Migration and its regulation in an integrating Europe 1950 - 2015

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JEAN MONNET SEMINAR
«MIGRATIONS»

Tunis, Tunisia, 22 - 23 February 2016

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MIGRATIONS

Jean Monnet Seminar 2016

Séminaire Jean Monnet «Migrations»

Carthage Thalasso Hotel, Gammarth - Tunis 22-23 février 2016

Programme Jour 1 – Lundi 22 février

08:30–09:00 **Arrivée des participants et enregistrement**

09:00–09:10 **Ouverture et bienvenue:**
- Laura Baeza, Chef de la Délégation de l'UE, Tunis

09:10–10-00 **Discours d'accueil:**
- Chiheb Bouden, Ministre de l'Enseignement supérieur de la recherche scientifique, Tunis
- Mahmoud Ben Romdhane, Ministre des Affaires sociales, Tunis
- Adam Tyson, L'Agenda de l'UE pour la migration, Commission européenne, Direction Générale Education et Culture, Directeur

10-00–10:45 **Discours: Migration and its regulation in an integrating Europe**
- Rinus Penninx, University of Amsterdam

10:45 -11:00 **Session de questions réponses**

11:00–11:30 **Pause-café**

11:30–11:40 **Les visages de la migration: Projection vidéo**
"Tunisia 2045" -Ted Hardy-Carnac

11:40–12:30 **Politiques internationales de la migration: un échec? (table ronde)**
- Nabil Benbekhti, the United Nations High Commissioner for Refugees (UNHR)
- Lorena Lando, Organisation internationale pour les migrations (OIM)
- Jeroen Jans, European Asylum Support Office (EASO)

12:30-12:50 **Session de questions réponses**

12:50-13:00 **Introduction aux groupes de travail**

13:00–14:00 **Déjeuner**

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- Jean-Marc Trouille, University of Bradford
- Fulvio Attinà, Università di Catania
- Iván Martín, Migration Policy Centre – European University Institute (EUI)
- Modérateur: Miriam Brewka, EEAS

GT2a: **Droits humains et politiques d'asile?**
- Matthieu Tardis, Centre Migrations et Citoyennetés – Ifri, Paris
- Cristina Gortázar Rotaeche, Universidad Pontificia Comillas
- Matina Katsaveli Leros Solidarity Network
- Modérateur: Mohamed Salah Herzallah, NEO TN

GT3a: **Migration, risques/opportunités pour l'UE et le monde**
- Erhard Busek, President, Institute for the Danube Region and Central Europe
- Hassan Boubakri, CETUMA, Université Sousse
- Othman Belbeisi, OIM Lybia
- Modérateur: Renato Girelli, DG EAC

16:00–17:00 **Networking**

19:00–21:00 **Dîner**

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- Renato Girelli, DG EAC
- Mohamed Salah Herzallah, Bureau National Erasmus+, Tunis

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- Jean-Marc Trouille, University of Bradford
- Mehdi Lahlou, Institut National de Statistique et d'Economie Appliquée, Rabat
- Marta Pachocka, Warsaw School of Economics
- Modérateur: Miriam Brewka, EEAS

GT2b: **Droits humains et politiques d'asile?**
- Matthieu Tardis, Centre Migrations et Citoyennetés – Ifri, Paris
- Susana Sanz Caballero, Universidad CEU Cardenal Herrera
- Claire Millot, Salam, France
- Modérateur: Mohamed Salah Herzallah, NEO TN

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- Erhard Busek, President, Institute for the Danube Region and Central Europe
- Eric Corijn, Vrije Universiteit Brussel
- Anais El Bassil, France terre d'asile Tunis
- Modérateur: Renato Girelli, DG EAC

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"L´Histoire de Fatma"- IOM

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- Najem Wali, writer, novelist and journalist

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13:00–14:00   **Déjeuner**

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MIGRATION AND ITS REGULATION IN AN INTEGRATING EUROPE 1950 – 2015

Prof. Rinus Penninx
University of Amsterdam

Introduction

The phenomenon of migration in Europe can best be described with the plural: migrations. Movements of people into and within Europe are divers in at least three ways. First of all, historically: by now there are three `generations' of immigration countries. Secondly, there has been a diversity of geographical patterns of migration within and into Europe. Thirdly, the variation in time and diversity in geographical patterns goes together with a diversity of types of migration and characteristics of migrants involved. In the first part of this presentation, I will outline these three basic elements of post-war European migrations.

Migration outcomes are the result of many push and pull factors, of mechanisms of information, communication and connecting (migrants in) countries of origin and of destination. Migration policies of receiving countries play a crucial role in the emergence and continuation of migration; they influence the volume and patterns of migration, the place of settlement and the characteristics of migrants. Regulations on conditions of residence and of integration do influence furthermore the position of immigrants in their new destinations, among others by setting conditions for their stay (residence rights) and access to the labour market. The second part of this presentation outlines the migration and integration regimes that have been developed by states of different parts of Europe and by the European Union.

Post-war immigration in Europe: time, space and size.

Post-war migration in Europe has developed in four distinct periods that have each their specific causes, their specific geographic patterns of migration, and their characteristics of migrants.

1950 – 1974: Guest worker migration, decolonisation migrants and European refugees in North-Western Europe

In the immediate aftermath of World War II, Europe had to `resettle' some 20 million people across borders in the new newly established political map: it is estimated that 15,4 million moved from East to West between 1945 and 1950 and 4,7 million moved in the opposite direction (Bonifazi et al. 2008: 113). Apart from these huge internal movements, Europe was at that moment basically an emigration continent: West-European states resumed pre-war emigration to classical destinations, like the USA, Canada, Australia, New Zealand and Latin America (see e.g. SVR 2011: 118; Bruquetas et al. 2011: 129). In this period, the term `emigrant' had this typical connotation of migration for permanent resettlement elsewhere.

