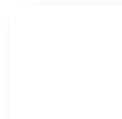
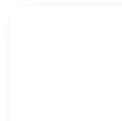


# Migration: Europe's challenge

Edited by Alasdair Murray and Martin Ådahl



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## ■ Contents

Migration: a liberal perspective	4
1. Sweden	18
2. Canada	37
3. United Kingdom	47
4. Italy	64
5. Germany	78
6. France	87

## ■ **Migration: a liberal perspective**

**Martin Ådahl and Alasdair Murray**

Large-scale migration is not a new phenomenon in Europe. War and economic necessity have prompted substantial population movements in the past. Many European countries have also long experienced immigration from their former colonies.

However, the scale and diversity of immigration flows has changed substantially over the last decade. For the first time, virtually all European countries are having to come to terms with a new role as countries of net immigration: net emigration was the norm during the 20<sup>th</sup> century.

Immigrants are arriving in large numbers from the European Union's 'near abroad': Turkey, the countries of North Africa, the Balkans, and the former Soviet states. But they are also coming from further afield – longstanding labour sources such as India but increasingly China and other parts of Asia. Moreover, migrants are entering Europe not just as sources of low skilled labour or asylum seekers but as high skilled economic migrants and students.

The EU's single market for labour has encouraged substantial cross-border movements of people within Europe. The decision of the UK, Sweden and Ireland to open their borders to new eastern European member-states in 2004 was especially important in shaping the migration flows to and from these countries.

However, the reaction of policymakers to Europe's shifting flows of people has been mostly negative. While some member-states have sought to promote the benefits of migration, most politicians have taken a defensive approach, seeking to either deny or downplay the benefits that immigration can bring. They increasingly focus on the perceived need for migrants to integrate. Most countries have also seen a rise in support for far right or anti-immigration parties.

The essay collection that follows provides a snapshot of the migration debate taking place at the beginning of 2010 in a number of major European countries and looks at the policy challenges that they face. It also examines the record of Canada, which like Europe possesses an expansive welfare state, but has had a much more positive long term experience of immigration.

Inevitably, the political, historical and social differences between the various countries examined should caution against any simplistic cross-reading of the success or failure of the different policy approaches.

European countries are still at the stage of asking very different basic questions about their experience of immigration. The researchers in this project have all approached the subject of migration challenges from different angles, reflecting the different national debates. These range from the (unsuccessful) control of illegal immigration, to identity politics, to the labour market access of refugees. In some countries immigration is inherently considered a problem and a burden, notably in France, despite its history as a melting-pot of European and non-European people. In other countries the focus is on making it an economic success.

At the time of writing (May 2010) there was also continuing uncertainty about the impact of the economic crisis on the approach to migration in Europe. The crisis hit the larger net immigration nations such as the UK, Ireland, Italy and Spain especially hard. In the UK election in May 2010, for example, the major parties backed away from the previously liberal approach, although it remains to be seen whether this results

in a meaningful attempt to tighten migration policy. In any case, the long term pressures – both in terms of the supply of migrants and the potential demand from ageing nations – remains unabated.

A number of common challenges emerge which European countries are seeking to address. These include: opening up routes for economic migration as a complement and sometimes a substitute for refugee migration; the importance of continuing flows of migrants seeking family reconciliation or asylum; tackling the problem of undocumented workers; the successful reception of refugees; and developing a new approach to identity and integration.

Overall, the tough approach to migration taken in a number of European countries, such as Italy, does not appear to have helped integration or to have curbed population flows. The number of migrants has not decreased markedly – by having only minimal legal economic migration channels and severely restricting asylum flows, a substantial number of migrants have simply entered illegally. Furthermore, the labour market integration of migrants has slowed down. There is a strong parallel between this phenomenon and the United States, where illegal migrants make up around a third of the total stock of migrants.

**TABLE 1: MIGRATION RATES IN COUNTRIES WITHIN STUDY – 2008**

<b>Country</b>	<b>Population</b>	<b>Net immigration</b>	<b>Immigration (% total)</b>	<b>Foreign-born (% total)</b>
Spain	45,283,000	726,009	1.60	5.3
UK	61,194,000	537,694	0.88	8.3
Sweden	9,183,000	101,171	1.10	12.0
Italy	59,619,000	534,712	0.90	3.9
France	63,983,000	216,937	0.34	10.0
Canada*	31,612,897	236,756	0.75	19.3
Germany	82,218,000	682,146	0.83	12.1

Source: Eurostat, OECD, \*2006 data, Statistics Canada

**TABLE 2: TYPES OF MIGRANTS – 2006**

<b>Country</b>	<b>Total inflow</b>	<b>% work</b>	<b>% family</b>	<b>% humanitarian</b>	<b>% intra-EU</b>
UK	343,200	28.9	31.8	8.9	24.3
Sweden	74,000	0.5	37.1	27.9	34.5
Italy	200,043	30.8	41.7	3.1	22.4
France	169,000	6.1	59.0	4.4	20.0
Canada	251,600	22.1	60.8	17.0	N/A
Germany	216,000	6.1	23.3	2.8	64.2

Source: OECD International Migration Outlook 2008

**TABLE 3: EMPLOYMENT RATE BY ORIGIN, UK – 2008**

<b>Country of birth</b>	<b>Employment rate (%)</b>
UK	74.1
Non-UK (foreign-born)	68.4
EU14 countries	75.3
A8 countries	81.8
US	68.9
Africa (excl. South Africa)	61.5
South Africa	82.4
Australia and New Zealand	85.8
India	72.7
Pakistan and Bangladesh	48.6

Source: Office for National Statistics

## ECONOMIC MIGRATION

While many European countries encouraged migration to help fill labour shortages in the long post-war economic boom, most abruptly closed their borders to labour migrants following the economic crisis in the early 1970s.

However, the past decade has seen a number of EU countries actively court economic migrants. They have done so in two ways.

First, as noted above, intra-EU population movements are a particularly important source of immigration in those countries which opened their borders to the new member-states in 2004.

In the UK, for example, an estimated 1 million eastern Europeans have arrived to work in Britain since 2004. While on average the migrants have high educational attainments, they have largely undertaken relatively low skilled work. As Table 3 shows, they have also achieved very high labour market participation rates. Unlike previous waves of low skilled immigrants, there is also a high return rate with evidence that a majority intend to return home after a short period of residence. This transient form of migration represents a sharp break from the past, reflecting the ease of travel and lack of border and labour market restrictions within the EU. A key challenge facing all EU governments will be the impact of changing central and eastern European migration flows after the full opening up of the internal labour market in 2011.

Second, governments across Europe are showing an increasing interest in competing for high skilled migrants, not simply to fill specific job shortages but more broadly to bring in useful skills and entrepreneurial flair. The EU has encouraged this approach and even tentatively floated a 'blue' card proposal designed to offer freedom of movement throughout the EU to the most highly skilled workers. However, as the proposal stands it does not offer permanent residency and is only valid for two years, albeit renewable. EU member-states are now in the process of adopting the

new rules, although doubts remain about whether it will generate much take-up.

The current French President Nicolas Sarkozy, for example, introduced a 'skills and talents' entry category making it easier for skilled migrants to enter France if they had an employer. The legislation also permitted entry for some less skilled workers in sectors suffering labour shortages if the need arose. However, it still only makes up around 10 per cent of all migration to France.

## **POINTS BASED SYSTEMS AND LABOUR PARTICIPATION RATES**

A few countries, most notably the UK, but also Denmark and the Czech Republic, have introduced a points based migration system, loosely modelled on those operating successfully in Canada and Australia. These points systems are designed to admit economic migrants with high level skills who should in theory easily find work. Points are awarded for attributes such as educational qualifications and technical and language skills. Those who merit sufficient points gain entry, often without a direct job offer, and are not necessarily time restricted in their stay. The evidence from Canada (see page 37) suggests that economic migration has not hindered opportunities for refugees or immigrants reconciling with their families – rather the reverse, with the successful integration of large inflows of all three categories of immigrants.

However, in reaction to public concern about high levels of immigration, the UK government is increasingly using its points based system as a means of restricting non-EU immigration rather than seeking out the best candidates for admittance, as in other countries. The Liberal Democrat-Conservative coalition in the UK is committed to a cap on non-EU economic migrants, although it has not yet announced what the number will be.

As Table 4 shows, those countries that have embraced economic migration have respectable labour market

**TABLE 4: MIGRANT PARTICIPATION RATES (NATIVE AND NON-NATIVE) – 2008\***

Country	Employment total (%)	Foreign-born (%)	Native-born (%)
Spain	53.7	57.7	53.5
UK	69.3	61.2	70.2
Sweden	70.5	52.4	73.6
Italy	54.9	58.0	54.7
France	60.4	56.0	61.0
Canada	72.5	70.1	73.1
Germany	66.4	60.5	67.3

\* Age 15-64

Source: OECD

**TABLE 5: UNEMPLOYMENT (NATIVE AND NON-NATIVE) AND EMPLOYMENT PROTECTION LEGISLATION**

Unemployment rate 2008	Total (%)	Foreign-born (%)	Native-born (%)	Gap native-born / foreign-born (percentage point)	Employment protection legislation (regular employment) OECD*
UK	5.7	8.3	5.5	-2.8	1.1
Sweden	3.5	7.8	2.9	-4.9	2.9
Italy	11.6	13.1	11.5	-1.6	1.8
France	12.8	19.5	11.9	-7.6	2.5
Canada	7.4	7.5	7.4	-0.1	1.3
Germany	9.0	17.1	7.7	-9.4	2.7

\* This is measured on a scale of 0-6 with 6 representing complete regulation.

Source: OECD

participation rates among migrant communities. In the UK, this is especially notable as although its points based system is specifically designed to ensure a high participation rate, a large number of economic migrants have come through the unrestricted EU route – and have mostly managed to

find work. In a sense, the high labour participation rates of workers from new EU member-states into the UK has been the mirror image of Canada's successful migration approach, but with fewer overt controls.

However, labour market outcomes are not especially good in many other EU countries. In general there appears to be an important break in the relatively successful integration of migrants in Europe at around the mid-1970s. At that point, many European countries closed labour markets to economic migrants as a response to the economic crisis. Up until then labour participation rates were generally higher among migrants than among native-born citizens, but those figures were reversed in the following decades (with the exception of most of Southern Europe).

In particular, some of the more regulated labour markets in Europe have a poor record of labour participation. The tight restrictions mean migrants' skills are not recognised, while migrants struggle to navigate bureaucracy. This is notably the case for France, Germany and Sweden.

In Sweden (see chapter 1) large regional differences point to some of the factors that may influence labour participation. In regions with dense entrepreneurial activity, a restrictive attitude to welfare and with the focus of refugee reception centres on finding employment, the labour participation is high. But the same immigrants (in our case study, Bosnians) fare much worse if arriving in other parts of Sweden – and far worse than the European average.

## **RECEPTION OF REFUGEES AND FAMILY RECONCILIATION**

Refugees have been a part of Europe's history for centuries. However, flows from less developed countries increased sharply from the late 1970s and the 1980s onwards. Many European governments have responded by seeking to take a tough stance on asylum, introducing a myriad of restrictive measures to try to curb flows. In France and the UK among others, the restrictions have included a ban on work pending

the clarification of refugee status, with obvious implications for labour market participation rates.

In terms of integration, state sponsored integration programmes are less effective than access to the labour market. In Sweden, refugees were given welfare benefits and participated in integration programmes, but until recently had no access to the labour market during the lengthy evaluation of the right to asylum. The results have been a very low employment rate compared to natives and poor long term integration outcomes. The exceptions are the municipalities in Sweden which have made welfare conditional on work and ceded most of the integration efforts to civil society. The combination of early labour market access and the involvement of civil society, mainly groups formed by previous migrants, is at the core of the Canadian model of integration, and is more effective.

The distribution of refugees has been fairly uneven within Europe. Sweden tops the list, taking one asylum seeker for every 500 of its own population, on average, between 1986 and 2006. The UK was mid-table, taking one for every 3,000. Finland only took one for every 30,000 of its own inhabitants.

Asylum numbers have fallen sharply since the 1990s, when they spiked during the war in the Balkans. Many countries have put in measures designed to discourage asylum applications, such as requirements that refugees carry valid passports, and that they receive visas from the embassy in their country of origin if they are to be considered for asylum. Most notably, the Dublin agreement signed by EU member states in 2003 precludes people seeking asylum in multiple European countries. It is questionable, however, whether these measures have made much difference when compared to the relatively easy access to other migration routes (including illegal migration – see below) – and the cessation of war in the Balkans.

In similar fashion, many governments have tried to cut the number of migrants coming in through family reconciliation routes.

In much of Europe, family reconciliation has become the key legal entry mechanism. France, for example, has moved from a long standing system based on economic migration to one where family reconciliations are the predominate legal route into the country. This is one reason why French debate on immigration is far less focused on the issue of labour market competition and much more on the threat to national identity (see chapter 6).

The French government has increasingly tightened entry requirements including providing stronger evidence of economic resources and kinship. Meanwhile, the UK and Danish governments have raised the age at which a non-British spouse of a citizen can apply for leave to remain to 21. However, international treaty obligations and basic human rights protection make it difficult for even the most populist European governments to make a meaningful reduction in the numbers. Family reconciliation looks set to remain a key source of immigration in the coming years. Rather than focusing on curbing numbers, EU governments need to give much greater attention to improving labour market and educational outcomes for some groups which arrive through this route.

## UNDOCUMENTED WORKERS

It is difficult, for obvious reasons, to determine the precise number of undocumented or illegal migrant workers in Europe although the European Commission has suggested the figure is around 8 million. However, the mass amnesties that have taken place in recent years in Spain, Italy and other countries provide some indication of the scale of the problem.

Undocumented workers are a particular problem in Southern European countries, where the proximity to migrant source countries has often been coupled with restrictive migration and labour market laws. This has pushed migrants into the black economy.

In some ways, Italy provides a perfect example of how not to handle this problem (see chapter 4). It has sharpened criminal penalties for illegal immigrants by increasing the periods for administrative detention. And under Berlusconi's coalition with the anti-immigration Northern League, the government has allowed citizens' patrols and vigilantes to guard against irregular immigration.

At the same time, however, periodic regularisations have become the *de facto* means of supplying labour to Italian employers. The same is true in France, which has twice undertaken mass regularisations – although in recent years it has led attempts to ban the practice throughout the EU. Even those countries which have seemingly resisted amnesties, like the UK, have in reality regularised tens of thousands of migrants through 'administrative' overhauls.

