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Migration Policymaking in Europe

*The Dynamics of Actors and
Contexts in Past and Present*

GIOVANNA ZINCONI, RINUS PENNINX
& MAREN BORKERT (EDS.)



Migration Policymaking in Europe

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*edited by Giovanna Zincone, Rinus Penninx and
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Policymaking in the field of migration and integration in Europe: An introduction

Maren Borkert and Rinus Penninx

International migration movements are often explained from an economic perspective. To do so, scholars may refer to the real or perceived differences in wage and employment opportunities between countries that cause ‘flows’ of labour and capital (Harris & Todaro 1970; Lee 1969; Piore 1979; Ravenstein 1885; Stark 1981, 1991; Stark & Levhari 1982). Structural forces such as unequal access to resources and power (Frank 1966; Massey 1989; Wallerstein 1974) must also be taken into account, along with migrant networks (Kritz et al. 1992; Mabogunje 1970; Portes & Böröcz 1987) and other constraining factors. When it comes to international migration, the state becomes an undeniably significant actor that may influence the push-and-pull factor balance of migration itself, as well as the process of settlement that may or may not follow it (Zolberg 1981, 1989).

In Europe, migration has been an important factor of change and development for a very long time (Bade et al. 2007; Moch 1992). In this sense, the growth of migration and immigrant communities during the last decades represents a clear continuity (although it is seldom perceived as such). But there have also been significant changes in recent times, both in terms of the characteristics of migration movements themselves and of state efforts to regulate them. Let us summarise these two elements.

Changing migration patterns in Europe

The first change regards that of migration movements and their directions. Europe was predominantly a source continent for emigrants for more than a century, roughly between 1850 and 1950. This situation changed after the 1960s. Emigration decreased and immigration became dominant. Between 1985 and 2000, the European continent experienced a steep increase of resident immigrants, from an estimated 23 million in 1985 (United Nations 1998: 1) to more than 56 million or 7.7 per cent of the total European population in 2000 (IOM 2003: 29).

Apart from its scale, the geography of immigration also changed significantly. The origin of migrants in Europe up until the 1980s may, for

simplicity's sake, be grouped under three headings: a) migration with a colonial background that connected European countries to their former colonies; b) labour migration that connected European recruiting countries to a number of selected recruitment countries; and c) refugee migration that was strongly dominated by those moving from Eastern Europe to Western Europe (i.e. displaced persons after WWII and refugees from East to West during the Cold War). In terms of immigrant origins, what emerged were patterns of geography heavily dotted by migration from Europe and the Mediterranean countries, plus a limited number of colonies. Today this picture is blurred completely. Immigrants from all over the world come to Europe in significant numbers: expatriates working for multinational companies and international organisations, skilled workers such as nurses and doctors from the Philippines, refugees and asylum seekers from Africa, the Middle East and Asia, the Balkan states and former Soviet Union countries, students from China and Korea, undocumented workers from African and Asian countries – to single out some of the major immigrant categories. In some places the result is a population so heterogeneous it merits the term 'super-diversity', as coined by Vertovec (2006) to illustrate the phenomenon found in the London metropolis.

Furthermore, while formerly migration tended to be viewed predominantly as a once-off movement leading to permanent resettlement (a conception that prevailed in classic immigration countries), recent migration – helped by strongly increased transport and communication facilities – has shifted to more fluid practices of international migration in which more migrants have consecutive stays in different countries, alternate their residence between countries, etc. This leads to new practices of residence, settlement, integration and community formation. Researchers are exploring these new phenomena under the concept of transnationalism.

New structures for the regulation of migration and settlement

Things have also changed significantly over time concerning state and government efforts to influence migration and settlement patterns. In times before the nation-state was born, it was particularly cities and local authorities that had fulfilled the need to 'regulate' some aspects of admission and residence, for example by providing people a 'pass' through the territory and permission to exert a profession. From the beginning of the twentieth century, nation-states in Europe have developed national instruments in order to regulate not only admission (via controlled physical borders, passports for citizens and specialised aliens' police), but also access to the labour market and important state institutions (for the Netherlands see Lucassen 1995 and Lucassen & Penninx 1997).

