, from Israel, noted that “the new concept of multiculturalism has manifested itself in Europe more by the absence of specific demands for integration than by granting specific collective rights”⁴. Through this lens, the most plausible way to make sense of the German Chancellor’s abandonment of multiculturalism is to associate “multiculturalism” with a previous *laissez-faire* approach to integration that was now found wanting. But this could not be said about France, where “integration” had been a matter of statecraft at least since the late XIX century, when “peasants” were turned into “Frenchmen”, in the world’s classic nation-building exercise⁵. In this light, one is astounded by Sarkozy’s complaint that too much fuss has been made about “the identity of those who arrive and not enough about the identity of the country that accepts immigrants”. After innumerable headscarf affairs, each framed by solemn reaffirmations of laicism as the source of Republican unity, this was a plainly nonsensical statement. And, as Bowen⁶ turns the tables against the accusation, the abhorred “communalism” was less to be found in France’s Muslim community than on the “interlocking boards of major companies, its exclusive school system, and marriage practices designed to preserve the elite”. Of Europe’s Big Three, only the British Prime Minister’s declaratory move from “state multiculturalism” to a tougher “muscular liberalism” made somewhat sense, had it not exaggerated the degree of “state multiculturalism” in the past and the alleged toughness of his alternative, not to mention that this move had already started under his labour predecessor.

³ J. Bowen, “Europeans Against Multiculturalism”, *Boston Review*, July/August 2011, p. 8, www.bostonreview.net/BR36.4/john_r_bowen_european_multiculturalism_islam.

⁴ A. Rubinstein, “The Decline, but not Demise of Multiculturalism”, *Israel Law Review*, vol. 40, no. 3, 2007, p. 772.

⁵ E. Weber, *Peasants into Frenchmen*, Stanford, Stanford University Press, 1976.

⁶ J. Bowen (2011), p. 6.

In reality, at least with respect to the prickly issue of Muslim and Islamic integration, all three countries were and remained committed to “long-standing, nation-specific ways of recognizing and managing diversity”⁷, which can only with difficulty be branded “assimilationist” (whether with a “neo” or without). Just when multiculturalism was found wanting by its leader, Germany was holding corporatist Integration Summits and Islam Conferences with designated representatives of the country’s Muslim community, even establishing federally funded Islam faculties at several state universities, one of whose purposes is to educate imams. Religion, after all, enjoys public status under Germany’s church-state regime of “open neutrality”, from which Islam cannot in principle be excluded. France had assisted Muslims in federating nationally and in innumerable other ways, from building mosques to producing halal meat and subsidizing prison chaplains, which continues a long French tradition of state management of religion, in defiance of the official rhetoric of strict state-religion separation. And Britain accommodated Islam within its public schools more than most other countries in Europe, and would continue to do so, from religious diet to relaxed rules on school uniforms, lately even having to support Muslim schools, simply because Christian or Jewish schools have long received state subsidies and been considered “legitimate sources of citizen education”⁸.

While the “(neo-)assimilationist” label does not fit the bill, it would also be imprecise to call all of this “multiculturalist” – it is simply a prolongation of long-established ways of dealing with religious diversity.

It is no wonder that the retreat or even death of multiculturalism was overwhelmingly denounced by academics as mere rhetoric with little correspondence to reality⁹. As I shall argue in this chapter, there has been no move away from multiculturalism to “assimilation”¹⁰. Even “civic integration”, though being notionally

⁷ *Ivi*, p. 2.

⁸ *Ivi*, p. 8.

⁹ Cfr. S. Vertovec and S. Wessendorf (2010).

¹⁰ As claimed, for instance, by H. Entzinger, “Changing the Rules While the Game

post- or even anti-multiculturalist, does not signal a return to cultural assimilation, which would imply that immigrant minorities are asked to change their identities, particularly their religious ones. Liav Orgad confirms that “cultural defense policies” (his word for civic integration) “reflect a retreat from multiculturalism, but do not mark a return to policies of forced assimilation”¹¹. Actually, it reveals “how difficult it is for the liberal state to return to those policies”¹². What is being exacted from immigrant minorities by way of civic integration, apart from learning the local language, is mostly knowledge and a minimal (at most, declaratory) acceptance of the rules and principles of liberal democracies. Only if one conceives of liberalism as a culture (which, of course, it may be in certain contexts and interpretations), could this qualify as “assimilation”. But liberalism is “not a ‘culture’ per se in the accepted sense of the word”¹³ but a political ordering principle to reconcile different cultures or ways of life. In one of liberalism’s most concise formulations, it is a “political doctrine, not a philosophy of life”, geared “to secure the political conditions that are necessary for the exercise of personal freedom”¹⁴.

This chapter discusses two questions surrounding civic integration and its relationship to multiculturalism, which have received controversial answers. First, is civic integration a replacement of multiculturalism, or is it merely “layered on” to resilient multiculturalism policies? Secondly, does civic integration remain within the ambit of liberalism (and thus remains open to multicultural possibilities), or does it constitute an illiberal (re)turn to cultural assimilation? I conclude with an interpretation of civic integration as “diaspora absorption”¹⁵, though in a non-assimilatory mode.

is On”, in M. Bodemanm and G. Yurdakul (eds.), *Migration, Citizenship, Ethnos*, New York, Palgrave Macmillan, 2005.

¹¹ L. Orgad, *Cultural Defense of Nations*, Oxford, Oxford University Press, 2015.

¹² *Ivi*, p. 7.

¹³ A. Rubinstein (2007), p. 803.

¹⁴ J. Shklar, “The Liberalism of Fear”, in N. Rosenblum (ed.), *Liberalism and the Moral Life*, Cambridge, Mass., Harvard University Press, 1989, p. 21.

¹⁵ P. Collier, *Exodus*, Oxford, Oxford University Press, 2013.

Retreat of multiculturalism?

One account of civic integration is that it has replaced multiculturalism-in-retreat¹⁶. Others have put this in question¹⁷. Keith Banting, in the critical camp, pointed out that it is naïve to assume that policies change by a new policy simply “replacing” an old policy that is thereby discarded¹⁸. On the one hand, this would give a misleading picture of immigrant integration policy as coherent and purpose-made. Already Gary Freeman had argued that “no state possesses a truly coherent incorporation regime”¹⁹, and that “immigrants are mostly managed via institutions created for other purposes”²⁰. Accordingly, civic integration is in most places the first coherent, national-level immigrant policy where previously there was none; what it “replaces” is not an old policy but a non-policy, a de facto multiculturalism of non-intervention in the integration process on part of the state. This is why one could register a high-level retreat of multiculturalism, around 2010-2011, even in countries that never had a multiculturalism policy, like France and Germany.

On the other hand, policies rarely change by a dramatic rupture but more often in evolutionary, incremental ways, by way of “drift”, “conversion” of old policies for new purposes, or “layering”, whereby new policies are added on to existing ones. In the case of European immigrant integration, Keith Banting argues, a “new emphasis on civic integration is being layered on top of pre-existing policies, resulting, in some cases, in a regime that has important similarities with multicultural integration Canadian-style”²¹. This layering seems to have happened even in the Neth-

¹⁶ Cfr. Ch. Joppke (2004).

¹⁷ Cfr. N. Meer and T. Modood, “The Multicultural State We’re In”, *Political Studies*, vol. 57, no. 3, 2009, pp. 473-497; see also K. Banting and W. Kymlicka. “Is There Really a Retreat from Multiculturalism Policies?” *Comparative European Politics*, vol. 11, no. 5, 2013, pp. 577-598.

¹⁸ K. Banting, *Transatlantic Convergence? The Archaeology of Immigrant Integration in Canada and Europe*, 2011, Unpublished paper (typescript in author’s possession).

¹⁹ G. Freeman, “Immigrant Incorporation in Western Democracies”, *International Migration Review*, vol. 38, no. 3, 2004, p. 946.

²⁰ *Ivi*, p. 948.

²¹ K. Banting (2011), p. 13.

erlands, where after the abandonment of the multicultural Ethnic Minorities' Policy, due to a logic of path dependency, certain old measures like native-language instruction, ethnic minority consultations, and ethnic broadcasting continued²². Further citing the obvious example of Canada, where an official multiculturalism policy had always proceeded by way of civic integration, Banting reasonably concludes that: "multiculturalism and civic integration are not inherently incompatible approaches to diversity"²³.

This view is confirmed by the "modest strengthening" of multiculturalism policies in most European countries between 1980 and 2010 according to the Multiculturalism Policy Index (MPI), which happened to coincide with "a more dramatic increase in civic integration requirements" between 2000 and 2010²⁴. Kymlicka concedes that there are "illiberal" versions of civic integration that "cannot be combined with a strong multicultural strategy"²⁵, and he quotes the Netherlands as example (which indeed recorded declines on his MPI index between 2000 and 2010). In the Netherlands, an initially economy-focused policy of making immigrants "self-sufficient" (and independent of welfare) mutated into a culture-focused policy of making them adapt to, or at least cognizant of, "Dutch norms and values", which is guided by the nationalist credo "one cannot study to be Dutch, one has to feel Dutch"²⁶.

But even for the Netherlands it is one thing to say that civic integration policies are harsh or illiberal, and quite another to say that multicultural policies are disappearing. While this seems to be the case according to the Multiculturalism Policy Index (MPI)²⁷, it is *not* for the more religion-sensitive Indicators for Citizenship Rights for Immigrants (ICRI), developed by Ruud Koopmans²⁸. Here the

²² Cfr. J.W. Duyvendak and P. Scholten, "Deconstructing the Dutch Multicultural Model", *European Comparative Politics*, vol. 10, no. 3, p. 278.

²³ K. Banting (2011), p. 3.

²⁴ W. Kymlicka, *Multiculturalism: Success, Failure, and the Future*, working paper, Migration Policy Institute, Washington, D.C., 2012, p. 16.