There is no simple solution to the problem of undocumented workers. The example of Canada shows that effective border controls must play a role in helping to promote broader support for legal migration. But it is also essential to ensure that there exists a legal means to migration, coupled with labour market reforms, which will satisfy employer demand and reduce the temptation to employ illegal workers.

## IDENTITY AND INTEGRATION

While Europe has become a continent of high immigration, there remains a deep-seated resistance to cultural and ethnic diversity in many countries.

It is only very recently that countries like Germany have begun to accept that their large proportion of foreign-born migrants is a permanent phenomenon (see chapter 5). This has led to increasing calls for better integration of migrant communities. Even in countries such as the UK, which traditionally have taken a more *laissez-faire* approach to new arrivals, there is now a strong bias towards the virtues of integration over multiculturalism.

There undoubtedly is a need to ensure that immigrant groups are properly integrated into labour markets and the education system. More broadly, they also need to be able to flourish within society. But too often in Europe integration is used in a negative context – as a means of imposing certain forms of behaviour or culture on immigrant groups, particularly Europe’s growing Muslim population. In France, there is even a widespread perception that large groups of Muslim immigrants are incompatible with a secular state, a view partly reflected in President Sarkozy’s interventions on the subject of the *hijab* and *burqa*.

Even when well intentioned, there is a danger that most European countries seek to impose integration on their migrant citizens without dialogue. There is also a great deal of confusion within the political debate about which groups should be the target for integration policies. Politicians too readily describe anyone from a different cultural or ethnic background as immigrants – even when they are long standing residents and/or citizens. This has led to some resentment in Germany, where already well-integrated second or third generation immigrants feel unfairly singled out for government action.

In contrast, in Canada, immigrants have played a major role in delivering services themselves. As Howard Duncan, the director of Metropolis, the Canadian migration research project, says: “There is a difference between enabling participation and enforcing conformity.”

It is not clear that integration is the correct policy framework for dealing with long-standing ethnic groups as opposed to employing colour and culture blind social cohesion policies, designed to deal with low labour market participation and educational achievement. In many European countries, such as Sweden, Germany and France, there has been a focus on language skills, and recently also on national identity and values. At the same time in Canada ready access to the labour market and adult education appears to have achieved more success in reducing tensions and fostering tolerance between native-born and foreign-born populations.

## MIGRATION IN EUROPE: THE NEXT DECADE

Some general conclusions stand out from this survey, despite the disparity of the results and the different approaches of the contributors.

Counter-intuitively, Canada and the UK have allowed large scale economic immigration and have best succeeded overall with integration and labour market participation. In the case of the UK, migration appears to have succeeded despite, and not because of, any intentional integration policies. In the case of Canada (and successful regions in Sweden) the process of integration has been successfully managed by civil society.

In contrast, the most energetic efforts to restrict immigration in France, Italy and other parts of southern Europe have failed. Instead of documented economic migration there has been a rapid increase in both refugees and illegal immigrants. The political debate on migration has become more restrictive and focused on identity, as migrants have been increasingly pushed out of labour market integration and onto the margins of society. As immigration flows have continued unabated, the authorities have alternated between draconian measures and, in many southern European countries, large scale amnesties.

In the medium term, Europe's rapidly shifting demographic structure – with a large ageing cohort – is likely to mean it will continue to attract large amounts of legal, or illegal, economic migration. In the longer term there is ample economic literature to support the view that migration encourages higher growth by increasing the diversity of the labour force.<sup>1</sup>

Labour market reforms could narrow the gap between protected insiders and migrant outsiders. Welfare reforms

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1 P Legrain, 'The economics of migration', CentreForum, 2008; United Nations Development Programme, 'Human development report: human mobility and development, overcoming barriers', 2009; S Page, 'The difference: how the power of diversity creates better groups, firms, schools and societies', 2007.

should focus on employability and job seeking, as is the case in Canada and in some European countries.

But the examples in this study also point to a need to complement refugee and reunification immigration with clear channels for economic migration. This would both increase employment levels among migrants and also change attitudes about the employability of migrants. More work-oriented immigration appears to succeed better in smoothing integration than draconian controls or heavy-handed integration programs.

Migration policy in Europe should be governed by the principle that less is more – not less overall migration and more state control, but less state dirigisme and more economic migration.

## **■ Benefits from immigration: a question of integration into the Swedish labour market**

**Jan Ekberg**

### **INTRODUCTION**

Since the Second World War, the number of immigrants in Sweden has increased rapidly. In 1940, the proportion of the population that was foreign-born amounted to a little more than 1 per cent. The corresponding proportion had increased to 4 per cent in 1960 and continued to grow steadily, to reach about 13 per cent in 2008, roughly 1.2 million individuals. More than 50 per cent of foreign-born individuals today have acquired Swedish citizenship. Moreover, there is a growing group of so-called second generation immigrants, children born in Sweden with at least one parent born abroad, and this group amounts to more than 900,000 individuals today. About 60 per cent have one parent born in Sweden.<sup>2</sup>

The high proportion with one native-born parent can be explained by the fact that many of the immigrants in the

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2 Data sources: Statistics Sweden, 'Efterkrigstidens invandring och utvandring (Immigration and emigration in the post war period)', Demografiska Rapporter, 2004 and 'Statistisk årsbok', 2009, and working data supplied to the author, 2009; Swedish Finance Ministry, 'Invandringen och de offentliga finanserna', 2009.

1950s and 1960s were single persons who later married in Sweden. Thus the total number of first and second generation immigrants amounts to more than 2 million, more than 20 per cent of the total population.

The immigration pattern has changed a great deal. Until the mid-1970s, it consisted primarily of labour force immigration, mostly from Europe. This was the first wave. According to the 1970 census, about 60 per cent of foreign-born persons living in Sweden were born in other Nordic countries, and more than 90 per cent were born in Europe. After 1975, the character of immigration changed. The proportion of refugees and 'tied movers' (relatives of already admitted immigrants) increased and the proportion of labour force immigrants decreased. Many of the new immigrants were born outside Europe so the composition of the immigrant population living in Sweden has changed. In 2008, less than 30 per cent of foreign-born immigrants were born in the other Nordic countries, approximately 35 per cent were born in the rest of Europe, and almost 40 per cent were born outside Europe.

The overall immigration pattern has been roughly the same in most other destination countries in Europe. Until the mid-1970s, most immigrants were economic migrants. Since then the proportion of refugees and relatives has increased, many having been born outside Europe. However, in one respect, Sweden differs from many other European countries. As mentioned above, the proportion of the population born abroad is currently around 13 per cent. This is a rather large figure compared to Sweden's neighbours such as Denmark and Norway, where the figure is around 6 per cent, and Finland, where it is approximately 3 per cent.<sup>3</sup> The average for the EU-15 is about 10 per cent. There are some countries where the figure is much higher than for Sweden, such as Switzerland and Luxembourg which have 23 per cent and 32 per cent respectively. In countries outside Europe, such as Australia, Canada and New Zealand, about 20 per cent of the population is born abroad.

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3 J-C Dumont and G Lemaitre, 'Counting immigrants and expatriates in OECD countries: a new perspective', 2005.

Immigration may affect the income of the native population in many ways. There may be market effects, an impact on relative factor prices and on employment opportunities for natives. Those native groups which are substitutes for the immigrant labour force may lose out from immigration, while those native groups which are complementary may benefit. However, studies from many countries show that these effects have probably been small.<sup>4</sup> The situation may also be affected by the publicly financed redistribution of incomes. The direction of this distribution depends on whether immigrants make more or less use of the public sector than they contribute to the system in taxes. How the public sector redistributes incomes between immigrants and natives is often the subject of political and public debate. There is often a fear that redistribution will have a negative effect on income for natives. If we have poor labour market integration among immigrants and, therefore, negative effects on the public budget, this may lead to tensions between natives and immigrants, which may have implications for the political system. There is also a debate in many countries about whether future immigration will make it easier to finance the welfare system for an ageing population, which implies that immigration may have a positive income effect for natives.

There are two factors that are of special interest regarding how the public sector redistributes incomes between immigrants and natives. The first is the difference in age distribution between the groups. The other is the employment rate for immigrants compared to that for natives. If the immigrants have a favourable age composition, that is if the proportion of older people is low and the proportion of those economically active (20-64) is high, and they are well integrated into the labour market, we can expect a positive income effect for natives.

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4 G Borjas, 'The economics of immigration', 1994; S Longi et al, 'A meta-analytic assessment of the effect of immigration on wages', *Journal of Economic Surveys*, 2005; S Longi et al, 'The fallacy of job robbing: a meta-analysis of estimates of the effect of immigration on employment', Tinbergen Institute, 2006.

The age structure among immigrants is different to that of the native Swedish population. A relatively high proportion of immigrants are of an economically active age and this has been true for the whole post-war period. This has been the case for both labour force immigrants and for refugees and those who arrive for family reconciliation. Table 1 shows the age composition at the time of immigration for immigrants who arrived in 1970 and in 2004. 1970 was the year with the largest inflow of labour force immigrants during the postwar period. 2004 was a year with a high proportion of refugees and families. Both groups have a favourable age composition. It might be surprising that the proportion of individuals of an economically active age is somewhat higher among those who arrived in 2004 than among those who arrived in 1970 (71.3 per cent compared to 64.4 per cent in the age range of 20-64). This is possibly due to a higher number of children among those who came to Sweden in 1970.

**TABLE 1: AGE COMPOSITION AT THE TIME OF IMMIGRATION (%)**

<b>Age</b>	<b>1970</b>	<b>2004</b>	<b>Proportion of overall population</b>
0-19	34.5	26.7	24.0
20-44	57.9	60.9	32.7
45-64	6.3	10.4	26.1
65+	1.2	2.0	17.2
Total	77,326	62,028	9,011,392

*Source: Statistics Sweden. Statistical yearbook different volumes*

The object of this essay is to describe and analyse the changed employment situation for immigrants during the post-war period.

## IMMIGRANTS IN THE LABOUR MARKET

There have been great changes over time in the labour market situation of immigrants. The employment market was buoyant until the mid-1970s, when both natives and immigrants enjoyed full employment.<sup>5</sup> For long periods the employment rate among immigrants even exceeded that of natives. This was especially the case for immigrant women: a large number of employed immigrant women worked full time, while most of the employed native women worked part time. Therefore, the annual work income per capita was high among immigrants. Occupational mobility among these early immigrants was also about the same as that among natives.<sup>6</sup>

Since the beginning of the 1980s, the immigrant labour market situation in Sweden has deteriorated. This has occurred despite the boom in the Swedish economy in the 1980s, the goal of Swedish integration policy to draw immigrants (and also refugees) into the labour market and the high educational level among the immigrants who arrived after 1980. These new immigrants had about the same educational level (the same number of years in school) as the native population and were better educated than former immigrants. Yet a great number of the refugees that arrived during the 1980s never entered the labour market.

During the depression at the beginning of the 1990s the employment situation deteriorated even further. In the late 1990s the Swedish economy recovered and there was some improvement in the employment situation of immigrants compared to that of natives. However, in the last few years there have been no further improvements and there is still a very low employment rate and a very high unemployment rate, especially for immigrants born outside Europe.

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5 EWadensjö, 'Immigration och samhällsekonomi' PhD, Lund, 1973; P Bevelander, 'Immigrant employment integration and employment change in Sweden', 2000; M Hammarstedt, 'Making a living in a new country', PhD, Växjö, 2001.

6 J Ekberg, 'Immigrants – their economic and social mobility', 1990; and J Ekberg, 'Labour market careers among young Finnish immigrants in Sweden', 1996.

A summary of these developments is given in Table 2. Changes in work income per capita among immigrants is correlated with their employment rate.

**TABLE 2: FOREIGN-BORN EMPLOYMENT RATE INDEX**

Year	Index for employment rate	Index for work income per capita at the age 16-64**
1950	120	_* **
1960	105	_* **
1967	110	122
1978	98	99
1987	90	_* **
1992	83	73
1994	75	61
1999	76	64
2001	79	_* **
2006	80	66
2008	81	_* **

\* The table shows the employment rate index for those aged 16-64, standardised for age and sex. The index for native born is 100. The index can be interpreted as follows: In 1960, the index was 105. This means that the employment rate among foreign-born was 5% higher than the employment rate among natives. So in 1994, the employment rate among foreign-born was 25% lower than that among natives. For the years 1950, 1960 and 1967, the figures refer to foreign citizens (most of the foreign-born living in Sweden in these years had foreign citizenship).

\*\* Includes individuals aged 16-64 with zero work income. There is not enough information to standardise for age and sex concerning work income per capita. However in 2006 there was such information. The standardised index for age and sex concerning work income per capita was 64 in 2006.

\*\*\* No information.

Sources: Ekberg (1983), Wadensjö (1973), processed data from 1950, 1960 Swedish census and from 1987, 1992, 1994, 1999, 2001, 2006 and 2008 labour force surveys. Data from the income register in 1978, 1992, 1994, 1999 and 2006.

Many investigations have shown that there are large differences in the employment situation for immigrants born in Europe and for those born outside Europe. The employment situation has for a long time been worse for those born outside Europe.<sup>7</sup> During the depression at the beginning of the 1990s

7 J Ekberg, 'Immigrants in the welfare state', 2004.

the employment situation deteriorated even further and more rapidly for those born outside Europe. Since the late 1990s there has been some improvement in the employment situation for these immigrants. A calculation for 2001 shows an index of 70 for those born outside Europe and an index of 86 for those born in Europe.

This tendency towards increased unemployment among immigrants is common to many other receiving countries. However, there are large differences between countries concerning the immigrant labour market. An analysis of OECD countries show that the Netherlands, Sweden and Denmark have particularly high unemployment rates among immigrants compared to that of natives.<sup>8</sup> In countries like the United States, Australia and Canada the unemployment rate among immigrants is about the same as that for natives. It is also worth mentioning that upward socioeconomic mobility among refugees in Sweden is low.<sup>9</sup>

## EXPLANATIONS

There are a number of reasons for the worsening labour market position among immigrants. In Swedish research, the following main explanations have been put forward:

- 1) The risk of discrimination in the labour market has increased since the inflow pattern changed from immigration from Europe to arrivals from countries outside Europe. Many studies have found discrimination, especially against those born outside Europe.<sup>10</sup>
- 2) Structural changes in the Swedish economy make it difficult for immigrants to enter the labour market. Changes from an industrialised to a post-industrial

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8 OECD, 'Trends in international migration', Paris, 1999, 2001.