This situation started to change in the mid-1950s. Emigration decreased and immigration gained importance, starting in the (North-Western) part of Europe. In the 1960s and 1970s immigration

took first and foremost the form of temporary labour migration (guest workers): the economic reconstruction after the war had been so successful that a number of (North-)West-European countries needed more hands than their national populations could provide. These booming economies needed particularly unskilled and low-skilled workers for their labour intensive Fordist production processes in mining and manufacturing. West-European countries, such as Switzerland, Luxembourg, Belgium and France, resumed pre-war migration traditions to fill the vacancies at the lower end of the labour market. For the Federal Republic of Germany, Austria, the Netherlands and Sweden this experience of being an attraction pole for migrant workers was relatively new.

Gradually a labour migration system was built up, initially attracting workers from the nearest countries in the South (Italy, Spain, Greece and Portugal) and in the East (until 1961 from East-Germany and after the Iron Curtain was built from Yugoslavia) (Van Mol & De Valk 2015: 32/33). The system extended itself in the 1960s to include Morocco, Algeria, Tunisia and Turkey. In extending itself, it also became more and more organised. The rules, conditions and procedures for what should be a regulated temporary migration of workers were set in bilateral agreements between recruiting and sending countries. How many millions of migrant workers have been involved in this labour migration system is difficult to establish. Estimates of the numbers of individuals that left Italy, Spain, Greece, and Portugal alone between 1950 and 1970 vary from 7 to 10 million (Okolski 2012: 33). The size of the foreign labour force in destination countries at the end of the period in 1974 had grown to significant proportions: the FRG had 2,2 million foreign workers; France 1,9 million; Switzerland 1 million; Belgium 0,22 million; and The Netherlands counted 0,12 million (Cohen 1987: 112).

A second important source of immigration into Europe in this period comes from the decolonisation process. These flows from newly independent former colonies were generally not defined as `immigration', but as `repatriation' or return to the homeland (although most of these repatriates had never been in their homeland before). Bade (2003, quoted in Van Mol & De Valk 2015: 34) estimates that between 1940 and 1975 around seven million people left former colonies of Belgium, France, the Netherlands, Portugal and the UK to resettle in their motherlands in Europe.

In the UK case, labour immigration and the movement from the former British Commonwealth to the UK were tightly interwoven: during the 1945 post-war boom many Commonwealth immigrants were encouraged to come to the UK to fill jobs that indigenous workers were reluctant to take (Castles and Kosack 1973). In 1962 the Commonwealth Immigration Act was introduced in a first attempt to restrict immigration from independent parts of the former British empire. It was followed in the 1960s and 1970s by several other restrictive Immigration Acts. Nevertheless, at the end of the period, in 1974, the `minority population' in the UK exceeded 4 million (Van Mol & De Valk 2015: 34).

Finally, in this first period there were some East-West migration flows within Europe, specifically after the political crises in Hungary (1956) and Czechoslovakia (1968), but the number of refugees reaching the West was limited compared to the 1945-1950 flows, or compared to flows that were to follow the fall of the Iron Curtain in 1989. In the logic of the Cold War, the ones that came to the West in this period were considered political refugees, whatever their motives for migration.

1974 – 1989: Family migration and increasing worldwide refugee/asylum migration in North-Western Europe

In the early 1970s the limits of the growth of the Fordist industrial economies became manifest and the need to restructure North-West European economies was evident. The first oil crisis of 1973 speeded up this restructuring that led to a drastic fall in demand for low-skilled work and thus for migrant workers. Switzerland (1970) and Sweden (1972) were the first countries to install an immigration stop for workers, followed by Germany (1973), and the Benelux countries and France in 1974 (Van Mol & De Valk 2015: 35).

The labour migration stop had specific effects for various immigrant groups. Migrant workers from South-European countries did return more often to their countries of origin, while those from North-Africa and Turkey did significantly less so. Return of the latter to their home country was not an attractive option, notwithstanding the sticks and carrots that were offered particularly in Germany in the Return Promotion Programmes. On the contrary, they started to bring their families to Europe, whenever possible: in Germany, The Netherlands, Belgium, Austria and France their populations grew significantly under the policy category of 'family reunion' and 'family formation' in the second half of the 1970s and in the 1980s.

The stop to worker migration since 1974 made alternative ways of getting admission to North-West-European countries such as refuge and asylum much more important. While in the period 1970-74 a mere 65.000 asylum applications were filed in the EU-15 member states, that number more than tripled in 1975-79 to 214.000, more than doubled again to 540.000 in 1980-84, and doubled once more in 1985-89 to more than one million. In this period all refugees and asylum seekers came from outside Europe (Chili, Uganda, Vietnam, Turkey, Cambodia, Sri Lanka, the Horn of Africa and the Middle East), thereby introducing significant new diversity in immigrant populations in Europe.

During this whole period, North-West-European countries formed the attraction poles of this predominantly humanitarian migration, the same countries that had attracted migrant workers before. But at the end of this period, the first signs became visible of new countries in Europe that became attractive destinations for migrants. In the mid and late-1980 the migration balance of former emigration countries like Italy, Spain, Greece, Portugal, Ireland and Finland reversed: more (returning and other) migrants came in than left the country. In Denmark and Norway, where immigration levels had been modest until the mid-1980, immigrant population started to grow. The net migration figures were not spectacular yet, but announced the emergence of a `second generation' of immigration countries in the next phase (see Table 1).

Table 1. The development of immigrant populations in European countries between 1990 and 2013.