²⁵ *Ivi*, p. 18.

²⁶ L. Orgad (2015), p. 102.

²⁷ K. Banting and W. Kymlicka (2013).

²⁸ R. Koopmans, "Multiculturalism ad Immigration", *Annual Review of Sociology*, no. 39, 2013, pp. 147-169.

Netherlands retained a leading position in Europe and beyond. It may well be that multiculturalism has become “an impossible concept” in the Netherlands, as Dietrich Thränhardt observes²⁹. But this semantic aversion clearly has no direct or obvious, if any, bearing on purpose-built mosques, provisions for Muslim burials, permission for ritual slaughter, or the presence of Muslim chaplains in prisons, the military, or hospitals, all of which show no sign of weakening. These are just a few of the religious rights or measures that are captured on Koopmans’ ICRI.

Most importantly, civic integration is a national-level policy, and it may co-exist with ongoing local-level multiculturalism policies, which are often conducted in a more pragmatic than philosophical spirit. Two Dutch sociologists stipulate as a “general rule” that “the closer you get to the actual implementation of activities and projects, the more ethnic diversity in the population is reflected in the policy categories and organisation of government-sponsored activities”³⁰. To the degree that, in the age of civic integration, Dutch policy has moved from a group-specific “categorical policy” to a group-indifferent “general policy”, if not actually a non-policy, the dilemma arose that the targeting of ethnic groups was still more “time- and cost-efficient”³¹. Accordingly, for the sake of effectiveness, especially at the local level of policy implementation, “a high degree of ethnic specificity is a persistent characteristic of Dutch integration policies and projects”³². An Amsterdam civil servant explains how the straightjacket of prohibiting “categorical policy” is creatively detoured in one instance: “Categorical [accommodative] policy isn’t allowed anymore. That is, organizing swimming lessons for immigrant women is no longer possible. But we solved that: now we arrange swimming for overweight women which means we will reach immigrant women – they are practically the same group”³³.

²⁹ D. Thränhardt, “Das strenge Gesicht von Frau Antje”, in Ministerium für Integration Baden-Württemberg, *Integrationspolitik im internationalen Vergleich*, Stuttgart, 2013, p. 50.

³⁰ F. De Zwart and C. Poppelaars, “Redistribution and Ethnic Diversity in the Netherlands”, *Comparative European Politics*, vol. 10, no. 3, 2007, p. 388.

³¹ *Ibidem*.

³² *Ivi*, p. 395.

³³ *Ivi*, p. 393.

There are various reasons why cities should be a more accommodating environment than the national level. First, there is the proximity and direct exposure to integration problems, aggravated by the high degree of clustering of immigrants in urban areas. Note that the share of non-nationals is 33% in Brussels (but only 11% in Belgium at large), the share of foreign-born 34% in London (as against 12% in the UK), and a whopping 50% of Rotterdam's population is either foreign-born or with an immigrant parent (as against 21% in the Netherlands). The size of the (differently measured) immigrant shares is so large that exclusion is not a viable option. Secondly, at local levels "softer" policies predominate, such as health, housing, and social services, in contrast to the "hard" policy of regulating access to territory and residence that is situated at national levels. Finally, at the local level a different understanding of the political prevails, which is not centered on sovereignty; in contrast to the linear and policed boundaries of the state, the boundaries of the urban polity are fuzzy and permeable. *We are Berlin* (Wir sind Berlin), *We Amsterdammers*, *We are all Copenhageners* are uniformly the hyper-inclusive slogans at the local level, which are deliberately indiscriminate with respect to urban residents' ethnic, national, or racial backgrounds.

This suggests that there are really two ways in which the local points in a different direction from national-level integration policy: one is pragmatism and effectiveness; but there is, in addition, a different understanding of membership, which naturally opens up multicultural possibilities. By whatever rationale, the result is to bring local policies into tension, if not friction, with national integration policies. The gap must be particularly drastic in countries with harsh and restriction-minded civic integration policies: the Netherlands and Denmark.

Amsterdam, for instance, which is over 50% immigrant or immigrant-origin, from early on took "diversity" less as a problem and more as an asset to attract the "creative class"³⁴ and to become

³⁴ R. Florida, "Cities and the Creative Class", *City and Community*, vol. 2, no. 1, 2003, pp. 3-19.

a “creative knowledge city”³⁵. Diversity is part of the cool of aspiring global cities. Urban cosmopolitanism sits uneasily with the ham-handed prescription of “Dutch norms and values” in national-level civic integration policy. Instead, there is the inclusive diction of *Wij Amsterdammers*. A similar story can be told about Copenhagen. Its official slogan is “We are all part of a unity. We are all Copenhageners”³⁶, and the city has embraced ethnic diversity because of its “potential to improve Copenhagen’s status as a large city in a constantly changing, diversified world”. A 2010 program, *Mingle in the City-Social Citizenship and Inclusion*, notably formulated in the context of one of Europe’s harshest civic integration policies, set the ambitious goal to make Copenhagen “the most inclusive metropolis in Europe in 2015”³⁷.

Local multiculturalism is linked to national civic integration policy in two opposite, contradictory ways. On the one hand, the thrust of civic integration policies is mostly strongly centralising. Centralisation has been the declared policy goal in Germany, while in the Netherlands it is more the result of successive program changes. As a result, the role of cities in integration policy has diminished as both countries embarked on civic integration in the new millennium. In the Netherlands, cities were excluded in favor of private, for-profit service providers, while in Germany cities were excluded in lieu of non-market actors, like the *Volkshochschulen* or other associations that offer language and civics courses. In both cases, previous cooperation of the central state with local authorities has been replaced by contractual relations with private or voluntary “third-sector” service providers.

On the other hand, the New Public Management that “neoliberal” states are increasingly committed to is generally decentralizing, which – next to pushing policy outwards, to the market – *also* has the effect of moving policy downwards, to the municipal level. For

³⁵ M. Hoekstra, “Diverse Cities and Good Citizenship”, 2014, pp. 8-12, (typescript, in author’s possession).

³⁶ M. Bak Jørgensen, “The Diverging Logics of Integration Policy Making at National and City Level”, *International Migration Review*, vol. 46, no. 1, 2012, p. 258.

³⁷ *Ivi*, p. 259.

example, the 1998 Danish Integration Act, which laid the groundwork for a restriction-minded civic integration policy, made the municipalities responsible for the entire integration function, from welfare to housing and employment. The central state thus inadvertently “created a room for negotiation that opens up for far more pragmatic and much less neoliberal approaches to integration” at the local level, as Martin Bak Jørgensen finds³⁸.

In sum, civic integration marks a departure from multiculturalism, but not at all levels and in all respects. This does not mean that persistent local-level multiculturalism is unaffected by the critique of “groupist” and “segregationist” multiculturalism that has energised the rise of civic integration. Note that at the local level “interculturalism” and “diversity” often replaced the tired notion of “multiculturalism”, flagging a more individual- and dialogue-centered approach to integration than that associated with a group-centered and recognition-mongering multiculturalism. In an instructive case study of Amsterdam, Justus Uitermark et al. call the new approach “post-multicultural”, which is to “encourage inter-ethnic dialogue and debunk ethnic stereotypes”³⁹. Accordingly, the city’s current Diversity Policy is inspired by the notion that “Amsterdammers cannot be captured in one group. They are part of many groups”⁴⁰. Commensurate with this, city subsidies are no longer given to ethnic groups but to “projects” that ideally should assemble people of many groups to resolve concrete neighborhood problems. If organisations are funded, they must be “intercultural”, that is, ethnically and socially mixed. “Keeping things together” is how Amsterdam’s charismatic mayor, Job Cohen, describes the point of the local transition from the “group”-oriented to the “problem”-oriented Diversity Policy in the early 1990s. This well captures the pragmatic spirit in which a sort of local multiculturalism persists in the age of its official retreat.

³⁸ M. Bak Jørgensen (2012), pp. 266-267.

³⁹ J. Uitermark, U. Rossi and H. van Houtum. “Reinventing Multiculturalism: Urban Citizenship and the Negotiation of Ethnic Identity in Amsterdam”, *International Journal of Urban and Regional Research*, vol. 29, no. 3, 2005, p. 625.

⁴⁰ *Ivi*, p. 629.

Return of assimilation?

A second question surrounding civic integration is whether it is liberal or illiberal policy, and whether it marks a return to cultural assimilation. Sara Goodman, after arguing that the content of the new “state identity” to be strengthened by civic integration is “liberal values”⁴¹, immediately retracts a little, calling civic integration a “contorted practice of liberalism”⁴² and “barely” liberal⁴³. Indeed, without this qualification, she would be hard-pressed to account for civic integration’s obligatory and coercive dimension, particularly in its more restrictive variants, and her martial metaphor for the entire civic integration enterprise as “fortifying” citizenship would not make sense. But Goodman wisely concedes that “(k)nowing national values and believing in them are two different things [...] The state can mandate knowledge and the professing of loyalty, but not morality or belief”⁴⁴.

With respect to the contents of civic integration, what throws doubt on its liberalness are, on the one hand, morality questions, above all about gender relations or sexual preferences, which test beliefs, not knowledge, and which – one must assume – were specifically devised to corner Muslims. But the few examples that traded in morality, like the infamous citizenship test in Baden-Württemberg, immediately had to be withdrawn. This is not to belittle the no less infamous case of a burqa-wearing woman who was denied French citizenship, and which has led to a reassertion of “assimilation, other than linguistic” as a requirement under French nationality law⁴⁵.

On the other hand, more widespread and also controversial for some are test questions or course contents that touch on informal ways of life and everyday practices – as one might say, on culture in an anthropological sense. Here is an example from the Dutch

⁴¹ S. W. Goodman, *Immigration and Membership Politics in Western Europe*, New York, Cambridge University Press, 2014, p. 31.

⁴² *Ibid.*, p. 15.