9 J Ekberg and D Rooth, 'Occupational mobility for immigrants in Sweden', 2006.

10 M Arai et al, 'Between meritocracy and ethnic discrimination: The gender difference', SULCIS Working Paper 2008; C le Grand and R Szulkin, 'Permanent disadvantage or gradual integration: explaining the immigrant-native earnings gap in Sweden', Labour no. 1, 2002.

economy place greater demands on skills and know-how that are specific to the destination country, which in turn reduces immigrant opportunities in the labour market. This development has run in parallel with the increasingly diverse ethnic and cultural background of these immigrants, which may contribute to the result that their human capital has been poorly adapted to the Swedish labour market.

- 3) Mistakes in the Swedish integration policy for immigrants. In the last few years some studies have been undertaken in this field, which are investigated below.

## INTEGRATION POLICY

In the last decade, there has been a growing debate about Sweden's approach to migrant integration. Two components of the policy deserve particular consideration: first, the institutional changes in integration policy and second, the strategy to relocate refugees to different regions in Sweden.

Responsibility for receiving refugees changed hands from the Swedish National Labour Market Administration (AMS) to the Swedish Migration Board in the middle of the 1980s. With AMS in charge, the main focus was on employment, yet once the Migration Board took over a different philosophy reigned. Greater emphasis was placed on the social integration of refugees in Sweden and for refugees to pass a specific training programme in Sweden before being allowed to enter the labour market. The time between arrival in Sweden and the possibility of entering the labour market increased. In 1999 a study by Dan-Olof Rooth showed that early contact with the labour market is not only important for refugees in the short term, but also for their long term efforts to succeed in the labour market.<sup>11</sup> Rooth, the author of the study, stressed the importance of rapid contact with the labour market rather than participation in Swedish training

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11 D-O Rooth, 'Refugee immigrants in Sweden: educational investments and labour market integration', Lund, 1999.

programmes. In many respects, the most effective way to acquire 'Sweden specific' knowledge is probably to work.

Some countries, such as Denmark and the Netherlands, have used special settlement policies for refugees to spread them around the country. This method has also been used in Sweden and began in the middle of the 1980s when the so-called 'Whole Sweden Strategy' was introduced. This strategy was officially in place until the beginning of the 1990s, but in practice it was applied in part for some years after this period. By relocating newly arrived refugees around the country and avoiding their concentration in certain areas, they were expected to have a better opportunity to learn Swedish, which in turn should have improved their chances of gaining employment. However the reality was different: refugees were often allocated to different municipalities on the basis of the availability of accommodation and not on the opportunity of finding employment. This might be expected to have a negative influence on their opportunities to gain employment, and the studies outlined below indeed indicate this to be the case. In regions with no jobs there was plenty of accommodation to choose from because natives had moved out. Two studies found that earnings and employment levels among refugees had worsened as a result of this strategy.<sup>12</sup>

## REFUGEES FROM BOSNIA

A longitudinal study of Bosnians that arrived in Sweden in 1993 and 1994, carried out at Växjö University, revealed that the level of integration in the labour market varied immensely depending on where they were relocated.<sup>13</sup> The group of refugees arriving from Bosnia in 1993 and 1994 was very large and refugees were relocated to about 250 of the 289 municipalities in Sweden.

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12 P Edin et al, 'Settlement policies and the economic success of immigrants', 2004; O Åslund and D Rooth, 'Do when and where matter? Initial labor market conditions and immigrant earnings', 2007.

13 J Ekberg, 'Immigrants in the welfare state', 2004; M Mikkonen, 'Internal migration and labour market outcomes among refugees in Sweden', Växjö, 2006.

Of course, it is not possible to describe the labour market integration of Bosnians in all of these municipalities. However, some examples show the extremely diverse labour market outcomes for the group. One example is the so-called small business district consisting of the municipalities Gnosjö, Gislaved, Vaggeryd and Värnamo in the western part of Småland, which has almost 100,000 inhabitants. The economy in the area is largely based on small-scale industry. The rate of unemployment in the area is usually low. Another area is Malmö municipality, which has about 250,000 inhabitants. The economy in Malmö has undergone structural changes during the last 20 years resulting in high unemployment. Both these areas received many Bosnians and in both cases the number of Bosnians received in 1993-1994 amounted to a little more than 1 per cent of the population.

The employment rate for those aged 20-59 for the years 1997 and 1999 is shown in Table 3. In 1997, the employment rate for Bosnian men in the small business district exceeded 75 per cent. This was about the same level as the average for native men in Sweden. Bosnian women in this area also achieved a good labour market position. However, the labour participation rate in Malmö was dire: the employment rate for Bosnian men was less than 15 per cent and for women the situation was even worse. The average employment rate for Bosnian men in Sweden was about 30 per cent. Between 1997 and 1999, the labour market situation for Bosnians gradually improved. However the regional differences remained and in Malmö participation rates continued to be very low. In the small business district, the employment rate for Bosnians had reached levels which are probably close to the theoretical maximum. More than 90 per cent of men and more than 80 per cent of women were employed in the labour market. This was much higher than the average for natives in Sweden.

Table 3 also shows that the co-efficient of variation in employment rate between different counties in Sweden in 1999 is much higher for refugees from Bosnia than for natives. The interpretation is that there are much larger regional differences in employment rates among Bosnians than among natives.

**TABLE 3: EMPLOYMENT RATE FOR THOSE AGED 20-59 IN 1997 AND 1999 (%)**

Bosnians in:	1997			1999		
	Men	Women	Both Sexes	Men	Women	Both Sexes
Small business area (Municipalities in Gnosjö, Gislaved, Vaggeryd and Värnamo)	76.8	51.5	64.7	90.3	80.2	85.7
Stockholm	34.9	20.9	28.3	61.6	53.6	57.8
Gothenburg	19.7	12.8	16.4	44.7	34.5	39.8
Malmö	14.4	8.6	11.4	36.7	28.0	32.4
Bosnians in Sweden	30.1	17.2	23.8	58.5	45.6	52.2
All foreign-born in Sweden	59.4	53.7	56.2	64.9	58.2	61.4
Natives in Sweden	77.6	74.2	75.8	80.4	77.0	78.6
Coefficient of variation*:						
For Bosnians in Sweden				15.0	17.8	16.8
For natives in Sweden				4.7	3.0	4.0

\* The coefficient of variation is defined as the ratio between the standard deviation of employment rate for the group and the average employment rate in Sweden for the group. This ratio is then multiplied by 100. The standard deviation of employment rate is calculated with all counties in Sweden as units.

Sources: SCB employment register. Working up from the Swedish population register and employment register.

In the 1980s and 1990s, the Malmö-Landskrona region in the west of Skåne county had a very depressed labour market. Many natives moved out of the region because of difficulties in gaining employment. This led to an increase in the number of vacant dwellings and refugees were allocated to this area to fill them. This was, for instance, the case for refugees from

the Middle East in the 1980s and from Bosnia in the 1990s. Of course, many of these individuals found it difficult to enter the labour market. Many of them have remained in constant unemployment, which has consequently led to heavy use of the public welfare system. The situation probably causes tensions between natives and immigrants. In municipal elections in 2002, the extreme right parties in the Malmö-Landskrona region successfully exploited this issue.

There may be several explanations for the good employment situation among Bosnians in the small business area. Below is a list of possible explanations:

- 1) Regional differences in the general demand for labour are, of course, important for explaining regional differences in the labour market integration of Bosnians. In the small business area the demand for labour is high and the unemployment rate is low. This is not, however, the full picture and there are a number of other explanations to take into consideration. The labour market situation in the Stockholm area has, for instance, been good. However, Bosnians in Stockholm have had much greater difficulties in gaining employment compared to their counterparts in the small business district.
- 2) Another significant factor could be the structure of the economy in the region. The small business district distinguished itself through small scale industrial production, while the Stockholm region has high knowledge intensive production. It can be assumed that 'Sweden specific' knowledge is a more important requirement for those trying to find work in the Stockholm region compared to the small business district. An econometric study carried out by Ekberg & Olsson shows that the structure of labour market demand in the local economy plays a role, but this does not paint the entire picture.<sup>14</sup>

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14 J Ekberg and M Ohlson, 'Flyktingars arbetsmarknad är inte alltid nattsvart (The labour market for refugees is not always bad)', Ekonomisk Debatt 5, 2000.

- 3) Effective labour market procedures also play a role, i.e. the market's ability to quickly match job searchers with suitable vacancies. Investigations of corporate culture, social networks and distribution of information in the small business district point to fast decision-making in informal networks.<sup>15</sup> These networks also offer a direct link to public authorities, such as employment offices, and the commercial sector. The networks give many pathways into the labour market. Companies within the network are usually well aware of each other's needs for different forms of labour. Furthermore, in the small business area there is a group of labour force immigrants from Yugoslavia who arrived in the 1960s and 1970s, and this group may have helped later refugees from the former Yugoslavia enter the labour market.
- 4) The local reception of refugees. **The network** described above, and the close collaboration between the public and commercial sectors is more likely to improve the local reception of refugees and their introduction into the labour market. We know that in the small business area the local public sector which deals with refugees works in close cooperation with the commercial sector. This makes the refugees' entrance into the labour market easier.
- 5) Another question which has been debated in Sweden during the last few years is the importance of attitudes and norms concerning working life, as social norms concerning work and welfare benefits can vary over time.<sup>16</sup> Recent work has demonstrated that if a large part of the population share a positive norm around earning a living this norm is also transferred to other (new) individuals in the population. We can also expect

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15 B Johannisson and B-Å Gustavsson, 'Småföretagande på småort. Nätverkstrategier i informationssamhället (Small business in local areas: Strategies for networks in the information society)', Växjö, 1984.

16 A Lindbeck et al, 'Social norms and economic incentives in the welfare state', 1999; A Lindbeck and S Nyberg, 'Raising children to work hard: altruism, work norms and social insurance', 2006.

there to be regional differences in such social norms. In the small business area there is evidence that positive social norms are at play.<sup>17</sup> Work absence due to sickness is very low in the small business area and the attitude is that it is shameful to be absent from work.

Both the evaluations of the 'Whole Sweden strategy' and the study at Växjö University of refugees from Bosnia suggest possible new approaches to integration policy.<sup>18</sup> Another way of allocating refugees, combined with a system to transfer knowledge from successful regions on how to organise the reception and introduction of refugees to achieve rapid contact with the labour market, would produce better outcomes.

Rapid contact with the labour market after arrival is also important for the long run economic success of an immigrant group. A study of a Swedish pilot scheme that targeted immigrants with weak Swedish-language skills who were registered as unemployed at public employment offices provides further evidence of the importance of finding a job quickly.<sup>19</sup> One group participated in a programme which mixed work-oriented language teaching and practical workplace training aimed at enhancing the employability of the participants. Another group participated in a traditional educational programme to learn more Swedish. The first group had much speedier transfers into employment, suggesting that job experience is important.

Bosnians who arrived in the small business area were rapidly integrated into the labour market. We can therefore probably expect that the Bosnians in the small business area will also do better in the labour market in the long run than Bosnians living in other parts of Sweden.

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17 J Frykman & K Hansen, 'I ohälsans tid (In the time of bad health)', Carlssons. 2009.

18 P-A Edin, P Fredriksson & O Åslund, 'Settlement policies and the economic success of immigrants', *Journal of Population Economics*, 2004; O Åslund O & D-O Rooth, 'Do when and where matter? Initial labor market conditions and immigrant earnings', *Economic Journal*, 2007.

19 L Delander et al, 'Integration of immigrants: the role of language proficiency and experience', *Evaluations Review*, 2005.

We have, at present, very uneven levels of regional labour market integration of immigrants, more uneven than that of native Swedes. These **regional labour market irregularities** for immigrants seem to have arisen during the last 15 years. There were only minor discrepancies up to the end of the 1970s. Immigrants arriving in the 1950s, 1960s and 1970s moved to regions in Sweden that offered employment.

## **REDISTRIBUTION BY THE STATE**

The public sector in Sweden functions as a 'pay as you go system'. The yearly expenditures are financed by taxes and social security fees paid during the same year. A considerable part of the public sector redistributes incomes between different age groups within the population. The distribution primarily takes place from individuals at economically active ages (mostly from 20-64) to individuals at economically passive ages (the young and old).

Heavy public consumption expenditures are directed to young people (child-care and education), and to old people (health-care, services for pensioners and the disabled). Even public transfer payments go largely to old people (through pensions). The tax burden is mainly carried by the economically active. Redistribution also occurs within the group of economically active individuals; for example, from the fully employed to the under employed, from the healthy to the sick and from those with high incomes to those with low incomes.

One effect of the deterioration of the employment situation for immigrants is that they are now using the social welfare system to a much larger extent than before. At the same time their contribution to the tax system has decreased.

It can be expected that in a situation where immigrants are well integrated into the labour market and also have a favourable age structure, they contribute more to the public sector, through taxation, than they receive from this sector. The revenue gained is spent more on native Swedes than

immigrants. This happened in the 1950s, 1960s and 1970s and gave rise to a positive income effect for natives.<sup>20</sup> In the beginning of the post-war period this effect was probably very small, because at that time both the immigrant population and the public sector were small. The ability for the public sector to redistribute incomes between different parts of the population was low. In the following years both the public sector and the immigrant population increased. The yearly positive income effect for the native population increased until the beginning of the 1970s and was at that time about 1 per cent of gross national product (GNP). The situation changed when the employment situation for immigrants deteriorated. At the end of the 1980s, the yearly positive income effect had disappeared.<sup>21</sup> Today, there is a negative income effect for natives, as immigrants contribute less to the tax system than they receive from the public sector.<sup>22</sup> At present, the yearly negative income effect is nearly 2 per cent of GNP. This negative income effect would disappear if the immigrant employment rate increased by 15 percentage units, i.e. to about 95 per cent of the level of the native population employment rate (see Table 2). The immigrant population is younger than the native population. If the immigrant population in Sweden could be integrated into the labour market to the same extent as Bosnians in the small business district there would be a clear positive income effect for natives through the public sector.

How immigrants participate in the public welfare system and consequently how the public sector redistributes incomes between immigrants and natives in the future depends to a large extent on the development of employment opportunities for immigrants. In the very long run the outcome will also depend on how the age structure of the immigrant population

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20 E Wadensjö, *Immigration och samhällsekonomi*, PhD, Lund, 1973; J Ekberg, *Inkomsteffekter av invandring*, PhD, Lund, 1973.