Migrant stock	Mid-1990		Mid-2013	
	x 1000	% of population	x 1000	% of population
Eastern Europe	22.037	7,1	19.678	6,7
Czech Rep.	110	1,1	433	4,0
Hungary	348	3,3	473	4,7
Poland	1.128	3,0	664	1,7
Russian Fed.	11.523	7,8	11.048	7,7
North-Europe	6.622	7,2	12.430	12,4
Denmark	235	4,6	557	9,9
Finland	63	1,3	293	5,4
Ireland	228	6,5	735	15,9
Norway	195	4,6	695	13,8
Sweden	789	9,2	1.520	15,9
UK	3.647	6,4	7.824	12,4
South-Europe	4.143	2,9	15.998	10,3
Greece	412	4,1	988	8,9
Italy	1.428	2,5	5.721	9,4
Portugal	436	4,4	894	8,4
Spain	830	2,1	6.466	13,8
West-Europe	16.247	9,2	24.344	12,7
Austria	793	10,3	1.334	15,7
Belgium	892	8,9	1.160	10,4
France	5.897	10,4	7.439	11,6
Germany	5.936	7,4	9.845	11,9
Luxembourg	114	29,8	229	33,1
Netherlands	1.192	8,0	1.965	11,7
Switzerland	1.392	20,9	2.335	28,9
Total Migrant Stock in Europe	49.048	6,8	72.450	9,8
Total Population in Europe	723.248	100	742.452	100

Source: UN, Department of Economic and Social Affairs (2013), Trends in International Migrant Stock: the 2013 version. Migrant stock is the resident population born outside the country, except for CZ, GR and BE where it is nationality (foreign population).

**1989 – 2004: revival of East-West migration, asylum peaks,
new immigration countries and regimes**

The collapse of the Iron Curtain in 1989 and the subsequent opening up of the borders for exit induced significant new migration flows from Central and East European (CEE) countries that took various forms and different directions. First of all, there were mostly irregular flows, not only to the `old immigration countries' in North-West Europe, but particularly to the new immigration countries in the South: Greece, Italy, Spain and Portugal were popular destinations for migrant workers from Romania, Ukraine, Albania and Bulgaria, because these countries were easy to get in and tolerated irregular residence and clandestine work (Engbersen et al. 2010: 8 ff). Furthermore, part of the flows, particularly from Poland, were channelled through legal bilateral programmes for temporary employment in Germany and other North-West European countries (Glorius et al. 2013: 7/8). Estimates suggest that between 1989 and 2004 a net migration outflow of around 3,2 million took place out of the ten CEE states that accessed to the EU later in 2004 and 2007 (Engbersen et al. 2010: 9).

Secondly, the wars that followed after the collapse of former Yugoslavia reinforced the trend of growing asylum migration of the 1980s. It led to the first asylum crisis: in the years of 1990-94 the number of new asylum applications surpassed 2,4 million, more than half of them coming to the FRG, followed by Sweden (197.000), France (184.500), The Netherlands (151.100) and the UK (150.800) (Van Mol & De Valk 2015: 36). Not all of these applications were accepted, but return of failed asylum seekers turned out to be problematic. The outcome is an increasing irregular immigrant population.

The asylum crisis of the early 1990s solicited new restrictive measures of admission and immigration control in North-West-European countries. These restrictions in its turn led to a spiralling rise of 'innovative' new forms of entrance (like faked travel documents, smuggling and trafficking), which in turn generated new control-oriented requirements and procedures, particularly for asylum and family migration. Nevertheless, the number of asylum applications dropped only modestly from 2,4 million in 1990-94 to 1,6 million in 1995-1999. Although asylum requests spread somewhat more among EU-members in this latter period, the North-West-European members of the EU remained the main destination countries.

Thirdly, the opening up of borders in the East of Europe also led to some specific migration flows, namely the `return' of (descendants of) earlier emigrants. The FRG was the first to open the opportunity for German emigrants (and their descendants) who had established themselves in former CEE countries, the so called *Aussiedler* and from 1993 on called *Spätaussiedler*, to return to Germany. Before 1989 these came mainly from Poland and Romania. After 1990 they started to come in great number from the former USSR-countries. In total, some 4,5 million Aussiedler have come to Germany between 1950 and 2010, three million of these have come after 1988 (SVR 2011: 120). Finland followed this German policy in 1990, when it decided that Finnish speaking Ingrians who had been deported to Siberia and other places in the USSR were granted the right to return to Finland. Some 25.000 came until 2003 (Tanner 2004).

In terms of destination countries, this period shows the strong emergence of the `second generation' of European immigration countries. Economic development in Italy, Spain, Portugal, Greece, Ireland, Norway and Finland had made these countries not only attractive for returning emigrants, but increasingly also for migrants from Eastern Europe, North-Africa and former colonies. In Italy and Spain, the large informal sector (in agriculture, building, tourism and domestic work) and the labour intensive manufacturing (King et al. 1997; Peixoto et al. 2012) attracted millions of migrants in irregular ways. Frequent and comprehensive regularisation schemes factually replaced planned and controlled immigration.

**2004 – present: new intra-European mobility, diversification of migration and
of origin, asylum reviving**

The accession of ten new members to the European Union in 2004 marked the beginning of a new era of migration. Eight of these ten were CEE countries that had been part of the Communist bloc behind the Iron Curtain: Poland, the three Baltic States, Slovakia, Slovenia, the Czech Republic and Hungary (the A 8). Three years later, in 2007, Bulgaria and Romania (the A 2) also joined the EU. The effect of the accessions of 2004 and 2007 was twofold: on the one hand, the substantial (often

irregular) migration that had taken place from East to West/South since 1989 was redefined as EU-internal mobility and legalised under this new regime. On the other hand, it reinforced migration from some new Member States, particularly Poland, Romania and Bulgaria, to Member States in the Western part of the EU whose labour markets attracted workers, the UK and Ireland in the first place.

The EU-15 countries have reacted differently to the accessions: the UK, Ireland and Sweden opened up their borders immediately in May 2004. Other countries that wanted to protect national labour markets, opted for a transition period of five years in which access to the labour market was subject to permits. Some countries opted later even for an additional two years extension. These national policies have shaped the East-West intra-EU migration significantly.