⁴³ *Ibid.*, p. 231.

⁴⁴ *Ibid.*, p. 33.

⁴⁵ Cfr. Ch. Joppke, *Citizenship and Immigration*, Cambridge, Polity, 2010, p. 139.

naturalisation file, cited and criticised by Liav Orgad: “Zara works as a nurse for the elderly. The principal walks into the coffee room. What is the best thing Zara can do? a) shake his hand and tell him her name; b) continue to work and wave at him; or c) wait until he says something”⁴⁶. It is not so obvious that “a)” is the “correct” answer, and crossing the other boxes is neither morally nor legally wrong, as Orgad plausibly objects – it would at worst condone impolite or inappropriate behavior. The cited question is obviously mute on the liberal-vs-illiberal axis. It is purely particularistic, showing national societies as distinct cultural formations, whereby “culture” is to be understood in a non-normative sense of “represent(ing) the tastes and preferences of the dominant majority”⁴⁷. Orgad finds that “cultural defense” is of this specific “ethno-cultural” kind in Europe, as against a more universalistic, less objectionable “civic-political” type that he sees prevailing in the United States (there are no civic integration requirements for immigrants in the US to begin with, only naturalisation tests that in Orgad’s analysis have been culturally “thinning” in recent years). He thus arrives at a gloomy picture of the European scene:

(T)he values essential to the French *communauté* have little connection to French people of Maghreb origin – Algerians, Moroccans, and Tunisians; Dutch society has little to do with the way of life of Moroccan-Dutch and Turkish-Dutch; and the handbook *Life in the United Kingdom* is not concerned with the life of ethnic minorities in the United Kingdom – Indians or Pakistanis. The content of cultural defense policies [...] does not reflect a huge degree of ethno-cultural diversity. The immigrants’ way of life, traditions, and values are largely absent from the characterization of what is British, Dutch, or French. Rather, at the heart of cultural defense policies, despite the politically correct language, are the ways of life, traditions, and values of non-immigrant groups, the native-born population⁴⁸.

⁴⁶ L. Orgad (2015), p. 102.

⁴⁷ *Ivi*, p. 6.

⁴⁸ *Ivi*, pp. 116-117.

This is exaggerated, even by Orgad's own account, not to mention that it takes the wind out of his spicier claim that "illiberal liberalism"⁴⁹, the hyping up of liberalism as a "liberal way of life itself"⁵⁰, is the true risk of civic integration. With respect to his own sensitive case descriptions, to depict European civic integration as "ethno-cultural" does not rhyme with a description of German *Leitkultur*, which incidentally has always been controversial and was never officialised, as "reveal(ing) a relatively thin version of Germanness in which the decisive factors are mainly the values enshrined in the German Basic Law – the rule of law and basic principles of democracy"⁵¹. If this is an accurate description of *Leitkultur*, and I reckon it is, it would be wrong to call the latter "ethno-cultural". Moreover, why should the French *communauté*, which is officially non-ethnic and political, have no place for Algerians or Moroccans? Most French Muslims practice a moderate Islam and profess to be laic, that is, to privatise religion⁵². The previously pragmatic *Life in the UK* test had "downgraded British identity to daily life issues"⁵³, and the more recent discarding of pragma in lieu of history, including a depiction of the UK as "historically a Christian society", may disappear as quickly as it came to be inserted under the current Tory government. A high-brow magazine called an earlier edition of *Life in the UK* "the funniest book currently available in the English language"⁵⁴, which suggests a certain lightness of the "cultural defense" at work here – the recent addition of "cricket, rugby, and football" should make the book funnier still⁵⁵.

The Netherlands are known to be a rough quarter even for the pampered expat or Euro elite⁵⁶. There is no pretension here to force migrants to become someone else, only a matter-of-fact, even self-

⁴⁹ *Ivi*, Ch. 4.

⁵⁰ *Ivi*, p. 135.

⁵¹ *Ivi*, p. 98.

⁵² J. Laurence and J. Vaisse, *Integrating Islam*, Washington, D.C., Brookings Institution Press, 2007, p. 31.

⁵³ L. Orgad (2015), p. 108.

⁵⁴ *Ivi*, p. 107-108.

⁵⁵ *Ivi*, p. 109.

⁵⁶ See the austere description by A. Favell, *Eurostars and Eurocities*, Oxford, Blackwell, 2008, Ch. 2.

deprecating description of “how things are here”, including that it’s “too cold” and “they really are white” (quoted from the 2-hour “Coming to the Netherlands” [*Naar Nederland*] film that newcomers are required to watch⁵⁷). The Blok Commission report, within the umbrella of “integration” as a “two-way process”, draws a sharp distinction between the “public sphere” where “the law has to be followed unconditionally”, and a “private sphere” where there is “space for differentiations and own interpretations”⁵⁸. But, in addition to the “legal norms and values”, there are also “unwritten rules, which fuel the wheels of everyday life”⁵⁹. These unwritten rules newcomers are to be “made cognizant of”⁶⁰, which is a weaker obligation than the “unconditional” following of formal law. As these elements of toughness are accompanied by a firm commitment to non-discrimination and respect for religious freedoms, the proposals of the Blok Commission appear to be a fair reflection of immigrant integration in the guise of civic integration, not only in the Netherlands. This is unmistakably liberal integration, and the insistence on the private-public distinction is as much post-multicultural as it still leaves multicultural possibilities.

Saskia Bonjour found Dutch lawmakers in consensus over the importance of “Dutch norms and values” (the only bickering being about how to finance civic integration)⁶¹. A Social Democrat (and notably not liberal or conservative party member, as one might think from the following statement) defined these Dutch norms and values as: “Progressive views, individualisation, the expectation that you will do anything you can to strive for your own success, taking responsibility for your environment. Whoever participates in that, can count on our sympathy, regardless of their origins”⁶². This may sound more neo-liberal than liberal, but it is the novel element in Eu-

⁵⁷ L. Orgad (2015), p. 101.

⁵⁸ Blok Commission, *Brücken bauen*, Solingen, Landeszentrum für Zuwanderer NRW, 2004, p. 9.

⁵⁹ *Ibidem*.

⁶⁰ *Ivi*, p. 10.

⁶¹ S. Bonjour, “Governing Diversity”, *Citizenship Studies*, vol. 17, no. 6/7, 2013, pp. 837-851.

⁶² *Ivi*, p. 847.

rope's (and other liberal states') "cultural defense of nations" that is underplayed in Orgad's, in my view, too "defensive" and backward-looking account. Who could find fault with "progressive views" and "individualisation", to recite the above Dutch leftist lawmaker's definition of Dutch norms and values? More than anything nationally particular, this is the universal idiom of liberal and further-liberalizing societies⁶³. In a perceptive line, Sara Goodman characterised civic integration as "inclusion through achievement, instead of recognition"⁶⁴. This adequately catches its liberal baseline, but also civic integration's distinctly non- or post-multicultural dimension.

In sum, "cultural defense"⁶⁵ or "cultural assimilation"⁶⁶ may well be the intention of states: civic integration's tacit focus on majority groups is the fulcrum of seeing it mainly as "symbolic politics", and how could "assimilation", understood in an "intransitive" rather than "transitive" sense (that is, as something happening rather than enforced), *not* be the desired endpoint of immigrant integration? But "intention" does not guarantee that states have the legal-political means available for realizing it – liberal states "cannot mandate the practice", as Goodman put it pithily⁶⁷.

Conclusion: Civic integration as diaspora absorption

At least two conclusions can be drawn from this reflection on civic integration and the "retreat" of multiculturalism. First, civic integration is a new, national-level policy that notionally rests on a critique of multiculturalism as furthering "groupist" segregation. However, particularly at the local level and driven more by prag-

⁶³ See also Van Houdt who identified a convergent trend toward "neoliberal communitarian citizenship" in the UK, France, and the Netherlands: F. Van Houdt, S. Suvarierol and W. Schinkel, "Neoliberal Communitarian Citizenship", *International Sociology*, vol. 26, no. 3, 2011, pp. 408-432.

⁶⁴ S.W. Goodman (2014), p. 30.

⁶⁵ L. Orgad (2015).

⁶⁶ H. Entzinger (2005).

⁶⁷ S.W. Goodman, "Fortifying Citizenship", *World Politics*, vol. 64, no. 4, 2012, pp. 659-698.

matism than by principle, group-targeting and -reinforcing multiculturalism policies persist, though often under the newer and more accepted labels of “diversity” or “interculturalism”. The latter puts a greater emphasis on the individual as the unit of integration – and in this respect they are compatible with civic integration. Secondly, civic integration is mostly within a liberal register; it does not mark a return to cultural assimilation. One could only argue the opposite if one conceives of liberalism itself as a culture, following Martin Hollis’ witty motto “liberalism for the liberals, cannibalism for the cannibals”⁶⁸. A few instances of civic integration, as briefly mentioned above, may lend themselves to such an interpretation, but they have remained the exception to the norm of a knowledge-building rather than identity- and behavior-forcing understanding. To the degree that national particularism transpires in civic integration, it is more in a practical sense of helping to navigate friction in everyday life, not of imposing a culture on newcomers.

These conclusions are confirmed by the German center parties’ overall inclusive response to the historically unprecedented arrival of one million refugees in 2015, most of them from far-away lands like Syria and Afghanistan. A new position paper by the Social Democrats (SPD) argues in favor of *Fördern und Fordern* (Supporting while Demanding), in this order, which does ask newcomers to “know and understand [...] our values”⁶⁹. However, these values are notably liberal values: “respect and toleration, equality of the sexes and religious freedoms are non-negotiable”. At the same time, “whoever wants to live permanently in Germany does not have to deny her origins”⁷⁰ – this is an obvious No to cultural assimilation. The Christian Democratic Party (CDU), in a parallel policy paper issued in February 2016, likewise subscribes to the principle of “Fördern und Fordern”. “Integration” is understood here as contingent on newcomers’ “willingness to respect (*achten*)

⁶⁸ M. Hollis, “Is Universalism Ethnocentric?” in C. Joppke and S. Lukes, *Multicultural Questions*, Oxford, Oxford University Press, 1999, p. 36.