21 B Gustafsson, 'Public sector transfers and income taxes among immigrants and natives in Sweden', 1990.

22 J Eckberg, 'Immigrants in the welfare state', 2004; B Gustafsson and T Österberg, 'Immigrants and the public sector-accounting exercises for Sweden', 2004.

changes in relation to that of the native population. To what extent this will happen is a question of the size and the age structure of future immigration and return migration, and age specific fertility rates and death rates among immigrants compared to that among the native population.

This tendency towards a negative income effect has probably been similar in other destination countries where the employment situation among immigrants has been worse. A study of Germany by Ralf Ulrich reports that, through public sector redistribution, there was a positive income effect for natives in the 1960s.<sup>23</sup> Since then, the positive income effect has diminished because of the worsened employment situation for immigrants relative to that of native Germans. Ulrich concludes, that: "If the juvenile age structure loses its impact, foreigners might become a net burden for Germany's public purse in the future." Other studies for Denmark and Germany report similar findings.<sup>24</sup> In both countries today there is a negative income effect for the natives, i.e. the public sector redistributes from natives to immigrants. The main reason is the immigrants' poor labour market outcomes. For Denmark the negative income effect was nearly 1 per cent of GNP at the end of the 1990s. This is in line with the result for Sweden when we consider that the immigrant population as a percentage of the total population in Denmark is only half of that in Sweden.

## CONCLUSION

For a long time during the post-war period there was full employment for both immigrants and natives. Up until the mid-1970s, immigrants were well established in the labour market. This was the case not only for labour force immigrants, but also for refugees who arrived in Sweden at the end of the war, at the end of 1950s and at the end of the

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23 R Ulrich, 'The impact of foreigners on the public purse', 1994.

24 E Wadensjö and C Gerdes, 'Immigrants and the public sector in Denmark and Germany', in T Tanaes and F Zimmermann, 'Migrants, work and the welfare state', 2004.

1960s. At the end of the 1970s, the first signs of a worsening labour market situation among immigrants appeared and it intensified up to the mid-1990s. Since then the situation has stabilised at a very low employment level and a very high unemployment rate for immigrants.

At the same time there are today very large regional variations in the integration of immigrants to the labour market. The case of Bosnians is one example. The regional labour market irregularities for immigrants seems to have arisen during the last 15 years.

The worsening labour market situation among immigrants has also changed how the public sector redistributes incomes between immigrants and natives. In the 1950s, 1960s and 1970s there was a positive income effect for natives due to immigrants. Today there is a negative income effect. If immigrants in Sweden could be integrated into the labour market to the same level as Bosnians in the small business area there would again be a positive income effect for natives.

A very important issue for the future is to what extent the labour market position for immigrants is transferred to their children born in Sweden. In recent years, certain studies relating to this matter have been conducted in Sweden.<sup>25</sup> The studies show that second generation immigrants born before 1970 have about the same employment rate and about the same work income as natives of the same age with both parents born in Sweden. These second generation immigrants are children of the first immigration wave, those who immigrated in the 1950s and the 1960s, and who were well integrated in the labour market. The pattern is roughly the same for their children.

However, the situation is probably more pessimistic for subsequent immigration waves. From above we know that,

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25 J Ekberg, 'Hur är arbetsmarknaden för den andra generationens invandrare?', 1997; R Vilhelmsson, 'Wages and unemployment of immigrants and natives in Sweden', PhD, Swedish Institute for Social Research, 2002.

in particular, non-European immigrants in these waves were not well integrated into the labour market. Recent studies indicate that the same pattern exists for their children born in Sweden.<sup>26</sup> The studies also show that parental composition has a clear effect on the probability of unemployment. Second generation immigrants with one native parent have a lower probability of being unemployed than when both parents come from the same ethnic group.

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26 D-O Rooth and J Ekberg, 'Unemployment and earnings for second generation immigrants: ethnic background and parent composition', 2003; C Lundh et al, 'Arbete? Var god dröj! Invandrare i välfärdssamhället', 2002; M Hammarstedt and M. Palme, 'Intergenerational mobility, human capital transmission and the earnings of second generation immigrants in Sweden', 2006.

## **⋮ Canada's curious commitment to immigration**

**Howard Duncan**

### **INTRODUCTION**

For much of the world, international migration presents itself as a serious problem for which solutions have been disconcertingly elusive. Governments are frustrated by the lack of viable ways to prevent uninvited migrants from entering their territory or to show them the door once they have crossed the threshold and settled in. Citizens are frustrated that their governments have been unable to control the flow of the uninvited whom they often regard as non-contributing and disruptive of their way of life. Elections can be lost because governments no longer have the confidence of the electorate in their ability to protect the sovereignty of their borders and to safeguard the national interest of the citizens. This has particularly been the case throughout much of Europe which has moved rapidly from a continent of net emigration to one of net immigration. There are now millions of migrants in these societies, many initially uninvited and subsequently given legal residency through amnesties which, some argue, serve as de facto invitations to yet further undocumented workers. Over the past 15 years, Europe has lurched back and forth on migration, finally coming to recognise its demographic and labour force utility,

but balking at embracing the cultural effects of large scale migration.

Not long ago, most European Union member-states denied that they were societies of immigration, preferring to see the presence of foreigners as temporary. But that widespread denial has since given way to an acceptance of the permanent presence of immigrants. This acceptance shifted governments' attention to how to manage this presence through the integration of immigrants, which is defined differently among the member-states. The growth of the EU to its now 27 members has eased the immigration issue insofar as freedom of movement has led to limited, sometimes grudging, but nonetheless real opportunities for EU citizens to work in other member-states. But restrictions on 'third country nationals', immigrants from outside the EU, remain extremely tight, especially for those seeking low skilled employment. The demand to enter the EU nevertheless remains high, as does the pressure from within the EU to curb entry. Despite the opening up of the intra-EU labour market, the overall tenor of the debate remains one of grave concern, a concern that may well increase as Europe continues to suffer from the global economic downturn.

In perhaps curious contrast, Canada remains a society strongly supportive of immigration, even at the sustained high levels of permanent resident entries witnessed over the past twenty years. What is it that sees both government and the public in Canada supporting this active enabling of migration from all over the world? It is principally because of a well-managed immigration system that has gained the public trust, with some geographical good fortune added to the mix.

## **THE IDEA OF THE NATION STATE**

Many European states see themselves as nations and have forged a strong sense of national identity built upon an idea of a shared culture or ethnicity. Such national myth-making has been impossible for Canada and became explicitly so during

the 1960s when Canada declared itself officially bilingual and bicultural to reflect the history of English and French settlement of the territory from the mid-1500s. This sense of a duality of identity gave way very quickly in the 1970s to an identity of official multiculturalism that acknowledged not only the presence of aboriginal peoples of many different “nationalities” across the territory, but the presence of immigrants from heritages other than British and French. As a result of both this increasingly multicultural demographic reality and its official recognition in policy, Canadians do not see themselves as a nation of people unified by a common ethnicity. Rather, Canada is a multicultural federation. Immigration then poses no specifically cultural threat from the point of view of most Canadians who have long supported the idea of multiculturalism and the deepening of this demographic reality through immigration. Insofar as Canadians espouse a national identity, it tends to be one of multiculturalism itself, something that polls consistently show Canadians valuing and taking pride in. Some aboriginal peoples and some residents of the province of Quebec have a more nationalist view of their societies, but the dominant attitude rejects the concept of the Canadian nation-state. This utterly flexible way of construing national identity eliminates one major impediment to the acceptance of immigration and immigrants.

Removing hegemonic impediments to acceptance is, however, only part of the story. Even the most multicultural society would lose its appetite for immigration rapidly if overrun with uninvited migrants.

## WHY IMMIGRATION?

The dominant story told in Canada portrays immigration as the means by which the country was settled and built. Although aboriginal peoples have every right to raise their hands in questioning this dominant story, having arrived thousands of years before the first European settlers, immigration is responsible for the size of the population,

something of great significance given the size of the territory, the geopolitical need to assert sovereignty over it, and the high degree of modern prosperity that Canada enjoys. The history of Canada portrays immigrants as responsible for building the country as it now is and this representation of immigration continues to the present day. This is not mere myth-making but constitutes a history that continues to underpin immigration policy. Immigration to Canada is managed for sustained economic growth, the maintenance of a humanitarian tradition, and the protection of Canadian interests such as national security, public health, and the protection of public benefits. Entry to Canada is carefully managed through a rigorous selection system that emphasises human capital beneficial to the society and the economy. Illegal immigration is low by comparison to that in the United States and the European Union, and the flow of refugees is managed through an asylum determination system and the re-settlement of United Nations Convention refugees through government assistance and private sponsorship. Significant attention is paid to the integration of immigrants into their new society to both ease their entry and to ensure that their presence is beneficial to Canadians. Finally, the immigration system encourages newcomers to become Canadian citizens and, thereby, full participants in society and its institutions. Citizenship is readily available to those who meet a three year residency requirement and pass a test of basic knowledge about Canadian society.

This is a broad picture of an immigration programme portrayed and seen to be in the public interest. Where things go wrong remedial programmes are offered in such areas as language training, employment, housing, health and social services, and general orientation to the country. The government is committed to the integrity of the programme and to its contribution to the well-being of Canadians. Relative success here has meant that immigration enjoys consistent and broad public support, even during times of economic hardship or change in government. There are no political parties in Canada that represent anti-immigrant sentiment. It is precisely this public confidence that immigration is carefully

and successfully managed for the public good that is present in Canada but lacking in most European countries.

## A CLOSER LOOK

Canada's approach to immigration is systematic: beginning with planning for the number and type of immigrants to admit each year; to administering their applications and actual arrival; to aiding their initial settlement; to supporting their long term integration; and finally to their acquisition of Canadian citizenship. This effort is complex, involves well over a dozen federal government ministries, the governments from each of the ten provinces and three territories, municipal governments across the country and, importantly, non-governmental organisations who carry out much of the service delivery. Over each of the past ten years, Canada has admitted approximately 250,000 permanent residents. This represents an annual flow of approximately 0.7 per cent of the total population and does not include those brought in as temporary workers. Temporary workers, the mainstay of most immigration systems around the world, account for a varying number of entries to Canada as their numbers are demand driven whereas admissions for permanent residence are supply driven. Whereas permanent residents are selected by governments, temporary workers are selected by employers, and their numbers are a function of labour force demand and not broad demographic considerations or considerations of nation-building. Most temporary workers are in relatively high skilled occupations; however, there is a very successful programme of bringing in seasonal agricultural workers from countries such as Jamaica and Mexico and live-in caregivers from a number of countries but especially the Philippines. Other programmes to bring in temporary workers at various skills levels exist, many administered by provincial authorities.

The fact that government selects future permanent residents of Canada is a noteworthy feature of the immigration system in that it allows a fully democratic image of the programme to be

presented to the public. The number of immigrants admitted to Canada each year must be approved by parliament, and the Department of Citizenship and Immigration must, each year, submit a report on how many immigrants came to the country, from where, and with what sorts of results for the country. It is significant that the immigration programme admits economic immigrants on the basis of their human capital and not on the basis of their country of origin, race, or ethnicity. The human capital characteristics have varied over the modern period of immigration to Canada, that is, since 1967 when the 'points system' of colour blind selection was introduced. Today, the selection criteria emphasise education, language ability, relative youth, and familiarity with Canada. The use of these criteria is to serve a dual purpose. First, they seek to admit immigrants whose presence will benefit the Canadian economy and society. Second, they are aimed at admitting those who will do well and lead a fulfilling life in their country of destination.

Roughly 60 per cent of permanent residents to Canada are admitted through the points system or are members of the principal applicant's immediate family; the others are admitted through the family reunification programme, the refugee programme, or a variety of smaller business and investor programmes. The result of the colour blind selection system has been a dramatic increase in the ethnic, racial, and religious diversity of the immigrants. Given their high numbers, there has been a dramatic increase in the diversity of Canada's major immigrant-receiving cities, those such as Toronto, Vancouver, Montreal, Ottawa, and Calgary. Toronto's population is now nearly 50 per cent foreign-born and is rapidly approaching 50 per cent non-white. Furthermore, it is broadly diversified, thereby avoiding the problem of societies that are polarised among a small number of ethnic groups. The government of Canada has visa offices throughout the world that process immigration applications, and this helps to diversify the annual flow of immigrants. The diversity of some of Canada's largest cities has become a matter of pride for them as opposed to a source of civil strife. Toronto has adopted as its motto, "Diversity, Our Strength".

and the University of Toronto has recently brought in the economist Richard Florida as a champion of the competitive advantages of the modern diverse and tolerant city. This prevailing attitude towards immigration is made possible by the effective management of immigration as a benefit for the country.

The maturation and long standing success of Canada's immigration programme have allowed for robust partnerships to develop between government and immigrant serving non-governmental organisations, many of which are operated by immigrants themselves. One can see these arrangements as government-immigrant partnerships to empower the immigrants to better integrate into Canadian society, contribute to the collective well-being of Canada, and reap better rewards than otherwise from their decision to migrate. These arrangements work through a government tendering process whereby the government issues a call for tenders, this call describing not only what services are to be performed but what the overall societal objectives are to be met through the delivery of the services. Civil society in Canada, including immigrant and ethno-specific groups, has organized itself to be able to deliver the services and to bid successfully on the call for tenders, sometimes developing partnerships among civil society organisations themselves.

This way of providing settlement and other integration services offers the advantages that one normally associates with grassroots civil society organisations but adds an important dimension because of the government partnerships. Not only, then, are the service delivery organisations closer to the communities which they serve than governments can usually hope to be, but the partnering with government yields full democratic legitimacy to the process and, I would argue, an enhanced degree of social capital.

The Canadian system is not the only one where NGOs deliver services to immigrants. But not all such NGOs are rooted in the immigrant community and not all immigrant-serving NGOs engage in partnerships with the government. These arrangements indicate that a high degree of trust has

developed between the government – the representative of the people – and the newcomers, a degree of trust necessary to allow NGOs to provide such important services on behalf of the people of Canada. Were the government to deliver these services directly, these social capital benefits, among others, would be lost.