In terms of flows, Van Mol and De Valk (2015: 43-49) show that the scale of intra-EU mobility of EU-citizens clearly increased in the period after 2004. According to Eurostat (2011) e.g. nearly two million EU-citizens moved within the EU in 2008 alone. For the whole period and calculated in absolute numbers, Polish migration (primarily to Germany and the UK) makes up for the largest share, followed by Romanian migration (primarily to Italy and Spain). As a result, migrant populations of the A8 and A2 countries, particularly from Poland and Romania, grew significantly in all of the EU-15 states: while the immigrant population of A8 and A2 origin in the EU-15 states amounted to app. 1,9 million in 2004, this population had grown to 5,2 million in 2010 (SVR 2013: 51).

While East-West migration (A8 +A2 to EU-15) was clearly the dominant trend in intra-EU mobility, it was not the only one. Also mobility between the old 15 Member States increased: the immigrant populations of the EU-15 in these same states amounted to app. 5,9 million in 2004, but increased to 7,0 million in 2010 (SVR 2013: 51). These populations are the result of distinct but growing kinds of migration, such as retirement migration, student migration and recently also increasingly highly skilled young people from crisis-ridden southern countries moving to the north (Aranjo 2016). In sum, patterns of intra-EU migration are becoming increasingly diverse.

In general, the increase of intra-EU mobility in the period after 2004 goes hand in hand with a decrease of immigration of Third-Country-Nationals (TCN= non-EU-nationals): between 2009 and 2012 e.g. the influx of non-EU migrants decreased from 1,4 million in 2009 to 1,2 million in 2012 (Eurostat 2014). `Replacement' of non-EU-migrants by intra-EU-migrants has been prominent in Germany. Another feature of the recent non-EU-immigration is that it has become more divers in origin. The most important countries of origin in 2012 in EU27 – measured by absolute numbers of immigrants in the EU – are China, India, Morocco, Pakistan, United States, Russia, Ukraine, Nigeria, Australia and Brazil.

Furthermore, more diversity in origin goes hand in hand with more diversity in migration motives. Until the 1990s, the vast majority of migrants could conveniently be classified under the categories 'labour migration', 'family reunification', and 'asylum'. Since the 1990s, new migration motives have appeared, such as student migration and retirement migration. According to Eurostat (2014), in 2012, 32 % of migrants received a residence permit for family reasons, 23 % for work, 22 % for education, and 23 % for other reasons including asylum.

As for asylum, the number of asylum applications had dropped in the middle of the 2000s (after the second asylum crisis at the end of the 1990s) to a level of 180.000 in 2006 in the EU-15 countries. However, it started to increase again as a consequence of the conflicts in Afghanistan, Iraq and the Horn of Africa and later the Arab spring. A real third asylum crisis announces itself in 2015/16, when Syrian refugees start to come to North-West Europe in numbers that are comparable to or higher than in 1992 and 1998. The number of applications in 2015 amounted to 1,4 million in EU/EFTA countries (MPI 2016).

As for organised labour migration from outside the EU, there have been modest labour migration schemes for specific low skilled workers, such as in agriculture and the care sector, in some countries (UK, Germany and the Netherlands). More political attention went to attempts to attract highly skilled or educated migrants during the last decade. National programmes exist today, for example, in Denmark, Germany, Sweden, and the UK. The EU established its Blue Card Scheme, an EU-wide residence and work permit (Eurostat 2011). Some countries' governments have recruited students with the intention of incorporating them into their domestic labour market upon graduation. Several European countries, such as France, Germany, the Netherlands, and the UK also

simplified procedures for international students to make the education-to-work transition (Van Mol & De Valk 2015: 38).

In terms of the geography of destinations, these periods were the heydays of immigration in the second generation immigration countries until the economic crisis of 2008. Table 1 shows that in countries like Spain, Italy and Ireland the percentage of the immigrants in the total population – still very low in 1990 – had overtaken those of the 'old' immigration countries by 2013. By 2010, Spain and Italy together had eleven million immigrants (UN migrant stock data 2013).

At the same time, this period also saw the beginnings of immigration in some of the CEE countries: after EU-accession the number of immigrants that came to supply local demand for cheap labour increased rapidly in Poland, Romania and Bulgaria (Engbersen et al. 2010), although as a percentage of the population the figures remained still low. The Czech Republic and Hungary are the greatest attraction poles in this area and becoming immigration countries (Dbrohlav 2012). The Czech Republic, for example, had a percentage of merely 1,1 immigrant population in 1990; this percentage had gone up to 2,3 % by 2002 and reached 4 % in 2013, the highest percentage in Central and Eastern Europe.

Table 2: Immigrant populations of EU- and non-EU-origin residing in EU member states as per 1 January 2014.

Member States (28)	Foreign born population		Foreign born from 27 MS	
	x 1000	% of population	x 1000	% of population
Belgium	1773,1	15,8	835,5	7,5
Bulgaria	109,2	1,5	40,5	0,6
Czech Rep.	396,3	3,8	155,1	1,5
Denmark	569,6	10,1	191,6	3,4
Germany	9818,0	12,2	3838,5	4,8
Estonia	196,6	14,9	13,1	1,0
Ireland	741,3	16,1	471,5	10,2
Greece	1246,5	11,4	334,3	3,1
Spain	5958,3	12,8	2027,5	4,4
France	7661,7	11,6	2167,1	3,3
Croatia	568,7	13,4	70,5	1,7
Italy	5737,2	9,4	1815,4	3,0
Cyprus	191,6	22,3	111,3	13,0
Latvia	271,1	13,5	27,9	1,4
Lithuania	137,4	4,7	17,6	0,6
Luxembourg	237,8	43,3	177,6	32,3
Hungary	447,0	4,5	300,1	3,0
Malta	40,2	9,4	18,9	4,4
Netherlands	1953,4	11,6	508,4	3,0
Austria	1410,9	16,6	639,4	7,5
Poland	602,3	1,6	222,0	0,6
Romania	211,2	1,1	81,5	0,4
Slovenia	235,3	11,4	68,8	3,3
Slovakia	174,9	3,2	146,3	2,7
Finland	297,8	5,5	109,0	2,0
Sweden	1532,6	15,9	509,6	5,3
UK	8035,6	12,5	806,3	4,4
Total all 28 EU members	**50555,6**	**10,0**	**17705,3**	**3,5**

The total population of EU 28 as per 1 January 2014 is 506.847.612 persons.