⁶⁹ SPD (Sozialdemokratische Partei Deutschlands), Ordentlicher Bundesparteitag in Berlin vom 10-12 Dezember 2015, Beschluss No. 4, *Solidarität und Verantwortung in Staat und Gesellschaft*. Berlin, 2015, p. 6.

⁷⁰ *Ivi*, p. 7.

our way of life, our law, our culture, and to learn our language”⁷¹. Notably, newcomers are expected to “respect” (*achten*) the ways of the majority, which is less than to “adopt” them (the German word would be *annehmen*) – here also one can register the rejection of cultural assimilation. More than the leftist SPD, however, the rightist CDU repudiates multiculturalism: “We want to avoid the mistakes of the past, prevent the rise of parallel societies, and remove existing parallel structures”⁷². Most importantly, the CDU is currently pushing for a stricter Obligatory Integration Law (*Integrationspflichtgesetz*), which would go beyond the status quo in tightening the nexus between granting a legal permanent residence and the passing of an integration test, as well as in restricting the mobility even of recognised refugees to prevent “ghetto formation”.

The German left-to-right mainstream party proposals, which thrive on the spirit of civic integration, may be interpreted in terms of the perceived need to absorb the immigrant “diaspora” that cannot but grow in the present context of recurrent large-scale immigration⁷³. One of the drivers of contemporary migration is the existence of a “diaspora” that reduces the costs of further migration; it is the main mechanism by which past migration begets more migration⁷⁴. So the diaspora needs to be controlled in size, if not even melted, precisely if a state wants to remain open to new migration (that can never be unlimited to be socially accepted). But why is the diaspora dangerous? The larger the size of the diaspora, and the more “culturally distant” it is from the host society, the more “interaction within the group crowds out interaction with the indigenous population”⁷⁵. This is logical but it has a perverse effect: “the culturally distant will be advantaged in migration decisions. Precisely because their diasporas take longer to be absorbed than the culturally

⁷¹ CDU (Christlich Demokratische Union), *Fordern und Fördern*, Berlin, 15 February 2016, p. 2.

⁷² *Ivi*, p. 3.

⁷³ P. Collier (2013).

⁷⁴ See the discussion of “cumulative causation” in D. Massey et al. *Worlds in Motion*, Oxford, Oxford University Press, 1998, Ch. 2.

⁷⁵ P. Collier (2013), p. 87.

proximate, these large diasporas facilitate further migration”⁷⁶. This is where multiculturalism, the enigmatic Other of civic integration, kicks in, or rather the contemporary opposition to it. Multiculturalism is diaspora reinforcement, which “has a clear cost”, argues Collier⁷⁷. This cost is to reduce the absorption rate of the diaspora and to feed migration that gets sucked into ever growing “parallel societies”, which is just another word for what Collier calls “diaspora”. In a nutshell, if countries want to stay open to immigration, as contemporary Europe seems bent on, they must contain the diaspora through civic integration.

The double premise of the “melt-the-diaspora” imperative is that “nations” are not anachronisms but “important and legitimate moral units”⁷⁸, and that diasporas are uniformly “bad” and dysfunctional. The latter assumption is, of course, questionable. No one has ever cast doubt on, say, the resourcefulness and positive value of the Chinese diaspora, perhaps the largest in the world. Collier’s views in this respect seem to be colored by the European problems with their Muslim populations. Collier is more on target when calling nations “virtually our only systems for providing public goods”⁷⁹. Nations are the quintessentially modern “groups” to provide security and welfare for the individual, nurturing “mutual regard”, described by him as “something akin to sympathy or benign fellow-feeling”⁸⁰. However, nations stand the risk of being undermined or even supplanted by the “social models” imported by migrants, but which by sheer inference were not strong or viable enough to keep them at home. Collier breaks with political etiquette: “not all cultures are equal”⁸¹, because the “fruits of successful nationhood” is what “attracts migrants” in the first place⁸².

Collier’s views are controversial. But if there were not an element of truth to them, one wonders: Why are they all coming?

⁷⁶ *Ivi*, p. 262.

⁷⁷ *Ivi*, p. 264.

⁷⁸ *Ivi*, p. 25.

⁷⁹ *Ivi*, p. 236.

⁸⁰ *Ivi*, p. 61.

⁸¹ *Ivi*, p. 35.

⁸² *Ivi*, p. 25.

Moreover, his policy message resonates closely with what European states are currently practicing under the rubric of civic integration – except that calling the latter “assimilation”, as Collier prefers, does not do justice to its liberal infrastructure. If what is happening today under the aegis of civic integration is “cultural assimilation”, what was the forging of “100 percent Americans” a century ago, in the High Noon of state nationalism⁸³? If countries open themselves up to recurrent immigration, as new-millennium Europe has begun to do for economic and demographic reasons, the state’s migration policy must look to “increase the absorption of diasporas”⁸⁴. Following Collier, states have two tools at their disposal to accomplish this: on the one hand, “crack(ing) down hard on racism and discrimination”; on the other hand, obligatory language learning and promoting the “symbols and ceremonies of citizenship”⁸⁵, which corresponds to what we have discussed here as civic integration. Indeed, both tools combined, civic integration *and* anti-discrimination, are the dual pillars of the “transformation of immigrant integration” in Western Europe as identified a decade ago⁸⁶. This seems to remain an adequate description of current realities.

⁸³ Cfr. J. Higham, *Strangers in the Land*, New Brunswick, N.J., Rutgers University Press, 1983, Ch. 9.

⁸⁴ P. Collier (2013), p. 265.

⁸⁵ *Ibidem*.

⁸⁶ Ch. Joppke, “Transformation of Immigrant Integration”, *World Politics*, vol. 52, no. 2, 2007, pp. 243-273.

5. Inclusion, Exclusion, and Citizenship: European Practices

Thomas Faist, Kerstin Schmidt, Christian Ulbricht

In an age of cross-border migration, the definition of membership in delineated states is destined to come under close scrutiny. The range of policies and of legal definitions and re-definitions must be considered against a backdrop of diverse developments. In many countries, changing rules of citizenship have allowed for easier access for immigrants; at the same time, access to participation in nearly all sectors of society has been eased for immigrants¹, and the number of states permitting dual citizenship has grown². Scholars and political and social actors are less and less engaged in the major debates, common in the 1980s and 1990s, over ethno-national understandings of nationhood (*ius sanguinis*: blood principle, parental lineage) and legal-rational understandings of political membership (*ius soli*: territorial principle, birthright; *ius domicilii*: residence principle, permanent abode)³. Indeed, “we all are republican now”⁴. In place of these debates we find that access to citizenship is increasingly a matter of immigrants’ individual skills, and their political and social competencies – or their willingness to learn them – necessary for integration into a political community. The larger

¹ P. Kivisto and T. Faist, *Citizenship: Discourse, Theory and Transnational Prospects*, Oxford, Blackwell, 2007.

² T. Faist, *Dual citizenship in Europe: from nationhood to societal integration*, Avebury, UK, Ashgate, 2007.

³ R. Brubaker, *Citizenship and Nationhood in France and Germany*, Cambridge, Mass, Harvard University Press, 1992; based on F. Meinecke, *Weltbürgertum und Nationalstaat. Studien zur Genesis des deutschen Nationalstaates*, München, Oldenbourg, 1908.

⁴ T. Faist (2007).

concerns of collective reciprocity, solidarity and trust seem to be absent from the process, which is evident in the increasing emphasis on human capital in the admission of migrants.

While overall these processes have moved in an inclusionary direction, exclusionary tendencies can be discerned in civil society. This apparent contradiction raises questions about the relationship between state membership and social or community membership, how the two interact, and how this interaction has evolved. Such exclusionary tendencies, which can be seen in most countries, range from religious identification in Europe to linguistic issues in the US⁵. There are differences, however, in the ways in which such heterogeneities are dealt with institutionally. One distinguishing feature of religious inclusion, for example, is the extent to which religious organisations are recognised: for example, the corporatist German system sets high hurdles for Muslim organisations to access public policy, whereas the British system does not require such elaborate institutional inclusion. Another mark of difference in state approaches is the degree to which the rights of citizens are extended beyond civil, political and social rights⁶ to include cultural rights of national minorities⁷. Even though “multiculturalism” has been all but rejected by most major European countries, cultural rights continue to be debated vigorously and cause conflicts in civil society. In sum, there has been a “rights revolution” underway since the 1960s which is being expressed in changing citizenship legislation – increased tolerance of some form of dual citizenship in almost half of the world’s states, and a shifting view wherein membership based on descent (*ius sanguinis*) has been complemented by birth in the immigration country (*ius soli*). In turn, this increasing liberalisation of access to citizenship for migrants in Western democracies can be seen as part of a broader shift from “ethnic” to “civic” nationalism.

⁵ Cfr. A.R. Zolberg and L.L. Woon, “Why Islam Is Like Spanish: Cultural Incorporation in Europe and the United States”, *Politics & Society*, vol. 27, no. 1, 1999, pp. 5-38.

⁶ T.H. Marshall, *Citizenship and Social Class*, Cambridge, Cambridge University Press, 1964 (1950).

⁷ W. Kymlicka, *Multicultural Citizenship*, New York, Oxford University Press, 1995.