The gradual evolution of nation-states into welfare states in the post-war era brought yet another change. Liberal-democratic welfare states progressively developed ever more intense relations between the state and its citizens, whose rights and protection increased. In such a situation, the case of non-citizens provoked two urgent questions. First, who can or should be admitted to the territory of the state? As Zolberg (1981, 1989: 405-6) stated:

[...] it is precisely the control which states exercise over borders that defines international migration as a distinctive social process. This arises from the irreducible political element, in that the process entails not only physical relocation, but a change of jurisdiction and membership.

Second, how can admitted 'outsiders' fit into nationally developed patterns of welfare states?

Against the background of such long-term changes in migration itself as well as its regulation, it becomes clear why policymaking in the field of migration, integration and social cohesion has become so prominent and simultaneously contested at the national, regional and local levels.

Finally, during the last ten years a significant new supra-national political institution has been developed: the European Union and its policies in the field of immigration and integration. As for immigration policies, the EU's history as the cradle of free circulation of workers and later of member state citizens *within* a growing European area goes back as far as the European Community for Coal and Steel in 1950 (Goedings 2006). However, the EU's common policies towards third-country nationals are much more recent, initiated by the Amsterdam Treaty of 1997. This agreement stipulated that in May 2004, five years after its ratification, asylum and migration should become subject to communitarian policymaking, being thus shifted from the third, intergovernmental pillar of the EU to its first pillar. In the period 1999-2004 there was indeed a harmonisation of existing policies and practices (European Commission 2000), even though most of the agreements and directives focused on restrictive policies aimed to combat illegal migration and keep potential asylum seekers at bay, as well as to synchronise asylum policies. A much smaller set of EU directives served to improve the legal position of immigrants (Groenendijk & Minderhoud 2004; Van Selm & Tsolakis 2004).

European Commission policy initiative concerning integration is dated as recent as 2003, when the first Communication on the topic was issued (European Commission 2003). EU integration policies are 'soft' third pillar policies, based on intergovernmental consensus and implemented through the open method of coordination. Collecting information, monitoring,

exchange of good practices and mobilisation of civil society actors are the most important policy instruments (Süssmuth & Weidenfeld 2005).

The study of migration policymaking and settlement of migrants

The study of migration in Europe followed the recent expansion of this migration and is thus a relatively young field. A first instance since the 1980s compelling research was when it became evident in the 1980s that the guestworkers who were recruited to sustain and expand post-war economies in North-Western Europe were in fact staying. Such research was first and foremost concentrated on numerical aspects of migration flows to European countries, on the emerging immigrant communities and their demographic composition. In a second turn, migration studies began highlighting questions concerning the integration of migrants into the economic and social spheres of the new places of settlement. In a third phase, focus fell on the political participation and integration of immigrants and their descendants in a more comprehensive sense.

Zincone and Caponio (2006) have shown that the specific analysis of migration policymaking is an even younger field of research. In this, what they call the fourth phase, scientific investigations pose the question of how immigration and integration policies are created, operationalised and implemented. This does not focus on the content or frames of these policies *per se*, but on the political process through which such policies come into existence and how their implementation is steered. Very little work has been done yet from this particular perspective: what is available is mainly grey literature in the form of PhD dissertations and research reports (Zincone & Caponio 2006).

It is from such a starting point that researchers from ten different European countries joined forces to write this first comparative study on policymaking related to migration and settlement in Europe. The initiative was undertaken by one of the research clusters of the IMISCOE Research Network, which defined its task as studying the multilevel governance of immigrant and immigration policies. This group of researchers is richly multi-disciplinary, bringing together scholars from political science, policy analysis, sociology, anthropology, geography, history and legal studies. Although based primarily on scientific traditions of political science and policy analysis, the approach taken by this group also reflects significant input from other disciplines.