Source: Eurostat online database: migr_pop3

The total picture that results from this historical outline is clearly that Europe has become an immigration continent. UN-data count the number of immigrants on 72.4 million in all of Europe (including Russia) by mid-2013 that is 9.8 per cent (Table 1). By 2014, the European Union of 28 member states counted 50.5 million immigrants among its 506.8 million inhabitants; that is 10 per cent. An increasing part of the immigrants in EU-countries (up to some 4 per cent of the total population) originates from other EU member states, falling under the EU free mobility regime. TCNs make up 6 per cent of the total EU-population.

Migration and integration regulation – time and space: national regimes

For the post-war European context two fundamentally different forms of regulation of immigration and settlement exist. The first is the classical regulation by states of admission of foreigners (through residence permits) and access to the labour market (through work permits). The second is the situation within the EU in which free mobility and free access to the labour market has been introduced for all EU-citizens (plus long-term-resident TCNs) within the EU-territory of 28 member states. We will outline the former in this section and the latter in the next one.

In this section, I follow rather closely Doomernik and Bruquetas (2015: 58-72)' distinction of three migration regimes that have developed consecutively in time and in different parts of Europe: The North-West European regime, the Southern European one, and the Central and Eastern European regime.

The North-West European immigration and integration regime

In the first period (1950s-1974), there were two regimes in North-West European countries. The first was for newcomers who were defined as part of the nation, such as `repatriates' from former colonies and *Aussiedler,* and for refugees from the East. They were not called `immigrants' but welcomed as `one of us'. The second regime applied to all other foreign immigrants: for them the dominant ideology was that 'we are not an immigration country' and as a consequence these newcomers were by definition 'temporary guests' who would once leave again.

In the 1960s, when the demand for migrant workers emerged, admission procedures in North-West European countries were simple and lenient. Migrant workers came `spontaneously' on tourist visa; if they found work, they would be given a work permit. Having a work permit would enable them to apply for a residence permit. Later, when most migrant workers came through official recruitment, both permits were arranged as part of the recruitment procedure. After the economic recession of 1966/67, however, North-West European countries started to apply more control in the system of admission: permission for legal entrance and a provisional residence permit should be arranged with the Embassy or Consulate of the country of destination before arrival. This new system of control made it also possible to implement the actual labour migration stop later, between 1972 and 1974. These stricter policies for residence and work permits, combined with the stop on labour migration led in the second half of the 1970s to the emergence of undocumented migrants and to calls for regularisations.

The migration stop for workers, however, caused an increase in 'family reunion' (and later 'family formation') in the second half of the 1970s and the first half of the 1980s of guest workers who had decided to stay. Particularly for Turkish and North-African workers, return to their home country was not an attractive option, notwithstanding the sticks and carrots that were offered particularly in Germany in the Return Promotion Programmes at that time. Workers from Southern Europe did return more frequently.

Family reunion was a right that migrant workers had acquired after a number of years of residence. In the course of the late 1970s and 1980, however, most North-West European countries have developed rules that tried to restrict this family migration: conditions were set for such migration, such as having a minimum income and decent housing. The success of such measures (to limit inflows) varied significantly: in the Netherlands the Turkish and Moroccan communities have grown in 2013 to a size that is tenfold that of the 74.000 at the time of the recruitment stop in 1974. In Germany, where restrictive family reunion policies were combined with strong Return Migration

Programmes, the Turkish community also grew significantly in 40 years, but at a slower pace: from 910.000 in 1973 to some three million in 2012.

When at the end of the second period, the numbers of asylum seekers grew significantly, culminating in the first `asylum crisis' in the early 1990s, this provoked new measures of restriction and control of entrance to try and prevent potential asylum seekers to reach the territory and apply. A system of visa requirements was built up that made it difficult for people from certain 'risk' countries to enter; control on such visas was done at airports of departure and carriers (boats and airplanes) were made liable for checking. Such measures, however, evoked also new strategies of circumventing them: providers of fraudulent documents, smugglers and traffickers became stakeholders in the 'migration business'.

From 1985 on, many measures of control were devised and coordinated in the Schengen group of (West-European) countries that wanted to abolish the physical borders between them, and thus needed common policies for control at the outer borders of the Schengen group and coordination of implementation of policies. Also the registration of asylum seekers and exchange of information on applications was done in this group. In the course of time, also the evaluation of asylum applications became stricter and the percentage of refusals higher. But removal or return of the failed asylum seekers was often not possible or not practiced, and the asylum system contributed thereby to the emergence of growing group of undocumented immigrant residents. After the 1993 Maastricht Treaty (the birth of the EU) and the 1997 Amsterdam Treaty, this restrictive immigration regime became the standard of EU policies relating to immigration of Third-Country-Nationals.

The ideology of not being an immigration country had also **consequences for settlement and integration policies**. For those immigrants who were defined a priori members of society, like the Dutch `repatriates' and the German Übersiedler and *Aussiedler*, policies were straightforward: full citizenship was offered and a full-fledged reception programme aiming at a speedy assimilation was put in place. For those who were guest workers, however, only limited facilities were available for temporary accommodation in anticipation of their eventual return. For this sizeable group of `guests' time created increasingly a contradiction of expectations: many `guest workers' factually stayed longer and longer and formed communities that grew by using their right to bring their families and spouses.