Still, there is a discernible illiberal counter-trend which manifests itself in two ways: 1) migrants who contribute actively to economic productivity, especially the highly skilled⁸, are prioritised; and 2) “undesirable” migrants are devalued and culturalised as the *other*⁹. We also note the increasing significance of “securitisation” in migration control and in civic life more generally, increased references to the fiscal, financial and economic crisis with respect to inclusion, and the penetration of economic criteria into the discourse of citizenship policy. To paraphrase Aristide Zolberg¹⁰, those who are “wanted and welcome” – admitted on the basis of merit – lie at the opposite end of the spectrum from those who are “wanted but not welcome”, immigrants who are admitted for economic reasons but unwelcome for cultural reasons. This binary focus on the extremes omits many other categories in an imagined middle, for example, those categorised legally as asylum seekers or those who immigrate for purposes of family reunification.

Further evidence of this illiberal counter-trend is abundant. After 2001, many countries raised the bar for naturalisation by introducing language and citizenship tests, integration courses and citizenship ceremonies¹¹, with clear assimilatory intent. One might question what obligatory civic integration says about liberal-democratic norms and principles being shared by all. Consider, for example, the increasing securitisation of citizenship and public concern about the compatibility of Muslim immigrants post-9/11. At the other end of the migration process we see a re-ethnicizing, whereby home country governments promote dual citizenship to foster the affiliation of emigrants to their country of origin¹².

⁸ T. Faist, “The Mobility Turn: A New Paradigm for the Social Sciences?”, *Ethnic and Racial Studies*, vol. 36, no. 6, 2013, pp. 637-1646.

⁹ P. Triadafilopoulos, “Illiberal Means to Liberal Ends? Understanding Recent Immigrant Integration Policies in Europe”, *Journal of Ethnic and Migration Studies*, vol. 37, no. 6, 2011, pp. 861-880.

¹⁰ A. Zolberg, “‘Wanted but not welcome’: alien labor in western development”, in W. Alonso (ed.), *Population in an Interacting World*, Cambridge, MA, Harvard University Press, 1987, pp. 36-73.

¹¹ S. Green, “Much Ado About Not-Very-Much? Assessing Ten Years of German Citizenship Reform”, *Citizenship Studies*, vol. 16, no. 2, 2012, pp. 173-188.

¹² J.M. Lafleur, *Transnational Politics and the State. The External Voting Rights of Diasporas*,

Although the principles of liberal economies call for the opening of borders for capital, goods, services and people in the economic sphere, the principles of political communities demand some closure against the outside, thus enforcing a logic of inclusion/exclusion of newcomers¹³. For political communities, boundaries serve the function of creating a desired social order and lessening the ubiquitous, yet diffuse, threat of violence. Beyond the fundamental Hobbesian idea of social order, the production and redistribution of collective goods for purposes of justice, including welfare, also require a delineated community. In this formulation, the liberty of those within the state can be guaranteed only by the monopolisation of power through the nation-state¹⁴ and the curtailment of the liberty of individuals falling outside the nation-state¹⁵. In short, citizenship is both internally inclusive and externally exclusive, and it is these opposing principles that drive the politics and policies of membership.

Policy shifts in the major immigration countries

In the following we present recent developments in several major migrant-receiving countries in Europe: Germany, the United Kingdom, the Netherlands, France and Italy with an eye on the nexus between immigration and citizenship policies.

Germany. In 2000, Germany took a first step to end the complete ban on foreign labour recruitment, established in 1973, by introducing the immediate-action program to cover the IT-skilled worker gap (German Green Card) which offered IT-personnel a five year residence and work permit in Germany¹⁶. This programme was fol-

London, Routledge, 2013.

¹³ G. Freeman, "Migration and the Political Economy of the Welfare State", *The Annals of the American Academy of Political and Social Science*, 485, 1986, pp. 51-63; J. Carens, *The Ethics of Immigration*, New York, Oxford University Press, 2013.

¹⁴ C. Tilly, *Coercion, Capital and European States: AD 990 – 1992*, Oxford, Blackwell, 1990.

¹⁵ L. Bosniak, *The Citizen and the Alien*, Princeton, Princeton University Press, 2008.

¹⁶ H.D. Westerhoff, *Die Greencard. Zur Wirtschaftspolitik der rot-grünen Bundesregierung*, Working Paper no, 161, 2007, <https://www.wiwi.uni-due.de/fileadmin/fileupload/>

lowed in 2005 by the New Foreigner Law that, *inter alia*, institutionalised the privileged entrance of professionals and also included newly established integration policies, particularly voluntary (and in some cases compulsory) citizenship and language classes. In parallel, Germany took a major departure from its historically restrictive citizenship access policies by introducing the *ius soli* principle alongside *ius sanguinis* in 2000, making it possible to acquire German citizenship by virtue of birth on German soil, provided one parent had a permanent residence permit. Germany also allowed several exceptions to the policy of rejecting dual citizenship, although it still does not tolerate dual citizenship as a rule, except for other EU member states with which reciprocity agreements apply. Requirements for citizenship acquisition were also lightened, and the general attitude toward naturalisation, traditionally considered the most important result of immigration, was revised. The length of the residence period to qualify for naturalisation was reduced almost by half, from 15 to eight years. In 2008 it was reduced further, to seven years, for applicants completing integration courses containing a language test (better language skills reduce residence requirements even further, to six years) and a naturalisation test to demonstrate knowledge of German society. Even though the civic integration courses and tests would be considered a form of restrictive barrier, they are nevertheless well within “the ambit of liberalism”¹⁷, as they relate to the individual level, implying they can be met by every individual. Still, given the language requirement, the courses and tests are no doubt used as “an instrument for the selection of (more highly) skilled migrants”¹⁸. There are signs that the public discourse, centered for a long time between the dichotomy of the need to create a “welcome culture” for highly skilled, but also for humanitarian migrants, and the fear of “poverty migration” and the loss of the German *Leitkultur*¹⁹, is shifting towards a concern about

WIWI/pdf/161.pdf (last retrieved 7 April 2016).

¹⁷ Ch. Joppke, *Citizenship and Immigration*. Malden, MA, Polity Press, 2010, p. 68.

¹⁸ I. Michalowski, “Integration tests in Germany. A communitarian approach?”, in E. Ersbøll, D. Kostakopoulou and R. van Oers (eds.), *A Re-definition of Belonging? Language and Integration Tests in Europe*, Leiden, Brill Publishers, 2010, p. 191.

¹⁹ M. Aksakal and K. Schmidt-Verkerk, *New Migration Trends in Germany. Characteristics,*

the integration, particularly of successful asylum applicants, into different spheres of German society.

United Kingdom. In contrast to Germany, the UK has viewed itself as a long-term immigration country and often defines itself as a multicultural nation, based on its colonial history and Commonwealth system. Yet since EU enlargement, and especially its eastward expansion, worries about immigration have ballooned. These worries take the form of the oft-repeated narrative about an impending economic decline caused by immigrants taking up jobs that should be given to British citizens and about immigrants' perceived abuse of the welfare system. A climate of exclusion has been created, with the majority of British citizens opposing migration, believing too many migrants enter the UK, and perceiving migration as a problem rather than an opportunity. Public opinion is slightly friendlier when it comes to immigrants with skills required for the functioning of society, such as doctors or nurses²⁰.

Government policies and state discourse have played no small role in contributing to the perception of migrants, especially refugees and asylum seekers, as a threat to be averted by strict border protection, and to a demand for measures preventing migrants from overstaying their visas or remaining in the country for purposes other than what is stated in their visas²¹. A recent analysis of the development of highly-skilled migration to the UK between 2007 and 2013 also shows that the number of highly-skilled recent migrant workers (RMW) has significantly decreased in this time frame, particularly from non EU-countries²². One important reason for this trend is the introduction of the Points Based System (PBS) in 2008.

Actors and Policies, Working Paper 128/2014, COMCAD - Center on Migration, Citizenship and Development, Bielefeld, Bielefeld University, 2014.

²⁰ S. Blinder, *UK Public Opinion toward Immigration: Overall Attitudes and Level of Concern*, Migration Observatory Briefing, Oxford, University of Oxford, 2012.

²¹ G. Mulvey, "When Policy Creates Politics: the Problematizing of Immigration and the Consequences for Refugee Integration in the UK", *Journal of Refugee Studies*, vol. 23, no. 4, 2010, pp. 437-462.

²² C. Rienzo and C. Vargas-Silva, *Highly Skilled Migration to the UK 2007-2013: Policy Changes, Financial Crises and a Possible "Balloon Effect"?*, Migration Observatory Report, Oxford, University of Oxford, 2014.

Before the system came into force, highly skilled migrants could enter the UK either through the Work Permit System (WPS), requiring a job offer, or through the Highly Skilled Migrant Programme (HSMP) searching for work or becoming self-employed²³.

In line with the stricter immigration policies the British government defines British citizenship as “a privilege and not a right”, and calls for advanced language skills and knowledge about British culture²⁴. In theory, “citizenship is more esteemed and valued if it is earned, not given”²⁵. The selection criteria for becoming a UK citizen by naturalisation became more rigid in October 2013. Along with some vague characteristics (“good character” and “sound of mind”), applicants must be 18 years of age or older, willing to live in the UK and pass a test proving knowledge of the English language and life in the UK²⁶.

The Netherlands. At one time, in the 1960s and 1970s, immigration was regarded by the Dutch government as a temporary phenomenon: those arriving from Morocco and Turkey, mainly guest workers and their families, were expected at some point to return home. In 1980, a sea change occurred in policies on naturalisation and integration of migrants, leading to creation of the “Minorities Policy” which was based on the recognition that immigration could often turn out to be a lasting condition and “immigrant integration would be assisted by a secure residence status, equal rights, family reunification and full participation in education and the labour market”²⁷. In this paradigm shift, the Netherlands defined itself as tolerant and multicultural. Over the last 15 years, however, attitudes

²³ C.V. Zuccotti, *Highly-Skilled Indian Migrants in the United Kingdom*, CARIM-India RR 2013/34, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole, FI, European University Institute, 2013.

²⁴ UK Government, “Tougher Language Requirements for Becoming a British Citizen”, 2013, <https://www.gov.uk/government/news/tougher-language-requirements-announced-for-british-citizenship>.