## **SOME CHALLENGES**

I am not trying to suggest that Canada is immigration's Shangri-la. Canada does have its share of immigration and diversity related challenges. Perhaps of greatest concern have been the declining economic results, including elevated poverty rates, for the immigrants themselves since the 1990s when the information technology sector of the Canadian economy suffered a serious blow – along with the IT sectors of many other countries. These results are well documented and may well be exacerbated by the fact that recent immigrants, especially those from Asia, have tended to concentrate in Toronto, Vancouver and a few other cities. As a result, they are to a certain extent competing among themselves in the labour market which has become over-supplied with engineers and some other highly skilled persons while other local economies in Canada are still looking for more immigrants to bolster their prosperity.

The impact of the recent global recession on immigrants is also expected to be pronounced. The economic effects of concentrated residence have been accompanied by other enclave effects, some of which have mitigated the economic effects just alluded to. The enclave economies can significantly reduce many elements of the cost of living for their residents and provide work that may not require the same degree of language proficiency or professional qualifications as in the mainstream economy. But for some, the difficulties in Canada together with the enhanced opportunities in China and India are bringing about a stronger flow of returning immigrants. Return migration or circular migration is further motivated by the transnationalism of modern life in a globalised world,

one element of which is the offer of dual citizenship by more and more states.

Some commentators and political leaders have expressed concern over the development of large ethnic enclaves and the potential that their residents may live apart from the rest of Canadians, leading what some call 'parallel lives'. These concerns over social cohesion tend to be focused on the possibility of a diminished sense of attachment to Canada and a weaker embracing of citizenship, something that is available to immigrants following three years of residency in Canada. In other words, security and criminality are not at the core of these concerns; it is rather the strength of Canadian citizenship and attachment to the country that dominate these discussions. Given Canada's official multiculturalism, there are few laments over risks to Canadian identity. Canadians see their national identity as bound up with multiculturalism in a framework of liberal democratic values which are taken as primary. But there are no strong and overt expressions about a loss of Canadian identity as a result of immigration and the residential patterns that some immigrants develop. The policy issues tend to be over how to more effectively encourage immigrants and members of cultural minorities to learn about Canada, its history, its basic values, and its languages so that they are more easily able to participate fully in Canadian life. This is a far cry from the calls in the past few years in some European countries for immigrants and members of cultural minorities to abandon their homeland values and replace them with those of their new European societies. There is a difference between enabling participation and enforcing conformity. Multiculturalism remains a dominant way of thinking about the presence of immigrants and their families in Canada.

Canada and Canadians want immigration nearly universally. There is no anti-immigration lobby or anti-immigrant political party. Elections are rarely won or lost on immigration issues, there being so few differences in party platforms; what differences there are tend to be subtle and designed to improve outcomes for the immigrants who come to Canada. Because

Canadians support immigration, political parties support a well-managed immigration and integration programme to ensure that the benefits of immigration are felt as much as possible by both the immigrant and the mainstream society. Canadians generally feel that immigration is well-managed by their governments, and this is a critical element in maintaining their support of both immigration intake levels and in the generous treatment of immigrants through citizenship, integration and multiculturalism policies.

But Canadians also prize fairness, and they expect their governments to manage the immigration programme fairly for all. As a result, Canadians have little tolerance for those who enter the country illegally, especially when there is a long line-up of those waiting to come through the regular process, those who are following the rules. Therefore, border controls are enforced carefully, often in partnership with the United States. This careful enforcement makes possible a generous attitude towards those who arrive through the prescribed channels. But it is clear that, were the government to lose control of the borders, public support for immigration would diminish rapidly. Effective border management is a significant problem in many countries whose populations are less than supportive of immigration. One might suggest that Canada has been blessed with a remote geography and a harsh climate, two factors that might disincline those looking for a new home in the West and who can find a new home more easily in other places than in Canada. Furthermore, the proximity of Canada to the US and its dominant economy with the promise of many jobs, even for those without legal status, can make Canada less than a first choice for many. But for those with the skills needed by the Canadian economy, Canada remains a highly attractive destination, not least owing to the warm welcome that immigrants tend to receive when they arrive.

## **■ UK immigration policy: economic success but political failure?**

**Alasdair Murray and Dorothy Leys**

### **INTRODUCTION**

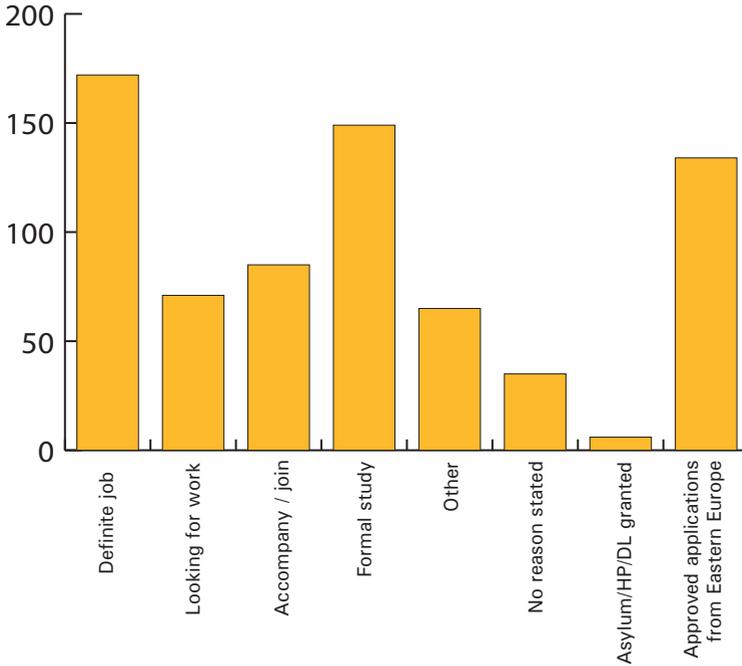
By the standard of many European countries, the UK has had a long and varied experience of post-war immigration. For the last fifty years Britain has attracted large numbers of immigrants from its former colonies and, more recently, Europe.

However, until the 1990s Britain remained a country of net emigration. Successive governments sought to halt the influx of labour from Commonwealth countries in the early 1970s onwards. As recently as the 1990s, the majority of immigrants arrived seeking asylum or under family reconciliation rules.

During the last decade the scale and type of immigration has changed substantially. Britain has moved from being a country of net emigration to one of substantial net immigration. Meanwhile, there has been a major change in the type of immigrant with the number of asylum admissions falling markedly since the turn of the decade. However the number of economic migrants, particularly from the new EU member-states, has far exceeded expectations (see Chart 1).

In many ways this wave of economic immigration has been a success. Most immigrants have achieved high levels of labour market participation and major social tensions have been few. However, the political debate around the issue has

### CHART 1: MAIN REASON FOR MIGRATION – 2007



Source: Office for National Statistics

become increasingly fractious. Immigrants are accused of placing an inordinate burden on public services, especially housing and schools. Although the mainstream parties remain committed to keeping open some level of economic migration, the political rhetoric surrounding the debate is increasingly negative. Politicians, including former prime minister Gordon Brown, refer frequently to the need to protect “British jobs” and the far right has won votes on a scale not seen since the 1970s. A recent opinion poll showed among the larger EU nations British voters were the most concerned about the impact of immigration, with 70 per cent arguing that migrant numbers were too high.<sup>27</sup>

27 The German Marshall Fund of the United States, ‘Transatlantic trends: immigration’, 2009.

In terms of the scale of its impact, the most important government policy decision in the last decade was the opening of the British labour market to the new EU member states in 2004. However, almost all the current policy debate in the UK is focused upon the control of non-EU migrant flows, in particular through the new points based system. This scheme is modelled on that operating in Canada (see essay on page 37) and Australia. In its original conception it was supposed to make it easier for 'desirable' economic migrants to enter the UK and yet with all the political parties now competing to curb unsustainable amounts of less desirable immigration, it is now likely to be used for a quite different purpose. The question which must therefore be posed is whether the UK's decade long experiment with liberal economic migration policy is now drawing to a close.

## **1. RECENT BRITISH IMMIGRATION POLICY: FROM ASYLUM TO MANAGED MIGRATION**

The Conservative government of the early 1990s passed two major Asylum and Immigration Acts (in 1993 and 1996 respectively) with the aim of restricting immigration flows. Their main functions were to establish a fast track procedure for dismissing applications, to make it a criminal offence to employ illegal workers and to remove the entitlement of asylum seekers to claim welfare benefits. The Labour administration which took power in 1997 made no attempt to liberalise these rules, and went on to attempt to restrict applications even further.

Asylum numbers have fallen substantially since their peak in the late 1990s, although it is questionable whether this is the result of the tough new rules. After 13 years of the New Labour administration, the problem of undocumented workers remains (the UK currently plays host to an estimated 500,000). While politicians are reluctant to discuss this problem publicly (when it tried to, the Liberal Democrat party came under sustained attack in the 2010 election) there have been frequent de facto regularisations, dressed up as

administrative reforms.<sup>28</sup> The popular perception that the UK government does not have proper control of its borders and is a 'soft touch' for refugees persists.

However, there was a fundamental change, in the new government's attitude towards economic migration. While Prime Minister Tony Blair promoted the concept of 'managed migration' – the idea that immigration should not simply be controlled, but should be actively managed, in order to select the right workers for the UK economy. Three major pieces of legislation in 1999, 2002 and 2004 encapsulated this dual policy of increasing security and sanctions relating to asylum seekers, but encouraging labour migration for economic gain.

This more liberal approach to economic migration has resulted in annual immigration rates rising sharply from 327,000 to a peak of 574,000 in 2006 (see Chart 2). However, the greatest jump has been since 2004 when the government opened its doors to workers from the new EU member-states (although restrictions remain in place in Romania and Bulgaria).

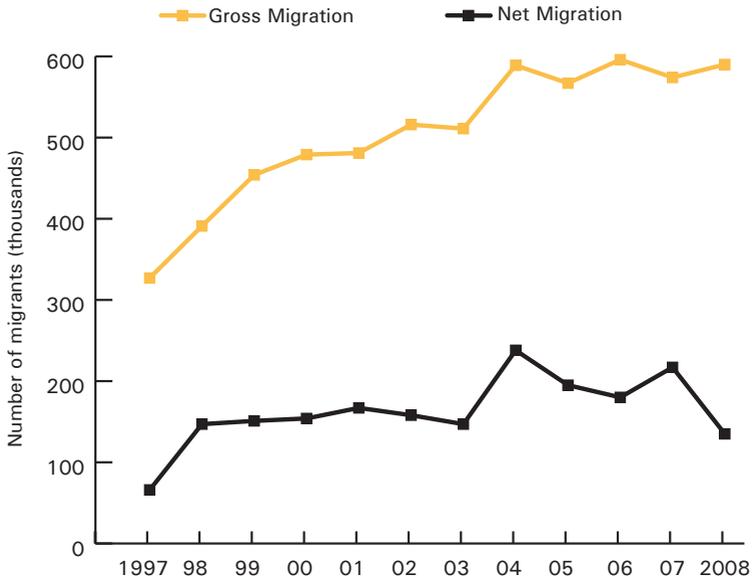
While the government initially predicted the number of arrivals from the new member states to total around 15,000 a year, actual figures have far exceeded this. On one measure – 'worker registrations' – the cumulative total of applicants between 2004 and 2009 was just over 1 million.

A key element of the Labour government's original approach to economic migration was an emphasis on skills. Rather than the criterion for entry being based on race or historic ties to the British Empire, the Blair government developed programmes which would select groups of migrant workers who would be able to perform particular necessary functions in the UK economy. For example, the Innovators Scheme and Highly Skilled Migrant Programme (HSMP) introduced in 2000 and 2001 aimed to attract entrepreneurs and highly qualified migrants. At the other end of the spectrum a new programme for low skilled migration was introduced in 2003:

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28 W Somerville and D Papademetriou, 'Earned amnesty: bringing illegal workers out of the shadows', CentreForum, 2008.

## CHART 2: UK MIGRATION LEVELS



Source: Office for National Statistics

the Sector Based Schemes recruited migrants to work in the hotel and food processing sectors.

By this point the migration system was so complex that there were a total of 80 different routes by which a non-EEA national could come to the UK for work, study or training.<sup>29</sup> One key route was the Work Permit system, which had a complicated two-stage process. The employer needed to apply to Work Permits (UK) for a work permit for a specific migrant. If this was approved the prospective migrant then applied for entry clearance overseas, which might be refused, in which case the employer had to start the process again by recruiting a different migrant worker and applying for a new work permit. The points based system was developed in order to create a unified selection system, replacing, what Blair called “outdated and confusing rules with a clear and modern points

29 Home Office, ‘A points based system: making migration work for Britain’, 2006.

system.”<sup>30</sup> This has been successful in many respects and has generated substantial economic benefits.

The increase in foreign labour has been lucrative: migration has made the UK economy more flexible, boosted competition and innovation, and provided vital labour for services like residential care which would otherwise face severe staff shortages. Foreign-born workers who enter through economic migration routes enjoy higher labour market participation rates than the UK’s national average and consequently make a net positive contribution to public spending. There is tentative evidence that even in the current economic downturn, participation rates are holding up well. Overall, it has been estimated that migration to the UK contributes over £40 billion a year to the UK economy.<sup>31</sup>

## VOTER TENSIONS

Despite the economic benefits immigration has become increasingly politically contentious. It has consistently been cited as one of the top three voter concerns in polls throughout the last five years.

Mass immigration inevitably places pressure on local services such as schools and hospitals and this is not always matched in funding allocations from central government. The practical challenge of sharing scarce resources has combined with cultural prejudices to divide communities.

Another source of tension is competition for jobs, which has been heightened by the economic recession. This is coupled with the perception that a ready supply of foreign labour brings wages down for unskilled domestic workers. There is no clear evidence to support this case. Research suggests that, overall, immigration increases employment for native

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30 Home Office, ‘Controlling our borders: making migration work for Britain’, 2005.

31 Institute of Community Cohesion and Local Government Association, ‘Estimating the scale and impacts of migration at the local level’, 2007.

workers and drives wages up in all sectors.<sup>32</sup> Although inevitably there have been some areas where there has been direct competition between the foreign and native workforce: this was recently seen in Lincolnshire, when oil workers protested over the use of Italian and Portuguese labour.