This growing contradiction led in some countries to early, comprehensive integration policies, such as the integration policy of Sweden (since the mid-1970s) and the Ethnic Minorities policy in the Netherlands (since the early 1980s). Remarkably, even in these cases the non-immigration-country-thesis remained. In the Dutch case, for example, a restrictive immigration policy was even defined as a condition for the success of a welcoming and integrating reception policy for those who actually resided already in the country (Scientific Council 1979: XXXII).

For most governments in North-West Europe, however, policies such as those of Sweden and The Netherlands, went too far. They maintained the illusion of return and confined themselves to ad-hoc adaptive measures, leaving the integration responsibility in practice to parties in civil society, such as trade unions, churches and welfare organisations (Penninx 2005).

Ultimately, such 'policies of neglect' resulted in migration and integration questions becoming contentious topics in politics in the 1990s and 2000's. In the politicised climate of that period, framing of immigration did not change – the norm of not being an immigration country remained – but integration policies did change thoroughly. Countries in Western Europe started to develop integration policies that primarily focused on the cultural and religious dimension of integration, stressing that value-based commonalities are crucial for social cohesion in society. So, immigrants should adapt culturally. The new cultural demands enforced on migrants form the mirror image of how the receiving society's defines its own 'identity': as modern, liberal, democratic, laïcist, equal, enlightened, emancipated, etc. These norms have been translated into civic integration requirements to be learnt in mandatory civic integration courses of an assimilative nature. The compulsory pre-immigration courses, such as those developed in the Netherlands since the mid-2000s extend this logic even further: under the label of integration, such courses actually function as instruments to make immigration more restrictive and selective (Guild et al. 2009).

The migration and integration regime of West-European countries, as described above, is directly relevant for most other EU-countries, because its legal and institutional framework for the regulation of immigration and integration has actually become the blue print for policies of all EU-countries.

It is forced upon new acceding countries as part of the EU accession procedures through the EU *acquis*. We will see in the next section, however, that it did not lead to the same policy outcomes.

The Southern European immigration and integration regime

The second migration regime is that of the Southern European countries. According to Doomernik & Bruquetas-Callejo (2015: 61), it is characterized 'by a predominance of labour and family migration, scarcity of asylum seekers, illegality as an endemic feature, and the combination of restrictive admission and citizenship policies with frequent amnesties. Migration to South Europe is closely related to its colonial past, namely linked to African and Latin-American colonies, and to the opening up of Central and Eastern Europe'.

The 1980s brought an unprecedented economic growth in the Southern European countries. Substantial labour shortages in low-skilled sectors created a strong demand for labour, which was offered by migrants and resulted in a remarkable increase of foreigners in the four countries of Southern Europe. Spain passed its first foreigners law in 1985, pushed by *acquis* obligations coming from its accession to the EEC. The end of the Cold War and the sharp increase of migration from Albania and the former Soviet Union to Italy and Greece in the first half of the 1990s formed the context in which Greece (1991) and Italy (1998) developed their first alien laws (Doomernik & Bruquetas-Callejo 2015: 61/62). Most of the migrants came irregularly and were incorporated in low-status, low-paid jobs (not competing with native workers) in strongly segmented labour markets and in the informal part of the economy.

In view of the strong demand for workers and the growth of irregular migration, governments have seen the need to regulate labour migration: Spain was the first to introduce a scheme based on a labour market test (*Regimen General,* 1985), followed by Greece in 1991 with an invitation scheme. Ultimately, all four countries ended up introducing a system of annual quotas for labour migrants (Italy 1990, Spain 1993, Greece 2000, Portugal 2001). However, this formalised recruitment system was ineffective and the actual inflows (of migrants with an irregular status) were much higher. That led governments of all colours to apply regularisation programmes regularly.

Integration policies in South European countries have followed much later than immigration regulation. Italy launched in 1998 its first migration law including integration, Spain in 2000, followed by Greece and Portugal in 2001. Up to then a labour approach prevailed – as in the guest worker system - in which immigration control and labour regulation were the main priorities and integration was relegated to a second place (Bruquetas et al. 2011). An economic conception of migration – rather than a humanitarian - legitimised regularisations: those who positively contribute to the country's economy (i.e. who could prove that they had worked for periods already) were eligible for regularisation and thus integration (Doomernik & Bruquetas-Callejo 2015: 69-71).

Integration policies of Southern European countries have typically been elaborated bottom-up, starting by local and regional initiatives in the 1990s. Policies diverged from city to city and region to region. Since the turn of the millennium, all four countries have produced some kind of national framework of integration in an effort to coordinate the policies produced at sub-national levels. Greece and Portugal have developed national plans that are managed in a more centralized way than Spain and Italy. EU initiatives and financial instruments (European Social Fund, European Integration Fund) have promoted integration projects initiated by immigrant organizations, NGOs, municipalities, and universities.

The rather tolerant attitude of local societies in the Southern European countries towards irregular immigrants can partially be explained by the labour migration rationale explained above, but also by the role played by different actors. The Catholic Church in three of the four countries, for example, has lobbied for soft policies towards irregular migration (in Greece the Orthodox Church has not played an important role) and trade unions have adopted a cooperative position towards immigrants. Middle classes provide a broad base of social support, at least partly due to domestic and care services that many migrants provide for them. Low-skilled workers, however, might have negative feelings, if they feel that their wages and labour conditions have been affected by immigrants, but as we saw above, in the segmented and informal labour market migrants are not always directly competing with natives (Doomernik & Bruquetas-Callejo 2015: 70-71).

Central and Eastern European immigration and integration regime

The third regime – of most CEE countries – is characterised by low immigration flows and low political priority for immigration, combined with nascent integration policies that result from the availability of EU funds and NGO-pressure rather than from societal or political demand or pressure.