²⁵ Crick Commission, “The New and the Old: The Report of the ‘Life in the United Kingdom’ Advisory Group, London, HMSO, 2003, p. 3.

²⁶ UK Government, “Becoming a UK Citizen”, 2014, <https://www.gov.uk/becoming-a-british-citizen>.

²⁷ OECD, *Naturalisation: A Passport for the Better Integration of Immigrants?*, OECD Publishing, 2011, p. 336.

have changed and this very liberal Dutch approach to immigration and citizenship (compared to other European countries) has been replaced by a narrow and restrictive one²⁸. Among Dutch citizens holding populist views, the fear was that the laissez-faire attitude was endangering “native Dutch” values and it was thought that many citizens were unwilling or unable to integrate. The 2002 murder of the anti-immigrant party leader Pim Fortuyn and the 2004 murder of filmmaker Theo van Gogh, known for his Islamophobic statements, escalated anti-immigrant sentiment among the self-defined “autochthonous” parts of the Dutch population.

As elsewhere, these developments were mirrored at the policy level. The conservative government, elected in 2002, introduced the requirement of an immigration (culture and language) test to qualify for a visa. Unlike the integration courses offered since 1998, organised and financed by the Dutch government, the new test is offered by private institutes and paid for by the immigrants. Immigrants who fail the test or do not pass it in time are faced with fines and residence-status sanctions²⁹. Prior policies promoting “naturalisation as a right” for children of immigrants born in the Netherlands and the right to obtain dual nationality, established in 1984, resulted in a peak of applications for citizenship in 1996. In response, in the context of a more critical policy and public debate on immigration, this right was revoked by the introduction of a naturalisation test in 2003 framing Dutch citizenship as “something to be proud of, not a consumption article”³⁰.

France. The republican principle underpins approaches to nationality in the French case, with nationality intricately connected to a confirmation of political values³¹. From 1899 until 1993 the double *ius soli* principle of citizenship acquisition was in effect. That

²⁸ E. Vasta, *From Ethnic Minorities to Ethnic Majority Policy: changing identities and the shift to assimilationism in the Netherlands*, Centre on Migration, Policy and Society Working Paper no. 26, Oxford, University of Oxford, 2006.

²⁹ OECD (2011).

³⁰ *Ivi*, p. 340.

³¹ W. Nicholls, “Governing Immigrants and Citizenship Regimes: the Case of France, 1950s–1990s”, *Citizenship Studies*, vol. 16, nn. 3/4, 2012, pp. 511–530.

principle ensured that the third generation (both parents born in the country) was automatically naturalised, while the second generation (at least one immigrant parent) was naturalised upon reaching maturity. French republicanism is related to a version of laicism, which can be seen in such cases, for example, as the outlawing of headscarves in schools, in 2004. In another case, in 2008, the highest court (*Conseil d'État*) denied a burka-wearing woman French citizenship because of "insufficient assimilation", a clear reflection of the fear of the destruction of republican ideology³². In another policy move, under Interior Minister Nicolas Sarkozy in 2003, a compulsory integration course was introduced, emphasizing language training and knowledge about the institutions and values of the French republic. It was assumed that completion of this compulsory course meant establishing a "relationship of trust and mutual obligation" between the individual and the state. The government has since gone a step further in passing the law of immigration and integration, making civic integration courses obligatory to obtain a one-year, renewable resident permit. After two years, immigrants can apply for a ten-year permanent residence card. As former president Sarkozy put it, the law facilitates a fundamental change in immigration policies from the "unwanted" (*subie*) to the "chosen" (*choisie*).

Italy. Since the end of the recruitment of Italian workers by northern European countries in the early 1970s, Italy has experienced a shift from being mainly an emigration country to being one of the most important immigration countries in Europe³³. This trend has been reinforced during the current humanitarian crisis, as a conse-

³² E.L. Lefebvre, "Republicanism and Universalism: Factors of Inclusion or Exclusion in the French Concept of Citizenship", *Citizenship Studies*, vol. 7, no. 1, 2003, pp. 15-36.

³³ A. Paparusso, T. Fokkema and E. Ambrosetti, "Immigration Policies in Italy: Their Impact on the Lives of First-Generation Moroccan and Egyptian Migrants", *International Migration and Integration*, published online 17 March, 2016; see also G. Tintori, *Naturalisation Procedures for Immigrants - Italy*, European University Institute Florence Robert Schuman Centre for Advanced Studies and EUDO Citizenship Observatory, February 2013, http://cadmus.eui.eu/bitstream/handle/1814/29787/NPR_2013_13-Italy.pdf?sequence=1&isAllowed=y, (last retrieved 12 June 2016).

quence of which in 2015 almost 154,000 refugees and asylum seekers from various countries arrived on Italian shores³⁴.

While immigrants are thus becoming an increasingly important part of Italian society in terms of numbers, and although the government has started to recognise the potential benefits of immigrants for the Italian economy and for the labour market, they are still considered unwanted and not welcome in society, as can be seen in the country's strict immigration and deportation laws³⁵.

The first groups of migrants arriving in Italy in the 1970s to 1990s consisted mainly of Albanians, Moroccans and Tunisians, while migration from Romania and China has recently gained importance. This migration history is reflected in the number of naturalisations, of which Moroccans and Albanians occupy the highest share. The acquisition of Italian citizenship was for a long time mainly based on marriage, a trend that changed in 2009 after new legislation stated that marriages have to last two years instead of the former six months before the foreign partner can apply for Italian citizenship. At the same time, the number of people granted citizenship based on their time of residence in Italy (10 years for non-EU nationals) has significantly increased. Once granted, it allows the unconditional acceptance of dual citizenship³⁶. However, access to Italian citizenship is considered more difficult than in other major immigration countries, due to the strict eligibility criteria. In addition, second-generation migrants are not granted citizenship upon birth in the country.

Other countries. Generally speaking, rich, industrialised and democratic countries welcome highly qualified workers, who are thought to possess sufficient financial and human capital to move. The new mobile cosmopolitans, mainly highly skilled young urban populations, are recognised as a distinct type of migrant: “Eurostars”, for example, are young persons who are mobile within the

³⁴ UNHCR, “Italy – Sea Arrivals”, UNHCR UPDATE #5, <http://data.unhcr.org/mediterranean/country.php?id=105>, (last retrieved 10 June 2016).

³⁵ A. Paparusso, T. Fokkema and E. Ambrosetti (2016); see also M. Ambrosini, “Immigration in Italy: Between Economic Acceptance and Political Rejection”, *International Migration & Integration*, vol. 14, no. 1, 2013, pp. 75-194.

³⁶ G. Tintori (2013).

European Union³⁷. Temporary moves to the EU of high-skilled professionals from tertiary countries have since 2011 been facilitated by implementation of the EU Blue Card, which grants its holders the right to work and live in an EU member country, provided that certain conditions related to the job and income are met. Unlike many migrants who establish long-term or permanent links to their destination countries, migrants such as these who come from rich countries are less interested in naturalisation in other rich countries, and their migration intentions are often temporary and circular. Circular or temporary mobility of this nature is easily explained for citizens of EU member states: because migrants working or studying in other EU countries enjoy the same civil and social rights as national citizens, their rate of naturalisation is understandably low. Moreover, for the internationally mobile, highly skilled migrants – those who are wanted and welcome – there is less of a legal need to obtain citizenship in the destination country, since they usually do not plan to stay in the destination country for an extended period. For many, citizenship in the host country is neither desirable nor necessary, while for migrants from poor countries, acquiring citizenship in rich countries remains important³⁸. A main benefit of immigration country citizenship, and implicitly dual citizenship, is the ability to travel with fewer restrictions, such as the need for a visa.

Citizenship beyond the national state

It has been noted empirically that citizenship is becoming increasingly unbundled. Identity, political participation rights and social benefits which were once grouped tightly together under the rubric of national citizenship are, in a number of circumstances, today being disaggregated, and re-assembled in new ways. It is not at all uncommon now to see several partially overlapping, partially com-

³⁷ A. Favell, *Eurostars and Eurocities: Free Movement and Mobility in an Integrating Europe*, Oxford, Blackwell, 2008.

³⁸ J. Rutter, M. Latorre and D. Sriskandarajah, *Beyond Naturalisation: Citizenship Policy in an Age of Super Mobility*, London, Institute for Public Policy Research, 2008.

peting, governance structures with diverging membership criteria existing within a single territory. An example of this phenomenon can be seen in the fact that certain non-citizen residents have voting rights in some municipal elections in Europe. There is conflicting opinion about this disaggregation: some see in it a sign that democracy is ending in the name of transnational capital, labour and consumerism; others suggest that one can also locate in such a disaggregation a site for a pluralist cosmopolitan federalism of the sort that Immanuel Kant advocated.

A fundamental question to consider, given these shifting circumstances and attitudes, is whether citizenship can fruitfully be conceptualised beyond the national state or, put another way, and as, for example, Bryan Turner argued, whether citizenship can be transnationalised. (There may be some conceptual stretching if the answer is yes). Yet a third view rejects both positions and argues that the unbundling of rights, territories and authorities does not lead to a juxtaposition of old, national forms with new, supranational or even global forms of citizenship because supranational and global processes mainly work through a reconfigured national state. These arguments notwithstanding, there are two identifiable forms of citizenship reaching beyond and below the national state. The first is overlapping, best visualised in citizenship as circles which overlap each other – dual or multiple citizenship in national states is a prominent example. The second form is nested, consisting of concentric circles: a person may be a citizen of Lisbon, Portugal and the EU.