Crucial to understanding the multilevel governance of migration in contemporary societies is the awareness that policymaking is a process rather than an event. This process allows for different levels where policies are made and their interconnectedness: the supra-national, the national, the regional and the local levels of cities and municipalities. It also has different

phases, such as that of policy formulation, operationalisation and instrumentalisation and actual policy implementation (Borkert 2008). If this is primarily an analytical distinction, we should add that such a process often is of a cyclical nature: after a phase of scientific or political evaluation of a policy, a new cycle of formulation, operationalisation and implementation may start.

This study investigates the multilevel governance of migration and settlement in two dimensions: at the institutional level and in terms of the actors involved at different levels. Although we have chosen – for practical purposes – countries as the primary unit for analysis and reporting, the aim was to identify how decisions are made at various levels of government and how such decisions were influenced by policymaking and action at other levels. Looking at the mechanisms of decision-making and related political struggles, we studied the various actors involved, their institutional background and strategies and how they exert their influence. In the contextualised analysis of each country case, policy fields that are somehow related to immigration and integration of immigrants are also included wherever appropriate to encourage understanding of how the policies developed.

A strategy for the comparative study of policymaking

Within Europe, the making of migration policies developed unevenly in terms of both time and place. Depending on national trajectories and experiences, such policies have also been articulated in various ways and at different points along the way. For example, countries like the United Kingdom, the Netherlands and France, needing to redefine their relations with former colonies and migrants coming from them, had to develop policies and instruments unique from countries without such flows. Alternatively, countries such as Italy and Spain that were marked by strong emigration tendencies until their recent transformation into immigration countries – nearly overnight, in many eyes – had quite a different start than North-Western European nations. Meanwhile new EU accession states, such as Poland and the Czech Republic, are forming migration policies (with an EU *acquis* in this policy domain accepted beforehand) from yet another position altogether. In the domain of integration policies, starting points and traditions across different countries are still more diverse. This is testified to the great variation in descriptive terminology for such policies: guestworker, race relations, minority, multicultural, integration, assimilation and citizenship.

As a consequence, the state of research on such policy processes also varies remarkably. This has been signalled by Zincone and Caponio (2006), who identify four major factors contributing to the variation in

research across countries: a) the timing of immigration and migrant settlement; b) the maturity of policy-oriented studies in social science; c) the participation of experts and academics in the making of policies; and d) when the country joined the EU.

In view of the divergent policymaking as well as research related to it, doing a first comparative study of policymaking in the field of migration and integration is by no means straight forward. A first requirement for the success of such a venture was to recruit contributors who were well acquainted with processes and actors of migration policymaking in specific countries and with the state of the art of related research. Existing documents in the single countries formed the primary source for these contributions. Since in many cases such sources were only partial, if not lacking completely, the authors often applied a combination of methods for their inquiry. Apart from analysis of primary sources, such as political and administrative documents, and secondary literature, such as research papers, some authors also conducted interviews with key informants to varying degrees. In many cases, identifying and interpreting sources was greatly enhanced by the authors' own personal curricula. Some have been engaged in the topic themselves – in different roles, as researchers, advisors or policymakers – thus bringing in valuable insights and insider information from such experiences. Another way of enriching the contributions was to invite several authors to collaborate on one country, thus welcoming various disciplinary backgrounds into the analysis and balancing information from 'inside' with distanced analysis from 'outside'. We were able to collect ten cases to form the core of this comparative study. These contributions reflect a state of the art, namely what is known about the policymaking process in the field of migration and integration in Austria, the Czech Republic, France, Germany, Italy, the Netherlands, Poland, Spain, Switzerland and the UK.