For most of the CEE countries that accessed in 2004 or later, the topic of migration and integration is relatively new. Migration has multiple forms there: emigration, immigration and transit migration co-exist in most of these countries (Black et al. 2010; Okolski 2012); the former receives more attention than the latter two. The use of the newly introduced institutional framework for migration and integration regulation – through *the acquis* – is being explored in quite different circumstances (than in North-West or Southern Europe) (Doomernik & Bruquetas-Callejo 2015: 64-65)

During the period in which Eastern and Central Europe were under Communist rule migration took the form of dissidents fleeing to the West or ethnic Germans leaving Poland and Romania to resettle in the FRG, as we saw above. After the end of the Cold War, when restrictions on departure were lifted, many took the opportunity to go West and South, but the movement took the form of short term labour mobility rather than permanent resettlement. Until the 2004 accessions, much of this mobility was irregular. After accession, it turned regular intra-EU mobility.

Generally speaking emigration poses no policy challenges in CEE countries of origin. A major emigration country like Poland sees maintaining the diaspora connected with the fatherland as a strategic political objective, as is the promotion of employment in the wider EU (Kicinger & Koryś 2011: 367).

Immigration, be it of refugees or workers, tends to be of minor political concern. Early immigration policies were fashioned on an ad hoc basis. Such policy responses were required, for example, for guest workers from (predominantly) Vietnam who had arrived during the Communist era. They were granted leave to remain. Of old, there was also regional migration from Ukraine, Moldova, Belarus and the Russian Federation, but little attempts were made to regulate or restrict these movements.

This changed once accession to the EU came in sight, as Kicinger & Koryś (2011) show for the Polish case. Existing migration patterns (often of a temporary nature) from eastern neighbours did not easily fit in with the EU logic of border management, notably with that of the Schengen Agreement, but finally border commuting could be exempted from a strict implementation of the Schengen regime. For migrant workers from Eastern neighboring states simplified rules have been introduced in 2006 (exempting them from labour market testing). These workers are mainly employed in construction and agriculture (OECD 2013: 284).

Among the Central European countries first and foremost the Czech Republic became an attractive destination for economic migration from Russia, Ukraine and Slovakia (Drbohlav 2012: 185). An increasing demand for migrant labour has been documented, especially in booming areas like Prague or Mladá Bolesvav. The Czech government furthermore attracts highly skilled migrant workers: in 2011, a special scheme was used by 244 migrants, 80% of whom were Ukrainian nationals (OECD 2013: 244).

Integration policies in Central and Eastern Europe are absent in many cases and *in statu nascendi* in other cases (Dbrohlav 2012: 196). In Poland, for example, integration policies have been limited so far to asylum seekers, while other categories of migrants are only covered by scattered EU funded initiatives. Poland's ratification of the Geneva Convention in 1991 gave it international recognition for being a democracy, and therefore refugee protection has become the most important area of integration policies. Discussions are taking place currently about the introduction of a comprehensive policy (Pawlak 2015).

In the Czech Republic incipient integration policies are being articulated and updated yearly, with policy initiatives stressing both the acquisition of rights by foreigners as well as their acquisition of Czech language and basic civic knowledge. Since 2009 language tests have been introduced as a requirement to obtain permanent residence status. In addition, the government established since 2011 regional integration centres where TCNs and refugees can find practical support. The government relies on European resources (the European Integration Fund) for the funding of these centres and their activities.

The intra-EU free mobility regime and TCN immigration policy

The preceding analysis of labour migration policies in Europe is based on states as basic units of analysis, on workers defined as international migrants who cross state borders, and on states having the sovereign right to decide whether foreigners are allowed to reside and work. In the course of some six decades, however, a completely different legal regime for mobility has been developed for and within a supra-national unit in Europe, the European Union (Penninx 2014). Its predecessors, the European Coal and Steel Community (ECSC since 1951), the European Economic Community (EEC since 1968), the European Community (EC since 1985) and finally the European Union (EU since 1993) have gradually created an area in which former international migration between (member) states is transformed into internal migration and mobility within the EU. It started with guidelines for the free movement of workers in very specific economic sectors (of coal and steel) in 1951 and extended ultimately to the full freedom of all EU citizens (and long-term legally residing TCNs) to move and reside, and the freedom to work in all Member States.

However, the freedom of movement within the EU and the abolition of borders within the EU had also manifested the need to coordinate Member States' policies relating to the admission of Third Country Nationals. The Amsterdam Treaty of 1997 concretely stipulated that five years after its ratification (i.e. by May 2004) asylum and migration should have become communitarian policy (being thus moved from the third pillar of intergovernmental collaboration to the first pillar of communitarian EU-governance) and that existing policies and practices should have been harmonised. This goal was reaffirmed at the Tampere Summit of 1999, at which also the explicit ambition was formulated that Third Country Nationals who are long-term residents should be granted rights that come as closely as possible to those of EU-citizens.

By May 2004 agreements had been reached of two kinds (Van Selm & Tsolakis 2004). The first amounted to a synchronization of policies aimed to combat illegal immigration and keeping at bay potential asylum seekers, and the harmonization of asylum policies. The Schengen Agreement and the Dublin Convention at that stage had been made part of Community Law. These policies – represented by the great majority of Directives developed between 1999 and 2004 – focus on the perceived problematic nature of (unsolicited) immigration of Third Country Nationals. They tended to develop restrictive immigration policies for TCNs at the lowest common denominator of Member States. The second kind of agreements – represented by two EU directives – aimed to improve the position of Third Country immigrants: a directive on the immigrants' right to family reunification and one on the free movement between member states (after five years of legal residence).