Dual citizenship: In immigration countries dual citizenship is usually legitimated by positing that legal equality should be a prerequisite for substantive citizenship, that is, full participation in economic, political and cultural life, in the place of residence. Instrumentally, the claim hinges on the observation that those states tolerating dual citizenship have proportionally more immigrants who have naturalised. These arguments follow upon the understanding of citizenship as a human right. First, in international law, this is increasingly the case, to take the example of stateless per-

sons³⁹. Second, the human right to gender equality, which became enshrined in international law in the Convention on Nationality for Married Women in 1957, and later found its way into the laws of national states, has implications for citizenship equality. According to this body of law, women do not have to cede legal citizenship when marrying a spouse of another nationality. Furthermore, a Convention of the Council of Europe enables children from bi-national marriages to have dual or multiple citizenships⁴⁰. Broadly considered, countries with significant shares of emigrants have adapted their citizenship laws in the direction of greater tolerance of dual citizenship among their citizens abroad. It should be noted, however, that in such cases the above-mentioned factors have played a less important role than maintaining and re-forging ties to (former) citizens abroad⁴¹. Third, normative problems of legitimation arise if immigrants with permanent residency are denied access to citizenship in the long run⁴².

The increasing toleration of dual citizenship is reflective of multiple belonging, whereby insertion in the country of settlement is not necessarily accompanied by dismantling ties to the countries of origin. Affiliation to transnationally connected families, religious communities and transnational networks of entrepreneurs is, thus, not an anomaly, but one of many pathways to incorporation⁴³.

Dual citizenship has different implications depending on the structure and design of the respective political systems. Dual citizenship enters the picture, above all, from the acquisition of citizen-

³⁹ J. Chan, "The right to nationality as a human right: the current trend towards recognition", *Human Rights Law Journal*, vol. 12, nn. 1/2, 1991, pp. 1-14.

⁴⁰ Council of Europe, "Second Protocol Amending the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality", Strasbourg, Council of Europe, 1993.

⁴¹ A. Górny, A. Grzymala-Kazłowska, P. Korys and A. Weinar, "Selective tolerance? Regulation, practice and discussion regarding dual nationality in Poland", in T. Faist (2007), pp. 147-169.

⁴² M. Walzer, *Spheres of Justice: A Defense of Pluralism and Equality*. New York, Basic Books, 1986, pp. 31-63.

⁴³ T. Faist and J. Gerdes, *Dual Citizenship in an Age of Mobility*, The Transatlantic Council on Migration, A project of Migration Policy Institute, Migration Policy Institute, 2008, pp. 73-98.

ship at birth – from parents with different nationalities or a combination of *ius sanguinis* transmission by state of origin and *ius soli* acquisition in the state of residence. Moreover, it is increasingly the case that dual nationality through naturalisation does not involve renouncing previously acquired legal citizenship. While dual citizenship may raise certain problems, violation of democratic principles is not one of them, despite the fact that some will argue that it violates equality of representation by giving people two votes. Even assuming they can also vote by absentee ballot in the country where they do not reside at the moment, dual citizens still have one vote only in each election. These separate votes are never aggregated in the process of electing representatives or in a referendum. Dual citizens have a stake in two different states, but their votes do not count twice in any decision. This is different in federal states, such as the US, or in proto-federal systems, such as the EU. If a resident of both Germany and France were enfranchised in both countries for elections to the European Parliament, his/her vote is counted twice in determining the representation of these countries (more precisely, districts of these countries).

European citizenship: The divergence between social and political citizenship, which has been observed empirically, has led to a wider, far-reaching debate on the nature of contemporary citizenship. The debate is rooted in the notion that permanent residents may have access to virtually all social rights, yet be barred from the right to vote because they are not *de jure* citizens, that is, citizens in the full legal sense. One branch of the discussion concerns the concept of post-national citizenship, which has direct relevance for the EU and national states because it puts the focus on the increasing role of genuinely inter- and supra-state policies and rights. Post-nationalists claim that human rights have come closer to citizens' rights; in their view, liberal-democratic states have increasingly come to respect the human rights of persons, irrespective of their citizenship⁴⁴. Indeed, states have granted rights

⁴⁴ Y.N. Soysal, *The Limits of Citizenship*, Chicago, University of Chicago Press, 1994.

to certain groups, thereby conferring on them the status not of citizens (yet) but of denizens – immigrants holding permanent residence status, including virtually all civil and social rights. The practice of conferring denizenship counteracted one of the main trends of national state citizenship, which privileged the binary opposition of “citizen” versus “alien”, in contrast to the complex relationships between individuals and communities in *ancien régime* societies⁴⁵. Denizenship implies that aliens acquire rights that have formerly been the prerogative of citizens⁴⁶. These categories of people include permanent residents in the member states of the EU, that is, citizens of third states (“extracommunitari”) possessing citizenship in a non-EU country. In effect, supra-state institutions such as the European Court of Justice (ECJ) have developed common rights for all residents. For this reason, today there are few differences between denizens and citizens of EU member states in the matter of social rights. Nevertheless, writers in the post-national vein have little to say about citizens, as the focus is on the divergence between rights and identity, not about democracy. They are mainly concerned with the closing rights gap between denizens and citizens⁴⁷, and tend to disregard the very foundation of citizenship, equal political liberty.

It is useful to view supranational citizenship within a framework of nested citizenship⁴⁸. The concept of nested membership is a way of understanding the notion that membership in the EU has multiple sites, and there is an interactive, dynamic system of politics, policies, and rights between the sub-state, state, inter-state and supra-state levels. The web of governance networks allows for enshrining (currently a few) new rights on the supra-state level, interconnecting them with pre-existing ones, and – above

⁴⁵ A. Fahrmeir, *Citizenship: The Rise and Fall of a Modern Concept*, New Haven, CT, Yale University Press, 2007.

⁴⁶ T. Hammar, *Democracy and the Nation-State: Aliens, Denizens, and Citizens in a World of International Migration*, Aldershot, UK, Gower, 1990.

⁴⁷ D. Jacobson, *Rights Across Borders: Immigration and the Decline of Citizenship*, Baltimore, The Johns Hopkins University Press, 1996.

⁴⁸ T. Faist, “Social Citizenship in the European Union: Nested Membership”, *Journal of Common Market Studies*, vol. 39, no. 1, 2001, pp. 39-60.

all – re-adapting or harmonizing rights and institutions in existing member states. It is unlikely that in the near future the EU will become a federal political system like those found in its member states. Thus, while we cannot speak of EU citizenship as full-fledged federal citizenship, nevertheless what has evolved in the EU is an extraordinarily intricate network of overlapping authorities and attendant rights. As it stands now, EU (social) citizenship has not made up for what many citizens in member states, as national welfare states, have lost in the wake of massive economic liberalisation⁴⁹.

The specific characteristics of nested citizenship are as follows. First, nested membership suggests multiple levels. The political actors – including sovereign member states, the EU Commission, the Council of Ministers, lobby groups and citizens' associations – are involved in activities at different levels.

Second, European Union citizenship is devoid of morally demanding social rights, such as those involving re-distribution of funds. Such rights would require support by strong social and symbolic ties of generalised reciprocity and diffuse solidarity, ties that are usually limited to collectives that are much narrower than the category “European people” as a whole. For example, generational reciprocity in pension systems does not reach from Finland to Portugal. Still, this is not to say that the EU has not had an impact on social rights. Take the realm of national health services, for example, where EU rules have conditioned the options of national welfare states. But as it stands, the EU has implemented new rights only in limited areas, such as the rights of mobile citizens of EU member states, in the sphere of gender equality and regarding health and occupational safety.

Third, nested citizenship is a form of federative membership, which is distinct from the simple coexistence of different levels. European Union citizenship as a whole is sited in various governance levels, with the result that there can be no smooth evolution

⁴⁹ W. Streeck, “The Rise of the European Consolidation State”, Köln, Max Planck Institute for the Study of Societies, MPfG Discussion Paper 15/1, 2015.

or transition of nested citizenship to a truly federal citizenship. Member-state sovereignty in the matter of granting citizenship carries far-reaching implications for the slow evolution of a more coherent EU citizenship, and the resistance of member states against it. The issue of free movement provides a number of examples: Argentinians with Spanish or Italian ancestry might have reclaimed the citizenship of their ancestors and moved to the EU – but not necessarily to their country of citizenship in the EU. Hungary has extended citizenship to co-ethnics in Serbia, and Moldavians have access to Romanian citizenship, with the result that European Union citizenship and its associated mobility right has been conferred at the same time. In all these cases member states in the EU other than the ones mentioned could (have) object(ed). Cases like these and others are one of the factors slowing down the unification of citizenship within the EU. The ability of member states to regulate admission to state citizenship stands in stark contrast to their growing inability to define who is considered a “worker” and thus able to cross borders freely and engage in economic activities. It becomes evident that access to member-state citizenship is an instrument wielded by the now semi-sovereign states to fend off the continued encroachment of EU case law upon access to their labour markets. Having lost their sovereignty with respect to the free movement of labour, member states jealously guard their exclusive right to naturalisation.

The fourth characteristic of nested citizenship is that it cannot be thought of as membership that is guided by a coherent or even centralised centre of political authority. In distinction from citizenship in federal political systems, such as the Federal Republic of Germany (not to speak of unitary systems), the highest level of nested citizenship (EU) should not be understood as the primary centre of political authority standing above the sub-state systems. The multi-tiered governance network of the EU is better understood as a loose proto-federal system.

Conclusion

While there may be widespread tendencies toward re-ethnicisation, rules of acquisition for citizenship depend less on ethnic criteria. This is not to say that exclusionary tendencies are less pronounced. Rather, they have changed shape to focus on economic competitiveness and cultural modernity. The imposition of new rules for access to citizenship and more restrictive immigration rules, applying not only to labour migrants but also to asylum seekers and refugees, is strong evidence for this conclusion. Also, the EU has not compensated for the economic liberalisation it brought about. It has not yet built robust social rights.