A second requirement for the success of the study was to, insofar as possible, enable comparison between the national case studies. A theoretical grid was thus devised to guide the teams of contributors in their data collection, analysis and reporting. A first version of a grid was devised by the IMISCOE research cluster on multi-level governance before the work even started. After the first drafts of the country reports had been written, the grid was adjusted according to discussions among the contributors.

The main elements of the grid will be recognisable for the reader as forming the structure of the ten ensuing country chapters. The first section of each chapter describes the development and composition of immigration flows and their economic and political background in the country concerned. The second section outlines the evolution of both immigration and integration policies, describing their main directions, turning points and possible interconnections.

Sections three and four are devoted to a detailed analysis of policymaking processes on migration and integration, respectively. Within each of these domains, specific sub-domains of policy are analysed if relevant for the country. For example, distinctions may be made between the development of the regulation of labour market-driven migration, secondary migration such as family reunification and formation and asylum and refugee migration. For integration, specific sub-domains rely on the framing of integration as well as specific policies. Included may be key domains like the legal and political (e.g. access to welfare state facilities, naturalisation), the socio-economic (e.g. labour market access, social security, education) and the cultural and religious. Both sections are chronologically organised, from oldest to most recent policy and legislation initiatives. In view of the countries' different histories, the period covered differs. For North-Western European countries, the analysis generally spans the whole post-war era. For Italy and Spain, it begins in the mid-1980s. For Poland and the Czech Republic, the starting point is the years immediately before EU accession. Despite such differences, however, the 1990s marked a turning point for the majority of European countries vis-à-vis how national governments approached migration matters. As a consequence, most country studies differentiate between migration policies before the 1990s and those thereafter.

Our grid also served to define the content of such historical-analytic descriptions in the third and fourth sections of each chapter. The main characteristics of decision-making in immigration and integration policies are highlighted by using three analytical foci: a) development of the institutional structures that are formally responsible for policies; b) actors and networks that concretely take part in the policymaking process (or, for that matter, do not participate); and c) internal and external factors that influence these decision-making processes.

The final section prepares a ground for comparison. Authors were asked to summarise here the specificities of their national case studies and suggest factors that could explain migration and integration policymaking that often seems to follow unpredictable, uncertain patterns. In doing so, particular attention was given to the following points:

- the relation (or absence thereof) between immigration and integration policies
- the governance patterns and networks of actors in these policy fields
- the relevance of politics, the political system and of different government coalitions
- the style of policymaking, for example, strategies of negotiation and bargaining versus opposition and conflict.

Terminology

The common grid for this study functioned as a general framework within which authors could comparably provide the phenomena we wished to observe, analyse and report on. It did not, however, anticipate the challenge of terminology. As indicated above, not only do policies and their framing differ remarkably across European countries, so too is the related terminology divergent. It is not only a matter of language. Framing and concepts behind the words have far-reaching implications for the demarcation of domains and the operational terms used in actual implementation. For example, post-independence migration by inhabitants of former colonies to the countries that were once the colonisers may not be framed or defined as ‘immigration’, as was the case with migrants from Indonesia to the Netherlands between 1948 and 1962. Dutch policies called this group ‘repatriates’, although the great majority had never been in the patria before. One of the clearest examples of divergent terminology stemming from operational definitions is to be found in the formulation and identification of policy target groups. The various figures provided for immigration and the stock of immigrants in the first section of every national case chapter are based on different criteria, such as legal status of immigrants (for foreigners), place of birth outside the country of residence (for those with first-hand migration experience), place of birth of parents (for the so-called second-generation migrants) or even self-categorisation of residents in classifications of ‘ethnic origin’ in censuses. This results in data that are very divergent, if not incomparable.¹

We tried to resolve this volume’s competing terminology by defining a number of key terms that clearly mark the common ground covered by our comparative study. This is particularly the case with the terms ‘immigration policies’ and ‘immigrant policies’, as applied in this introductory chapter and the conclusion. On the other hand, it was decided that within the case studies, the description and analysis of the different countries was best served by using terminology traditionally used in the national context. Not doing so would render the cases incomprehensible. In this sense, the uniformity of language was abandoned to promote an unencumbered approach to the subject. As a result, the national chapters provide insights into current perceptions, discourses in member states and information about how an issue is investigated by different scientific communities. At the same time, the analysis follows broader definitions within the grid.