## 2. THE POINTS BASED SYSTEM

### Points systems in international perspective

Internationally, there are two main models which are used for the selection of economic migrants: 'employer led' and 'government led'. In practice most countries use a mixture of the two. The first approach, which is used in Sweden, is guided by the immediate needs of employers. Employers select individual immigrant workers to fill specific vacancies. The government-led approach is more broadly focused on the long term future of the labour force. Some countries have strategic inter-governmental agreements providing for the migration of workers in specific sectors, for example the US has such agreements with Canada, Mexico, Singapore, Chile and Australia.<sup>33</sup>

Another government-led approach is the points system, which considers the education and qualifications or 'human capital' attributes of an immigrant alongside their immediate job prospects. Points systems test immigrants against a range of fixed criterion such as their age, education, work experience and ability to speak the language of the recipient country. Some points systems allocate points to applicants who have secured a job offer or sponsorship from an employer, but they don't necessarily make this quality a priority.

Canada developed the first points system in 1967. It was an attempt to overcome fluctuations in the inflow of migrant

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32 TUC, 'The economics of migration', 2007; C Dustmann et al, 'The local labour market effects of immigration in the UK', Home Office, 2003.

33 D Papademetriou, W Somerville, T Hiroyuki, 'Hybrid immigrant-selection system: the next generation of economic migration selection schemes' in Transatlantic Migration Council, 'Talent, competitiveness and migration', Bertelsmann Stiftung, 2009.

workers by linking immigration to the needs of the labour market, and to move away from a previously racist system.<sup>34</sup> Canada now points-tests around a quarter of its immigrants and has other routes for family reunification, asylum and temporary workers.

Australia launched a points system in 1989 called the General Skilled Migrant (GSM) programme. In the late 1980s inflows to Australia were high and public attitudes were largely negative. Policymakers presented the points system as a means of being able to select migrants “who can quickly make a positive contribution to the... economy, labour market and budget.”<sup>35</sup>

New Zealand established a points system in 1991. Four other countries have since launched points systems: the Czech Republic in 2003, Singapore in 2004, Hong Kong in 2006 and Denmark in 2007.

The prospect of a points system was also raised in the USA in 2007, during debates about the eventually unsuccessful Comprehensive Immigration Reform Act. The European Commission has developed its own wide programme for highly skilled migrants called the Blue Card. Applicants need to fulfil a number of criteria, similar to a points test.<sup>36</sup> The scheme is due to be implemented in 2011, although there are significant doubts about its likely appeal.

### **The UK's Point Based System (PBS)**

The UK government is facing conflicting priorities: a considerable degree of popular pressure to reduce immigration, and an equally strong demand from business

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34 The 1952 New Immigration Act allowed refusal of admission on the grounds of nationality, ethnic group, geographical area of origin, peculiar customs, habits and modes of life, unsuitability with regard to the climate etc.

35 Australian Department of Immigration and Multicultural Affairs, 'Review of the independent and skilled Australian linked categories', Canberra, 1999.

36 'An EU 'Blue Card' for high-skilled immigrants?', EurActiv.com, 22 April 2008.

and industry to maintain openness. It has sought to balance these factors by introducing a points system – the first major European country to do so.

The model chosen has come under intense scrutiny, attracting criticism from some quarters, with business lobbies such as the Confederation of British Industry and the British Chambers of Commerce raising objections about the implementation of the new scheme. On the other hand, all three major UK political parties are committed to some form of PBS.

The aim of the PBS is to provide an objective measure of a migrant's potential contribution to the UK economy. Testing each application against a range of fixed criteria is meant to make the system transparent, fair and robust against potential abuses. In theory the system is supposed to be flexible enough to allow entry to all those with the potential to contribute to the economy. The key concern is whether they have passed the points threshold not whether there are shortages.

In practice, the UK government has tended to emphasise the new system's role in curbing migration flows. For example, launching the PBS, Liam Byrne, the then immigration minister, said: "I think that people want to know that only those who we need to come to Britain should be allowed to come." Byrne's replacement Phil Woolas has indicated that he expects to use the system to substantially reduce non-EU migration rates, especially during the economic downturn.

Critics claim that the new system lacks flexibility. The government adjusts the points awarded for different skills in response to labour market changes, in theory following the advice of a new Migration Advisory Committee. The success of the scheme therefore rides on the government's ability to assess what workers are required for which industries. It remains open to question whether this bureaucratic approach will be able to respond effectively to a fast moving and unpredictable labour market.

The best evidence suggests that skilled migration has a beneficial effect on an economy over time. However, points systems are

typically not effective at filling immediate, specific job vacancies. The application process is too complex and consequently, too slow. Though a job offer may form part of a points test, the other criteria the migrant workers must fulfil may prevent them from gaining entry and providing evidence of language ability, health and so on is too time consuming in a fast-moving labour market. Points systems naturally tend to favour attributes like education, work experience and youth. The idea that countries are competing for these qualities from a global pool of migrant workers has gained ground in recent years.

### **How effective is a points based system?**

Points systems are successful in attracting and selecting people with these prized qualities, i.e. as a 'human capital accrual system'.<sup>37</sup> In Australia the GSM has allowed the government to change the balance of the migrant inflow from around 70 per cent family migration in 1996-97 to 70 per cent skilled migration in 2005-06.<sup>38</sup> This has changed the educational profile of new immigrants: of those immigrants who arrived in Australia between 1990 and 2000, 37 per cent had a tertiary education, compared to 22 per cent who arrived before 1990.<sup>39</sup>

But the development of the systems in Canada and Australia suggest that a points system will never be able to meet all of a country's labour market needs. Though both countries operate a system of predicting shortages, they have also maintained temporary routes outside the points system for employers to take on immigrant workers. In Canada, only 21.5 per cent of immigrants in 2003 and 2004 were admitted

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37 Public Service Magazine, 'The point of migration in Australia', 2007 and 'Skilled migration to Australia' E-brief, Parliament of Australia Parliamentary Library, 2006.

38 Organisation for Economic Cooperation and Development, 'Chart I.12, Percentage of immigrants and native-born persons aged 15 and above with a tertiary education, circa 2000,' SOPEMI, 2008.

39 D Papademetriou, W Somerville, T Hiroyuki, 'Hybrid immigrant-selection system: the next generation of economic migration selection schemes' in Transatlantic Migration Council, 'Talent, competitiveness and migration', Bertelsmann Stiftung, 2009.

under the points system. Australia admitted 51 per cent through the points system in 2005-06.

One criticism is that because points systems are not typically effective at filling specific roles, some highly skilled migrants who are admitted do not immediately find work, or initially work in roles for which they are over qualified. So the wealth of human capital being brought into the country is not really capitalised on and is not reflected in the short term benefit to the labour market. This has led to what one study describes as “the oft-cited concern about the highly trained IT specialist who drives a taxi” in the Australian context, pointing out that “qualifications only assist the Australian labour market if they are used in jobs that migrants are able to get.”<sup>40</sup>

Countries which use points systems have addressed this problem by adjusting the points test to favour skills which are considered transferable, and by employing programmes targeted at recent highly skilled migrants. For example, the Australian government has adjusted their points test to favour English-speaking background migrants who have risen from 20 per cent of total degree-qualified arrivals in 1991-96 to 28 per cent in 1996-2001. Migrants from the UK and South Africa have been a significant proportion of skilled category arrivals.<sup>41</sup> The Canadian government launched an ‘Internationally Trained Workers Initiative’ in 2005 which is a strategy to address employment barriers for internationally trained workers.<sup>42</sup> They also adjusted the Canadian points system to reflect research on the employment prospects of new migrants by favouring specific work experience and language skills, over experience in a skilled occupation.

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40 B Birrell et al, ‘Evaluation of the general skilled migration categories’, Australian Department of Immigration and Citizenship, 2006.

41 ‘The integration of immigrants into the Newfoundland and Labrador workforce’, Association for New Canadians, Newfoundland and Labrador, April 2007.

42 D Papademetriou, W Somerville, T Hiroyuki, ‘Hybrid immigrant-selection system: the next generation of economic migration selection schemes’ in Transatlantic Migration Council, ‘Talent, competitiveness and migration’, Bertelsmann Stiftung, 2009.

Arguably, however, the most distinctive feature of points systems is that they are a useful political tool. The apparently objective, mechanical nature of a points test provides a defence against accusations of racism. But equally, such a system allows a government to communicate to the public that they are in control and are systematically limiting the number of immigrants.

The UK government has presented the Points Based System in this light: Liam Byrne, Minister for Immigration when the policy was launched in 2008, emphasised that the new system would be “simpler, clearer and easier to enforce” and “characterised by the fairness and firmness that is a great British tradition”<sup>43</sup> Byrne’s replacement Phil Woolas, in the context of the recession, has positioned the government slightly differently, stressing the restrictive potential of the PBS, saying: “It’s been too easy to get into this country in the past and it’s going to get harder.”<sup>44</sup>

In just one full year of operation the government has asked the Migration Advisory Committee (MAC) to twice review the list of shortage occupations, whether the resident labour market tests and intra-company transfer should be closed down and to examine the functioning of both Tiers 1 and 2. While the MAC has rejected wholesale reform – and indeed made the point to the government that to function effectively the system should be allowed to bed in – it has proposed a number of changes to restrict economic migration under the PBS.

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43 Liam Byrne, ‘The progressive challenge: can migration benefit the whole nation?’, *Progress* magazine, June 2008.

44 The Times, ‘Phil Woolas: lifelong fight against racism inspired limit on migration’, 18 October 2008.

## The UK PBS

The PBS is based on a five-tier framework:

- : Tier 1: For highly skilled migrants, entrepreneurs, investors and graduate students;
- : Tier 2: For skilled workers with a job offer; this tier replaces the current Work Permit rules;
- : Tier 3: For a limited number of low skilled workers needed to fill temporary shortages;
- : Tier 4: For students;
- : Tier 5: Youth mobility and temporary workers.

Each tier has been phased in on a timetable, between February 2008 and March 2009.<sup>45</sup>

Tiers 1 and 2 can lead to permanent settlement. Migrants in Tiers 1, 2 and 4 can potentially switch between those tiers. Tiers 3 and 5 are temporary routes and migrants cannot move out of these tiers once they are in the UK. Dependants are allowed to come to the United Kingdom with the main applicant but they aren't allowed to work if they accompany a student under Tier 4 or a temporary worker under Tier 5 who has less than 12 months leave to remain in the country. The PBS will not apply to those applying to become citizens through marriage.

### Sponsorship

All applicants in Tiers 2 to 5 must submit a certificate of sponsorship when they apply to come to the UK. In order to sponsor migrants, employers and educational institutions must apply to the Home Office for a license. Sponsors are rated A or B according to their track record. An employer or educational institution will be able to issue a certificate of sponsorship to the migrant they have chosen, the migrant can then make an application for clearance through the points test, and will receive more points if their sponsor is 'A' rated and fewer if it is 'B' rated.

Tier 1 applicants do not require a job offer and therefore do not need a certificate of sponsorship.

45 Home Office, 'Skilled workers under the Points Based System (Tier 2): statement of intent', 2008.

## **Tier 1**

Points will be awarded differently according to Tier. In Tier 1 there are several categories: an applicant under the Entrepreneurs category must hold at least £200,000 of disposable capital in a regulated financial institution; under the Investors category they must hold at least £1 million of disposable funds; applicants under the graduate students category must have a qualification from a UK institution; under the General Highly Skilled category an applicant is awarded points based on several categories including youth, qualifications, work experience or education in the UK, and previous earnings (which are weighted to reflect the distribution of salaries around the world).

## **Tier 2**

Tier 2 is for applicants with a job offer and a certificate of sponsorship from a licensed sponsor. The employer must complete a 'resident labour market test', and advertise the job to ensure there are no workers already in the UK with the right qualifications. Once this test is complete, an employer can submit a certificate of sponsorship to the applicant, who must then undergo a points test. Points will be awarded under Tier 2 for qualifications and prospective earnings.<sup>46</sup> All applicants must demonstrate English language competence.

Under Tier 2 extra points can be earned if the job is on a list of 'Shortage Occupations' identified by the Migration Advisory Committee (MAC). The MAC is a non-departmental body made up of 6 economists, set up in 2007 to provide evidence-based advice on where shortages of skilled labour should be filled by immigration from outside the EEA.<sup>47</sup>

Tier 2 also incorporates routes for intra-company transfers, sportspeople and ministers of religion.

## **Tier 3**

Tier 3 has been suspended because the UK government maintains that the UK's low-skilled labour needs are met by migration from the EU at present. Two low-skilled migration

46 'Identifying shortage occupations in the UK', Economic & Labour Market Review, Vol. 3 No. 5, May 2009.

47 Home Office press release 'Work restrictions will continue for Bulgarians and Romanians', December 2008.

routes, the Seasonal Agricultural Workers Scheme and the Sector Based Schemes remain open to people from Romania and Bulgaria. The quotas allowed under the SAWS from these two countries have recently been increased on the advice of the MAC, which identified shortages in the agricultural industry.<sup>48</sup>

#### **Tier 4**

Tier 4 is for students with a certificate of sponsorship from a licensed educational institution.

Previously a student could apply for a visa on the basis of an offer letter from a given institution, but could then choose to study at a different institution. Under the new system, a student's leave to be in the UK will be tied to a specific institution.

#### **Tier 5**

Tier 5 is for youth mobility and temporary workers, such as those who come under Working Holiday agreements with other countries. There are several categories, but they are all classed as having primarily 'non-economic objectives'. Instead they 'satisfy cultural, charitable, religious or international objectives'.<sup>49</sup>

48 Home Office, 'A points based system: making migration work for Britain', 2006.

49 Explanatory memorandum to the immigration and nationality (fees) regulations 2009 No. 816.

## **CONCLUSION: TOUGHER RHETORIC, LIMITED ACTION**

The UK's approach to immigration has now reached a pivotal moment. On the one hand, the experiment of a relatively open approach to economic migration can broadly be deemed a success. The UK's flexible labour market has proven adept at absorbing large numbers of migrants. To a large extent UK society has also proven highly tolerant with few major racial tensions apparent.

Yet immigration continues to provoke disquiet among the public. As a result, mainstream politicians are increasingly focused on how the number of immigrants can be reduced. The new Conservative-Liberal Democrat government is committed to introducing quotas within the PBS. The Liberal Democrats have also called for a regional dimension to be added, effectively restricting access to London and the South East. The outgoing Labour government introduced a series of reforms making it harder to gain access through the PBS, even though the scheme has only been in operation for a year.

The practical difference that such policies will make to immigration flows is difficult to determine precisely. However, there are good reasons to believe the impact will be less than the political rhetoric would leave people to believe. In all likelihood immigration flows will decline irrespective of party policies; in part due to the economic downturn (although experts are divided about the longer term impact on flows) but also because the 'one-off' effect of the influx from the 2004 accession states is now drawing to a close. Other countries must also open their borders from 2011 which will mean that the weight of eastern European emigration will be shared more broadly.