The debate thus focuses less on the ethnic vs. civic distinction in the legal status dimension of citizenship and more on the normative realm of the political community, making it important to take note of the shifting boundaries of the political sphere, which in turn takes us far beyond the migration field to touch on the principles of democracy. The liberalisation or restriction of citizenship and the implications for state-citizen relations are often discussed within the context of the withdrawal of the nation-state and the erosion of social rights. The loss of meaningful citizenship is documented by research noting the perpetuation of negative rights (protection rights against the state) and the decline of positive rights (the state must actively provide material and other resources to realise these rights), changes brought about by government policies adopting and enforcing a civic and liberal universalistic orientation. As various authors have observed, the new social project in Europe favors a citizenship model that privileges individuals as bearers of human capital and makes a close connection between work, economic productivity and social justice⁵⁰. The free-floating individual in the market sphere is able to enjoy a contract with a nation state only if he/she contributes to the community and is not a burden to the social welfare system. By the same token, individual migrants are

⁵⁰ R. Münch, *Inclusion and Exclusion in the Liberal Competition State*, London, New York, Routledge, 2012.

evaluated as bearers of human capital – as is evident by the spread of point systems in European immigration laws to favor young, highly skilled immigrants⁵¹.

In light of these changes in the European social project, it appears that liberal democratic states are not per se directing policy or discourse against foreigners but against a specific type which seems incompatible with liberal ways of life. Openly discriminatory group-level exclusion in the selection of immigrants has given way to an individualistic skills approach, along with criteria based on human rights, such as family reunification and asylum. The blurring of racial, ethnic and religious boundaries is enforced by a human rights discourse that stigmatises group-level exclusion, but sanctions individual-level exclusion based on language, culture and human capital.

The nation state that relies on and enforces liberal norms and universalistic rules can legitimately demand loyalty to the inside and autonomy and support to the outside. Paradoxically, this represents both a liberalisation of citizenship law and a liberal cultural discrimination of immigrants at the lower end. Empirical research must consider the management of this tension, including how nation states incorporate universalistic norms, for example, through marketisation at the upper end of the social status of immigrants, which then becomes the norm to create identity and difference.

⁵¹ A. Boucher and L. Cerna, “Current Policy Trends in Skilled Immigration Policy”, *International Migration*, vol. 52, no. 3, 2014, pp. 21-25.

Conclusions. Policy Implications for the EU

Maurizio Ambrosini

In recent years international migrations have become one of the major issues on the political agenda of many governments. The so-called “refugee crisis” in Europe has dramatically increased this trend, rousing alarm in public opinion, demands for protection of national borders, tensions between states, the electoral decline of established parties and the success of new political actors with tougher anti-immigrant and anti-asylum seeker stances.

The refugee crisis turned out to be an opportunity for reaffirming national sovereignty, while on the other hand Europe’s cooperation and approach solidaristic clearly finds difficulties in managing the present influx of asylum seekers. The European Union is under pressure, and walls are growing even on European soil. The controversial agreement with the Turkish government has therefore been considered the most viable solution, due to the absence of adequate cooperation among national governments and European institutions (the full implementation of this agreement may be severely challenged by the recent events in Turkey).

However, as this reports shows, international migration is a more complex and multifaceted issue than the current dispute about asylum. In order to address the question in a more comprehensive and medium- to long-term approach, migration policies have to take into account at least three dimensions: governments’ own interests and internal demands (with reference to their labour markets and other concerns such as tourism, business, cultural exchanges); compliance with international treaties and agreements, the protection of

human rights and Western democratic values; social cohesion and the integration of post-national societies.

In this perspective, some policy recommendations can be suggested.

Building decision-making upon sound knowledge, and a comprehensive, long-term perspective

A striking aspect of the present debate is the focus of public discourse almost exclusively on a single aspect of international migrations, namely asylum. Also, the dimensions of the issue have been often exaggerated. In 2014 the European Union hosted about 33.9 million international migrants and in the same year about 51.5 million European residents were born in a country different from where they live (10.2 per cent of Europe's population). Among immigrants living in Europe, about 14 million were citizens of another EU country. New entrants in 2013 (last available data) were 3.4 million, but 1.2 million were intra-European flows, and 830,000 return migrants. While growing in numbers, asylum seekers (1.2 million in 2015) represent only a minority among migrant populations in the European Union, and in many countries they are a very small minority.

In total, refugees and other displaced people around the world were about 65.3 million in 2011, and 86 per cent of them were hosted in a so called "Third World" country. The perception of being invaded is not truly supported by data: other countries, such as Turkey, Lebanon, Pakistan and Jordan, are more involved in receiving asylum seekers than the European Union countries, in relative and sometimes also in absolute terms.

At the same time the European Union has to also consider its demographic decline, the problem of renewing its labour force and the balance of its pension schemes. The current emphasis on skilled migrants does not take into account the actual demand of segmented labour markets (see Reyneri's chapter), since low- and medium-level jobs have not disappeared. To date, the Blue Card

for skilled migrants has not been exactly a success: according to the European Agenda on Migrations (May 2015), in the first two years only 16,000 Blue Cards were issued, and 13,000 were issued by a single member state (not mentioned). Here again there is a discrepancy between a public discourse that emphasises skilled migrants, and a labour market that mainly looks for workers available for the so-called 3D jobs (dirty, dangerous, demanding). Attracting internal migrations from East European countries is a typical short-term option: in the future, the demographic decline and the socio-economic development of these countries very probably will affect these flows.

A relative opening to new labour migrations appears necessary also in order to create viable alternatives to illegal entries and abuses of asylum procedures. Partnerships with neighbouring countries, sponsor systems (in order to grant access for a period of job search); selection of candidates on the basis of education, linguistic knowledge, professional skills, family links; vocational training in countries of origin, could be possible tools for such a policy.

Conceiving and managing international governance

International migrations are a typical transnational question that national governments tend to face in a narrow national perspective, looking mainly today at internal electoral interests. Some efforts to build a transnational governance of the issue have already been launched, such as the Global Forum on Migration and Development (since 2007), but a gap remains when compared to what has been done in other fields of international cooperation, such as trade (WTO, the World Trade Organisation) and health (WHO, the World Health Organisation). As Wihtol de Wenden puts it in her chapter, a comprehensive governance of international migrations should also include NGOs and civil societies.

Reinforcing international institutions, such as the International Organisation for Migration (IOM) and the UN High Commissioner

for Refugees (UNHCR), fostering international cooperation and developing a better dialogue between departure, transit and receiving countries are other priorities.

Better international cooperation could offer a viable option for better management of asylum seekers, reducing the market for smuggling and softening conflict between European Union countries. Redeployment policies and humanitarian corridors could give asylum seekers the chance to reach Europe and other safe countries around the world while avoiding risky travels by sea or other illegal ways. Also, security concerns could be better managed by selecting would-be refugees before departure, in their own country or in safer neighbouring countries. In this way, tensions between EU first countries of arrival, namely Greece or Italy, and other European countries, could be overcome: people could arrive directly at their final destination, possibly in line with the quota of asylum seekers governments have already agreed upon. On this ground, stricter regulation of the duty to comply with humanitarian rights has to be enforced, and sanctions should be introduced as an incentive for governments to share the burden of asylum. Strange as it may seem, European regulation is now stricter on, say, milk production, than on the acceptance of asylum seekers.

Less convincing are other solutions now in the fore. Development is an alternative to migrations only in the long run. In the short-term, development fosters new departures. And migrants in general do not come from the poorest countries of the world, nor are they the poorest people of their country. International cooperation for development could be a good policy for many reasons, but its contribution to reducing migration, and even asylum, is questionable. It is also key to note that in 2015 international remittances reached an estimated 586 billion dollars, according to the World Bank, and that they arrive directly to families in sending countries. Substituting remittances, and the hope of remittances, with international aid, would be a hard and lengthy task.

In addition, engaging African governments in border controls also raises criticism, even stronger than the disapproval for the EU-Turkey agreement. It risks funding governments that do not respect international standards on human rights, and, in the worst cases, supporting violent and authoritarian regimes.

Balancing different interests in a democratic framework and promoting social cohesion

The other side of immigration policies is the internal front, namely the reception of migrants by receiving societies and their inclusion in the social landscape. Here, too, Europe has experienced growing anxiety, especially when Muslim minorities are concerned. Terrorist attacks have fuelled mistrust and prejudice, and backlash against cultural and religious diversity has become a legitimate stance. Political debate has taken its distance from the notion of “multiculturalism”, and now a commitment towards “civic integration” is often required from newcomers, in terms of knowledge of the language, history and customs of receiving countries, respect for their democratic values, loyalty to their institutions.

As Joppke points out in his chapter, European countries in the past didn't really pursue multicultural policies, but simply neglected to develop integration policies. But in the present debate some ideas and normative stances are now widely accepted, and they could frame integration projects for the future: social cohesion, diversity, equality, intercultural dialogue and commitment to non-discrimination.

Three aspects in particular can be emphasised. First, the European Union has to do more to harmonise national policies in this field. European institutions have achieved greater results in coordinating security policies or border controls than in the field of policies for migrants. Aspects such as naturalisation policies, family reunifications, voting rights, are treated in very different ways in the European Union.

The second point is the construction of better governance. Processes of social and civic integration occur mainly at the local level,

but political decisions taken at national and supranational levels can hinder or ease these processes. The concept of “nested membership” (Faist) expresses the fact that membership in the EU has multiple sites, and there is an interactive, dynamic system of politics, policies, and rights between the sub-state, state, inter-state and supra-state levels. As a consequence, the articulation of relationships between supranational (communitarian), national and local responsibilities should be finely tuned.

Last but not least, also in this case the role of NGOs and civil society actors should be taken into account. In particular, the role of religious institutions in secular societies, and the dialogue between civil and religious actors is registering a new salience. Related to it, the active involvement of migrants and their associations in pursuing civic integration and social cohesion should be strengthened. Migrants are not only the object of policies, but should become active partners of their inclusion in receiving societies.

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