This EU-migration policy – that combined free intra-EU mobility regimes with a communitarian restrictive immigration regime for Third-Country-Nationals - was largely in place when the EU expanded from its 15 members since 1995 to 25 members in 2004 and 27 in 2007. Although many EU-15 Member States delayed free access to the labour market of citizens of these new members for some years, by 2016 free movement and access to work has in principle been made possible in the EU of 28 (including recent accessor Croatia) for a total population of more than 500 million.

In contrast to intra-EU, a comprehensive approach to economic migration of TCNs into the EU has not been developed so far: the European Commission proposed in its 2000 Communication on a Community Immigration Policy (COM (2000) 757 final) to develop a common, comprehensive and future-oriented immigration policy, but member states did not accept that proposal. In the 2000s, the EU has in practice opted for a 'category-by-category' approach: i.e. separate directives for migration of students and researchers, highly-qualified migrants, seasonal workers and intra-corporate transferees. The use of these policy instruments, however, has been rather limited and the discretion of national authorities in implementation have been large.

In 2014 and 2015, the uncontrolled inflows of asylum seekers who entered the EU by sea in Greece and Italy have led to failure of the existing EU system to register, adjudicate and receive asylum seekers. Procedurally, the internal coordination within the EU was put on the line. But more importantly, politically the principles of asylum and the solidarity among members states to share the burden were put on the line.

Conclusions:
Europe an ambivalent immigration continent

When it comes to the plain facts of migration in Europe, the conclusion (of the first part) is clear: immigration has become a relevant phenomenon in almost all EU countries. On average one in ten of all EU inhabitants are not born in the country in which they live presently. The EU has by now three generations of immigration countries. The first generation of North-West European countries that received people from former colonies and attracted `guest workers' and their families before 1990 was overtaken by a second generation of immigration countries in the South and on the fringes of Europe in the 1990s and 2000s. The last decades see a third generation of CEE countries embark on trajectories of immigration. Common to all EU-countries is also that they have fewer births, and some have even shrinking (working) populations. Migration will probably have to be part of a (short term) demographic solution.

As a consequence of the different timing of immigration, of different socio-economic contexts, and of different regulatory regimes, migration movements and the characteristics of migrants involved are heterogeneous. The nature of migration movements has changed: where half a century ago two types of migration – the permanent resettlement of emigrants on the one hand and the temporary, often circular and seasonal worker migration on the other – dominated, nowadays migration takes a much greater variety of forms, such as posted workers, migration of domestic and care workers, retirement and student migration. Many migration movements are clearly less bound to one origin-destination system but multi-directional. Migration has become more fluid or 'liquid' (Engbersen et al. 2010), a term that was coined particularly for the intra-EU migration in which the EU-regime of free circulation leaves much more choice for individuals to leave, to return and to choose destinations.

When it comes to migration that involves the crossing of state borders, destination states do have immigration and integration policies that reflect its principles on the legitimacy, acceptability and desirability of such migration. The basic conceptions combined with the institutionalised practices of these policies – that we have called regimes in this paper - greatly influence the volume and patterns of migration, the place of settlement and the characteristics of migrants. We have described (the development of)three migration regimes in Europe.

The first regime is that of North-West-European countries that basically do not want to be immigration countries. This regime has developed from an initially open `guest worker system' towards a more and more control oriented, restrictive and selective admission policy for TCNs, leading to increasing problems of illegal entry and undocumented migrants. When not effective in actually preventing immigration, mandatory integration efforts are demanded from immigrants that should make them fit in the new society, not only socio-economically, but foremost culturally. Labour market driven immigration programmes are limited or absent, except for specific categories of unskilled (often seasonal) workers, specific (health care) professionals and highly skilled in general.

A second regime is that of the Southern European countries. It is characterised by labour migrants who are attracted and absorbed mainly by the informal economy and bring their families; asylum seekers used to be scarce until recently. In terms of regulation the regime has an ineffective system of formal regulation of worker immigration, combined with a weak control system for admission, which leads to illegality as an endemic feature, and to frequent amnesties as solutions. Immigration is in principle accepted when it contributes to the economy which is expressed in the criteria for acceptance in amnesties. Furthermore, local societies and civil society organisations like trade unions and churches provide a strong support for integration processes at the local level.

A third emergent regime is that of Central and Eastern European countries. These countries have in principle a rudimentary infrastructure for the regulation of immigration and integration of immigrants through the *acquis*, but they also share the fact that immigration is not a political priority. Policy making and practical initiatives are taken, if they are required, stimulated, and financed by the European Union, particularly in the field of integration. In the practice of EU policies, civil society organisations are often financed to implement practical projects and these NGOs in turn often function as pressure groups that challenge governments to make policies, as is the case in the Czech Republic and Poland.

EU migration policies turn out to be a double edged sword: on the one hand, have the early (West European) EU members transposed their national policies into common restrictive admission policies for potential immigrants (economic migrants, family migrants and asylum seekers) from non-EU countries. Furthermore, they have made these policies the `standard' for new members of the Union: the *acquis* requires the new members to build legislation and institutions in conformity with established EU policies in this domain. This strand of EU policies has been characterised by critics as the `Fortress Europe policies'. On the other hand, the EU created a fundamental right to move, work and settle within the EU area for EU citizens ánd for long-term Third Country residents of its Member States. The total area of free movement in the EU now counts 28 countries with a total population of more than half a billion inhabitants.

Both sides of such an ambivalent migration policy do have their specific problems: the free movement (of workers from CEE countries) has led to tensions on labour markets and for labour relations in some destination countries; the restrictive policies have led to a crisis of how to handle irregular asylum flows. Such problems and crises do show that – although these policies have been developed in completely different contexts – the two kinds of policy are in their effect not independent from each other. What is needed is a reframing of migration into and mobility within the European Union in which the two forms of policy are brought together: the movement of people that is driven primarily by economic motives, and movements that civilized societies accept for humanitarian reasons. Such a comprehensive, coherent and future-oriented EU migration policy is urgently needed.

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