Furthermore the business lobby in favour of economic immigration in the UK remains strong and vocal. There is some evidence that certain sectors – most notably IT and financial services – are now structured in such a way that any meaningful clampdown on economic migration would

be likely to lead to an exodus of companies and staff to other jurisdictions. No government would want to provoke this response at a point when the economy is still fragile. Equally, Britain's higher education sector is heavily dependent on foreign students for funding – they must pay the full economic costs of their courses, unlike home or EU students. It would seem highly unlikely that the next government would seek to restrict this route into the country at a time when the public sector in general is facing a period of retrenchment. Indeed, the Migration Advisory Committee recently recommended some tightening of post-study work conditions attached to the student entry route but rejected any move to cut access in general.

In reality, despite the tough rhetoric from right and left, UK politicians are actually proposing relatively modest changes. The coalition government's cap is likely to be limited to just Tier 1 and Tier 2 of the PBS, representing around 20 per cent of all migrants to the UK.

The danger is that the gap between the tough rhetoric about curbing migration and the reality of the modest policy changes will quickly become apparent, further denting public confidence in the migration system. This could then leave the way open for those with a more populist anti-immigration agenda to seek to impose their crude policies at huge cost both to freedom of movement and to the UK economy.

## ■ **Open/closed: A long term perspective on Italian immigration policies**

### **Ferruccio Pastore**

Between the 1960s and 1980s, Italy was simultaneously a country of gradually declining emigration (with significant return flows), and of growing immigration. It also served as a transit corridor for irregular migrants seeking to reach other destinations.

By the end of the 1980s, Italy was transformed from its historic role as a country of emigrants to one experiencing net immigration for the first time. Until this point, continued large emigration flows had partially hidden the growth of foreign immigration in official statistics. In 1981 there were around a third of a million foreign-born residents in Italy. This figure grew steadily, more or less doubling every decade until 2001. At that point, the steady growth rate turned into a real boom: the average net increase in immigration has totalled 278,000 new immigrants per year over the last decade. In 2008, the net increase was 458,644 persons (13.4 per cent higher than the previous year), thereby bringing the total number of legal foreign residents to 3,891,295 (6.5 per cent of the total population).<sup>50</sup>

How has the Italian political system reacted to this new phenomenon? In the following few pages, we give an outline,

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50 Istat, 2009, based on population registers.

of the main long term trends and some key options for the future.

## 1. MODERNISING THE IMMIGRATION RULES

It was only in the second half of the 1980s that Italian policymakers began to take immigration seriously. The first two relevant pieces of legislation (Law No. 943 of 1986 and Law No. 39 of 1990) were adopted by relatively solid centrist political majorities without any major challenges. These two laws had an important role in the initial framing of immigration and asylum issues in Italian legal and political debate. However, neither had much more than a declaratory function. The 1986 act solemnly proclaimed the full equality of treatment between national and foreign workers without establishing any integration or anti-discrimination policy. The 1990 ‘Martelli law’ (named after the deputy prime minister who was its main proponent) lifted the ‘geographical reserve’ on the Geneva Convention, which until then had allowed Italy to dodge its formal international commitments on asylum, but which did not set up a workable asylum seekers.<sup>51</sup> The same could be said of most new provisions on immigration law enforcement and admission procedures. In the absence of any concrete financial and organisational effort, almost everything was doomed to remain theory and not practice. The only exceptions were the regularisation schemes launched by both laws, which jointly legalised over 300,000 immigrants thereby inaugurating a lasting Italian tradition (see Chart 1).

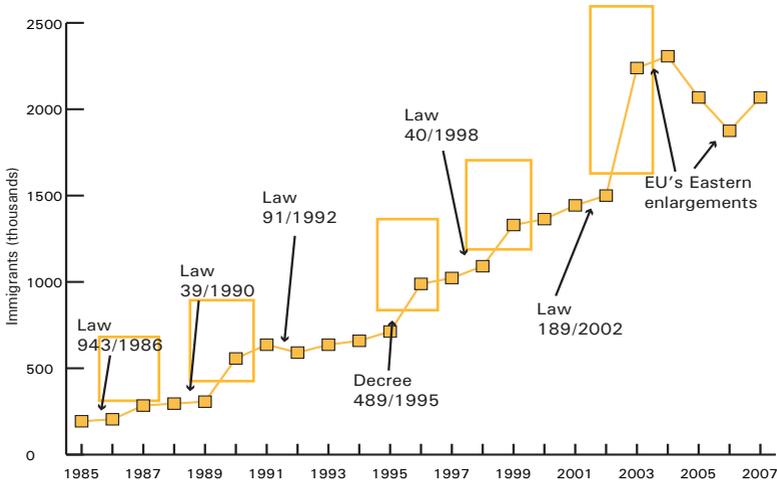
The 1986 and 1990 laws certainly marked a growing awareness of the reality of immigration. Such a realisation, however, was neither full nor irreversible. For example, in 1992, a new law on nationality (Law No. 91) made it much easier for the descendants of Italian emigrants to recover Italian nationality or acquire it *ex novo*. However, the same piece of

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51 The ‘geographical reserve prerogative’ was inserted before Italy’s ratification of the Geneva Convention in 1951. It refused the right of asylum to those not from another European country.

legislation also doubled the length of residence required for non-European Union (then European Community) citizens to naturalise and made it harder for 'second generation' immigrant children to obtain an Italian passport.

**CHART 1: LEGALLY RESIDENT NON-EU FOREIGNERS\***



\* Number of valid stay permits, end of each year, not including persons under 18. The sudden increases caused by regularisations are encircled in yellow. The steep fall since 2004 is a statistical side-effect of EU enlargements, which reclassified eastern European immigrants as EU citizens.

Source: Ministry of the Interior, data revised by Colombo and Sciortino for 1985-1990 and by ISTAT from 1991 onwards.

## 2. THE AGE OF POLITICISATION: REFORMS AND COUNTER-REFORMS

If the early Italian legislation was mainly of a declaratory nature, a shift towards more practical laws occurred during the 1990s, as the national debate on immigration intensified.

In 1998 the centre-left government carried out wide-ranging immigration reform. Law No. 40 of 1998 introduced a number of innovations, although it failed to deliver two important and explicitly declared goals – greater access to nationality and voting rights for long term residents. To comply with Italy's obligations under the Schengen agreement, Law No. 40 tightened the rules on expulsion including permitting the detention of undocumented immigrants for up to 30 days before repatriation. This and other restrictive changes were balanced by other innovations including the introduction of a quota system for work permits and the development of a national integration strategy. These reforms were heavily criticised by the opposition, which threatened to call for a referendum to overturn the new law.

The centre-right's election victory in 2001 gave it an opportunity to tighten immigration rules. Among several restrictive provisions contained in the new 'Bossi-Fini' Law of 2002 (named after the two ministers promoting it) were the doubling of the maximum length for administrative detention and the reduction by half of the length of validity of residence permits. Additionally admission procedures were made rigidly dependent upon a pre-existing work contract while family reunion was submitted to stricter limits. The same law, however, introduced a massive regularisation scheme which attracted 705,000 applicants and led to 650,000 new permits – the largest amnesty ever in European history.

When the centre-left returned to power in 2006, they tried to reverse these changes with a bill which mostly updated and fine-tuned the approaches and solutions already experimented with between 1996 and 2001. The reform was supported (inconsistently and without continuity) by a heterogeneous coalition of NGOs, churches, pro-immigrant trade unions

and entrepreneurial organisations. But the overall climate of public opinion was certainly not favourable and the majority supporting the second Prodi government was too weak and broad to last. In the elections of April 2008 Berlusconi won an overwhelming majority and took power for the third time in 14 years. The new majority, which had campaigned hard on law and order issues, immediately initiated reform of the legislation it had introduced only 6 years before. The new law entered into force on 8 August 2009.<sup>52</sup>

The legislation has undergone a number of revisions, which have mitigated some of its most repressive aspects. It nevertheless remains a restrictive piece of legislation, with two fundamental effects:

**a) The criminalisation and further marginalisation of undocumented migrants:**

- Irregular entry and overstay are re-categorised as criminal offences and sanctioned with a fine and immediate expulsion;
- The maximum administrative detention for immigrants awaiting deportation increased from two to six months;
- The legislation includes an explicit obligation to show a valid stay permit for undertaking acts such as renting a house, transferring money etc;
- Undocumented status is defined as an aggravating circumstance for criminal offenders (this requirement was already in force, having been enacted by an emergency decree in May 2008);
- The law authorises the creation of citizens' patrols to guard against irregular immigration and crimes committed by immigrants.

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52 Law no. 94: text available at page <http://www.parlamento.it/parlam/leggi/09094l.htm>.

**b) The systematic weakening of the status of legal immigrants, by means of:**

- The introduction of ad hoc taxes (besides an already existing fee for administrative costs) on the renewal of stay permits and on the acquisition of nationality;
- The introduction of a points based system for the renewal of residency permits;
- More restrictive housing requirements for family reunion;
- Requiring long term immigrants to take a language test before acquiring permanent status;
- Tightening the rules on acquiring nationality by marriage;
- Dramatic cuts on funds available for integration policies at both a central and local level.

### **3. TOWARDS A RESULTS BASED ASSESSMENT: PRELIMINARY EVIDENCE**

It is a dauntingly complex task to seek to assess the overall effectiveness of a developed country's migration policy from both a practical and conceptual point of view. In the Italian case, as compared with other EU member states, such a task is made even more difficult by the appalling lack of official ex-post policy assessment and the systematic monitoring of policy impact (some more or less periodical reports of the national Accounting Court are an isolated exception). This absence of ex-post evaluation also affects policy research, which to date has struggled to carry out a systematic assessment of the impact of national policies on immigration. This lacuna can obviously not be filled in such a brief document. Here, we attempt to single out a few indicators of particular significance.

## **Landings on Italian shores as an indicator of the effectiveness of border controls**

Italy has around 7,500 km of maritime borders to try to control. The human and financial resources invested in maritime border controls have grown exponentially during the last couple of decades (although official figures are not available). Over the same period, the number of landings has varied significantly, as have human smuggling routes to the Italian peninsula.<sup>53</sup> The number of landings is certainly a relevant indicator, although not an unambiguous one: an increase can highlight either an expansion in clandestine flows or an increase in the effectiveness of border controls, or both. In the case of the chronological series shown in Table 1, certain peaks are due to surges after crises Italy's neighbourhood (most notable in Apulia in 1999, which was due to the Kosovo war). Other peaks, however, are more likely a result of specific failures in border control. This is the case with the recent boom in landings in Sicily's Pelagie Islands, which are caused by major difficulties encountered in implementing co-operation agreements with Libyan authorities.<sup>54</sup> However the Italian government has recently changed tack in operations against unauthorised migration across the Sicily Channel. The unflagged vessels which are intercepted on the high seas and are no longer brought into Italian ports for identification. Migrants are returned to Libya which has started to readmit them. These operations are carried out without any proper screening based upon international protection obligations. If this practice continues, despite the serious allegations that it is in breach of international, European and Italian law, Italian maritime border controls would be substantially more effective, although at a high price.

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53 P Monzini et al, 'Schengen's soft underbelly? Irregular migration and human smuggling across land and sea borders to Italy', *International Migration*, 2006; P Monzini, 'Sea-border crossings: the organisation of irregular migration to Italy', *Mediterranean Politics*, July 2007.

54 F Pastore and L Trinchieri, 'La Libia nel sistema migratorio mediterraneo: dinamiche di mobilità e risposte politiche', *Mondi Migranti*, February 2008.

**TABLE 1: UNDOCUMENTED IMMIGRANTS (INCLUDING ASYLUM-SEEKERS) LANDED ON ITALIAN SHORES (THOUSANDS)**

Year	97	98	99	00	01	02	03	04	05	06	07	08	2008 (Jan- Apr)	2009 (Jan- Apr)
Pelagie Islands*	0	8.8	2.0	2.8	5.5	18.2	14.0	10.5	15.9	18.5	12.2	31.3	n/a	n/a
Rest of Sicily								3.1	6.9	2.9	4.7	3.3	n/a	n/a
Apulia	22.3	28.5	46.5	19.0	8.5	3.4	0.1	0.01	0.01	0.2	0.06	0.1	n/a	n/a
Calabria	0	0.9	1.5	5.0	6.1	2.1	0.2	0.02	0.09	0.3	2.0	0.7	n/a	n/a
Sardinia	0	0	0	0	0	0	0	0	0.01	0.1	1.5	1.6	n/a	n/a
Total	22.3	38.2	50.0	26.8	20.1	23.7	14.3	13.6	22.9	22.0	20.5	37.0	3.6	6.3

\* Sicilian archipelago comprising the islands of Lampedusa, Linosa and Lampione.

Source: Italian Ministry of the Interior

## The effectiveness rate of the national expulsion system

The Italian government devotes considerable resources to the deportation of undocumented immigrants. The deterrent impact of expulsions is dependent on the government carrying out a good proportion of the planned removals. Thus the ratio between decreed expulsions and actual implemented removals provides a critical indicator of the effectiveness of this particular law enforcement mechanism.

Since stricter rules were introduced in 1999 the effectiveness rate of the Italian expulsion system has increased consistently until the peak year of 2002 (over 42,000 removals, among the highest rates in the EU). Somewhat surprisingly, the years of Silvio Berlusconi's second centre-right government has led to a steep decrease in the effectiveness rate, despite a further tightening in the law.

**TABLE 2: EFFECTIVENESS RATE OF THE ITALIAN EXPULSION SYSTEM (THOUSANDS)\***

	1999	2000	2001	2002	2003	2004	2005	2006
Total undocumented foreigners apprehended on national territory	64.4	88.6	92.6	106.0	77.6	77.5	96.0	101.7
Number actually expelled (including formal readmission procedures)	24.0	23.8	34.4	42.2	29.6	25.2	27.0	21.7
Effectiveness rate of the expulsion system (expelled /apprehended)	37.2	26.9	37.2	39.9	38.2	32.5	28.0	21.3

\* Due to a lack of official data on the number of apprehended immigrants, it is not possible to determine the effectiveness rate in 2007 and 2008. However, the figures on implemented expulsions in those two years (respectively 7,264, 8,580, and 689 in January 2009) suggest a continuation of the declining trend.