We use the term ‘migration policies’ as common shorthand for indicating both policies that relate to mobility of a certain duration across state borders and policies that relate to the settlement process of such migrants in the new place.

More specifically, we define ‘immigration policies’ as any policies that relate to admission, entrance and expulsion of people who used to live

outside the national territory concerned, irrespective of their legal status (e.g. foreign citizens, recognised refugees, illegal immigrants) and the title given to them (e.g. aliens, returnees, *Aussiedler*, racial minorities).

In contrast, 'immigrant policies' are defined in this volume as all policies related to immigrants and their position in the new society of settlement, irrespective of the individuals' legal status and notwithstanding the names for such policies (e.g. ethnic minorities' policies, race relations policies, integration policies, multicultural policies). To a great extent, we have followed terminology developed by Hammar (1985).

The structure of the book

The structure of the book is straightforward. This introduction is followed by ten chapters that should be read as individual case studies of policymaking. They are grouped in three clusters that represent different types of immigration experiences. The countries described in the first six chapters are all to be found in Western Europe: Austria, France, Germany, the Netherlands, Switzerland and the UK. They share a longer history of post-war immigration going back to the 1950s and 1960s. This commonality does not imply, however, that the countries have developed the same policy responses to migration. On the contrary, their responses are remarkably different, in terms of both content and timeline. And most interestingly, in view of the study's impetus, the processes of policymaking in this field are also remarkably divergent, particularly in the period before 1990.

Following the Western European cases, Italy and Spain are presented as two recent immigration countries in Southern Europe. They do not only share this background, but also the common experience of having been significant emigration countries until recently.

Finally, two countries from Central Europe are included. Migration – at least in a sense that is comparable to other Western European countries – became a viable option only after the fall of the Iron Curtain and the communist regimes in 1989. Since then, the Czech Republic and Poland have experienced a mix of migration movements from, through and into their countries, especially since their 2004 accession. Entrance into the EU has also had significant implications for policymaking processes, as we will see.

In the concluding chapter, Zincone makes up the balance of what we can learn from the ten cases. She does so by asking two basic questions to be answered on the basis of comparison. First, which forces, actors and mechanisms discourage or hinder change in policies and their making, and which ones promote, encourage or even enforce such changes? Systematic observations based on this question give us insight into how to explain continuity and change, particularly at times and in situations where other outcomes would be expected than are actually observed. The second

question is whether change, when it occurs, also leads to convergence of policies and of policymaking in different countries. This is not necessarily the case, as is shown.

Finally, Zincone calls attention to strong outside forces – those external to the mechanisms of policymaking within national contexts – that increasingly influence policies and policymaking. Sometimes such forces may press directly towards convergence, as in the case of the supra-national, i.e. international and EU-wide approaches towards migration and integration. In other cases, convergence is just one possible outcome of such pressure but, as Zincone suggests, in this era of globalisation it is often the most likely one.

Note

- 1 The United Nations (2006) has tried to present comparable data on stocks of immigrants by using – in the organisation's opinion – the best proxy: stocks of legal residents born outside the country of domicile. Such data are available for all countries within this study except for Germany, in whose case the UN counts a resident alien (i.e. non-citizen) as an immigrant. This best available comparison of the ten countries results in the following percentages of resident immigrants within a nation's total population in mid-2005: Austria: 15.1, the Czech Republic: 4.4, France: 10.7, Germany: 12.3 (aliens), Italy: 4.3, The Netherlands: 10.1, Poland: 1.8, Spain: 11.1, Switzerland 22.9 and the UK: 9.1.

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