Source: Italian Ministry of the Interior

Among the possible explanations for such a striking political paradox are the following:

- i) The vast 2002 regularisation scheme drained a large part of the undocumented foreign population. This certainly explains the reduction in apprehensions in 2003-2004, but does not necessarily help to explain the fall in the expulsion rate;
- ii) Judicial decisions played a role in slowing the expulsion rate after 2002, especially an important decision by the Italian Constitutional Court (Sentence 222/2004) to significantly reinforce legal guarantees for foreigners awaiting removal;

- iii) The single most important explanatory factor, however, is a crisis in the effectiveness of bilateral co-operation agreements with some key source and transit countries. This has led to a sharp reduction in the number of re-admissions to third countries.

### **Regularisations as an indicator of the (in)effectiveness of the national admission system**

During the last two decades the migration policies of southern European states have shared one common feature – the repeated use of large scale regularisation schemes for undocumented immigrants.

Italy has repeatedly used this controversial policy tool. From 1982 until 2009, it has granted stay permits to around 1,435,000 foreigners, representing around 70 per cent of all valid stay permits at the beginning of 2008.<sup>55</sup> If one considers only the 1996-2008 period, the 1,217,000 regularisations granted by Italian authorities represented more than one third of the total granted in whole of the EU-27.<sup>56</sup> In 2009, the government – despite its own anti-immigrant rhetoric – conceded a further regularisation as a means of legitimising existing labour, especially in the household and personal care sectors. The result was a new and still ongoing regularisation scheme.<sup>57</sup> At the expiry of the established deadline, around 300,000 employers had applied for the legalisation of an undocumented worker at the cost of a €500 fine.

Italian immigration rules also allow other forms of ex-post admission which are in practice equivalent to regularisations. The government each year sets a maximum number of new

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55 Given the constant and high turnover, this does not mean that 70 per cent of all legal immigrants were granted a stay permit through regularisation, but it is nevertheless a significant proportion.

56 International Centre for Migration Policy Development, 'Regularisations in Europe, study on practices in the area of regularisation of illegally staying third-country nationals in the member-states of the EU', REGINE, 2009.

57 Article 1 of the urgency decree 78/2009, converted into law 102/2009.

admissions (the term 'quota' is frequently used, although 'ceiling' would be more appropriate). If demand for labour is greater than this established limit, the government can raise the ceiling. All new immigrants are meant to be recruited while they are still abroad. However, it is unofficially acknowledged that many of the job offers go to immigrants already in Italy illegally. The recruitment application is done by the would-be employer pretending that the worker is still abroad. If the application is successful, the worker must then return to the country of origin to pick up the entry visa and re-enter legally.

This absurd and costly mechanism, which is a perverse consequence of the overly rigid admission rules, has increasingly become a sort of 'hidden regularisation' since 2006. In 2006, for example, the second Prodi government regularised around 520,000 foreign workers, most of whom were already in the country, by issuing 'planning decrees'.

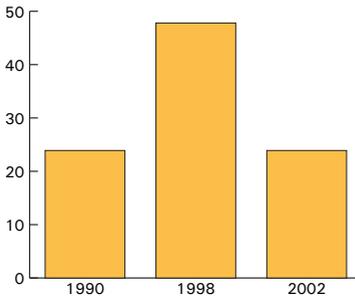
### **Towards a rights-based assessment: the pendulum of migrant rights**

In the previous section we have sketched out the main features of a chronically inefficient system. The consequence is a collective perception of an immigration system that is out of control. Governments, in an attempt to respond to public disquiet have periodically tightened the rules defining the status of unauthorised immigrants.

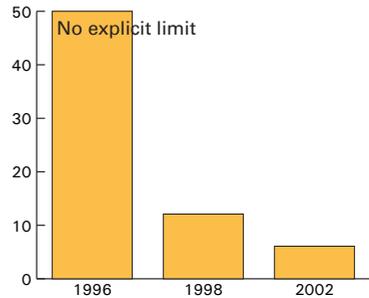
While the main thrust of this approach has been led by centre-right governments, it is remarkable that despite the liberalising intentions expressed in electoral programmes, even centre-left executives have not reversed many restrictive decisions. For example, they have proved unwilling or unable to reduce penalty increases enacted by previous majorities (this was most notably the case in 2006-2008). As a result, as shown by the evolution of indicators 3 and 4 in Chart 2 (below), the last two decades have been marked by a rather constant increase in the level of law enforcement against irregular immigration. The most significant exception to this general trend is represented by the liberal rules contained in Law No. 40 of 1998 concerning the access of undocumented

**CHART 2: FOUR INDICATORS OF EXPANSION AND CONTRACTION OF MIGRANT RIGHTS IN RECENT ITALIAN LEGISLATION (1986-2009)**

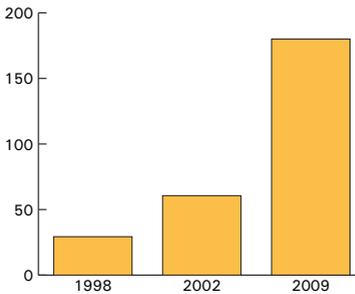
**Indicator 1:** Length of validity of stay permit for working purposes upon first renewal (months)



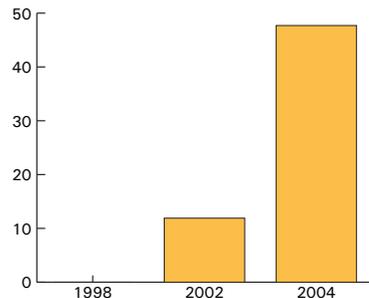
**Indicator 2:** Length of validity of stay permit after loss of job (months)



**Indicator 3:** Maximum length of administrative detention for undocumented migrants awaiting removal (days)



**Indicator 4:** Maximum detention for undocumented immigrants ignoring order to leave the country (months)



immigrants to the health system (for all 'essential treatments', even if not urgent) and of children of undocumented parents to compulsory education. In 2009, the centre-right has made serious attempts at reversing such landmark decisions, but vigorous protests from across civil society (including by health and school professionals) have finally pushed the parliamentary majority to water down the initial proposals.

On several occasions, the severity of immigration law enforcement has attracted criticisms by international and European human rights bodies - most recently, the Council of Europe in 2009.

Deeper rifts between centre-left and centre-right emerge when it comes to the treatment of regular immigrants. Centre-left governments have consistently worked for the expansion of rights and entitlements granted to legally resident foreigners, although not always effectively, due to parliamentary weakness, as with the second Prodi government. On the other hand, as shown by indicators 1 and 2 in Chart 1, in 2002 and 2009 the centre-right has aimed at multiplying controls, thereby weakening the legal position of regular immigrants.

#### **4. A COUNTRY PARALYSED**

Over the last decade, and even more markedly during the last five years, Italy has experienced an unprecedented immigration boom. National policies have proven unable to handle such a transformation. Italy, with its rapidly ageing population is likely to rely on high levels of immigration beyond the current economic downturn, although it is possible that the extraordinary immigration levels of the last years may not be matched in the near future. According to forecasts issued by ISTAT (the Italian Statistical Institute), the foreign-born population will rise to between 7 and 9 million by 2031 (taking the medium forecast level, this would amount to 13.2 per cent of the total population) and between 9 and 12 million by 2051 (equivalent to 17.4 per cent of the total population). Furthermore, these are conservative estimates: if forecasts were based on the simple projection of the average

net migration of the last decade, the immigrant stock by the middle of the century would amount to 14 million.<sup>58</sup>

The Italian social and political systems have so far responded to the recent immigration boom and to projected further increases with a growing unease and polarisation. This reflects the general drift towards more sharply divided politics. The absence of even a minimal bipartisan consensus on strategic guidelines for national migration policy limits the political capital available for reform. Centre-left attempts to reform the system in order to make it more inclusive have largely failed due to internal political disagreements, administrative weaknesses and a lack of resources. Centre-right experiments aimed at making the system more rigorous have foundered on similar problems. However, the right has also not faced up to the contradiction between its desire to impose more restrictive rules on immigration and the rapidly looming structural demands of an ageing society coupled with Italy's ongoing economic model heavily based around SMEs and a continuing vast underground sector. In this context, it is telling that the even in the midst of an economic crisis, the arguably most anti-immigrant government in Italy's history still felt it necessary during the first three months of 2009 to admit or regularise 230,000 new immigrants.

Due to its fundamental demographic and economic features, Italy will continue to need large scale labour immigration in the future. Investing in a more efficient, transparent and fair management system is a crucial national priority that will need a much stronger and broader national consensus in order to be attained. Unfortunately, this ideal has never appeared as remote as it is today.

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58 L Einaudi, 'Le politiche dell'immigrazione in Italia dall'unità a oggi', Laterza, 2007.

## ■ **Germany's new integration policies – successes and challenges**

**Barbara Laubenthal**

### **INTRODUCTION**

“Integration policy is fundamental for the future of our country.” This statement, written in an open letter by seventeen leading politicians of the Christian Democratic Party (CDU) and published in several German newspapers, reflects a recent change in the perception and handling of immigration in Germany.<sup>59</sup> As the 2007 population census showed, 15.4 million people, 19 per cent of the total population, were from a migrant background, a similar proportion to that of a classical destination country such as the USA.<sup>60</sup> However, Germany has long sought to deny that it is a large scale destination country. Until the year 2000, German migration policy paid little attention to the need to integrate migrants. Since then there has been an observable shift in both public discourse and policy approaches. Now, the integration of migrants is at the top of the political and public agenda. However, the effectiveness of new integration strategies is

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59 Die Zeit, 31 January 2008.

60 The term ‘migration background’ was introduced into official German statistics in 2005. People with a migration background can be foreign or German citizens and include the following groups of people: foreigners born abroad, foreigners born in Germany, ethnic Germans, naturalised citizens who have themselves immigrated as well as their children who have no personal, direct experience of immigration. Persons with a migration background have either come to Germany personally or are the second or third-generation descendents of immigrants. Netzwerk Migration in Europa, ‘Country profile Germany’, 1 May 2007.

far from clear cut and there are still many ways in which the country's approach to citizenship is inadequate. Furthermore, the intensive public and political focus on the need for better integration may be counter-productive. Such an approach can lead to migrants becoming seen as a homogenous but problematic group outside the mainstream of Germany society, lending weight to culturalist and exclusionist views on migration.

## 1. MIGRANTS IN GERMANY TODAY

Among the 15.4 million people in Germany who hail from a migrant background, 16 per cent were born in the country while 84 per cent have (since 1950) migrated there. More than a quarter (27.2 per cent) of families in Germany and every third child under five years old have roots abroad. The majority of migrants from outside the European Union originate from Turkey (14.2 per cent) and the Russian Federation (8.4 per cent). Poland (6.9 per cent) and Italy (4.1 per cent) are the main EU immigrant groups according to the German statistical office.

There are substantial socio-economic inequalities between the German and migrant populations. Migrant children and young people are strongly disadvantaged in secondary schools. Nearly half (44 per cent) of children with a migration background only receive a basic level of schooling (at a *Hauptschule* – the least prestigious level of secondary school education in Germany), compared to 19 per cent of native children. Furthermore, 17 per cent of children with migrant backgrounds leave school without a degree, as opposed to 7 per cent of German children.<sup>61</sup> For the second generation of migrants, the statistics show a slight improvement. In North Rhine-Westphalia, the most populous federal state, 11.8 per cent of first generation migrants left school without a formal degree, but only 4.1 percent of second generation

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61 Bundesministerium des Innern, 'Migration und Integration. Aufenthaltsrecht, Migrations und Integrationspolitik in Deutschland', 2008.

migrants did.<sup>62</sup> There is also some differentiation between levels of educational attainment between different migrant groups. The educational level of young Poles and Russians is significantly higher than that of young Turks.

There are also clear inequalities when it comes to levels of participation in the labour market. The unemployment rate of migrants, 20.5 per cent, is almost twice as high as that of the rest of the German population, according to Federal statistics. Due to the disadvantages of their educational background, migrants overwhelmingly work in the low skilled sector: in 2007 just over half (53 per cent) of migrants were in manual occupations, compared to 29 per cent of the native population.

The 2008 *Sinus Sociovision* survey, a representative investigation of the lives of migrants, shows that 14 per cent of migrants have never visited a German family; 28 per cent view their country of origin as their home country, and say that Germany is only the place where “they earn their money”. Half spend the large majority of their time with people from the same background.<sup>63</sup> However, the survey’s investigation into the attitudes, values and lifestyles of the migrant population shows an increasingly diverse mix of migrants ranging from traditionalist and ethnically-oriented to those living very individualised post-modern and multi-cultural lifestyles. Ethnicity is thus not the defining feature of the migrant population, and in many cases the social and cultural similarities between native and migrant groups are higher than the inter-ethnic similarities. Most importantly, the survey shows that the public emphasis on the need for a better integration of migrants may have negative effects. Thus many migrants “feel (and are) better integrated than many of the native population, and to them the question about their integration is strange and discriminatory.”

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62 W Seifert, ‘Integration und Arbeit’, in ‘Aus Politik und Zeitgeschichte’, 2009.

63 C Wippermann and B Flaig, ‘Lebenswelten von migrantinnen und migranten’ in ‘Aus Politik und Zeitgeschichte’, 2009.

## 2. THE NEW POLICIES OF INTEGRATION: SYMBOLIC POLITICS OR EFFECTIVE MEASURES?

After the phase of active labour recruitment from 1955 to 1973, and until the turn of the century, the *leitmotiv* for the handling of migration was the statement, formulated in 1977 by a Federal Commission on Immigration, that “Germany is not a country of immigration”. Until the end of the 1990s this repeated by successive governments.<sup>64</sup> It dominated public and political discourse, influenced the political culture regarding migration and prevented the development of an active immigration policy. Although migrants were increasingly accessing the German welfare and social security systems, the national approach to immigration remained defensive and was characterised by ambivalent and ad-hoc decisions. As a result the 1980s and 1990s can be termed the “lost decades of German immigration policy”.<sup>65</sup> However, since the year 2000, policymakers have begun to acknowledge the need to actively manage immigration and, from 2005, the integration of foreigners has become a central policy aim of the current Federal government.

The integration of migrants has become a topic of growing importance in public discourse, and the subject of various policy initiatives. The results of the PISA study, which showed that migrant children are disadvantaged within the structures of the German education system, has triggered an intense public debate about problems with the integration of second and third generation migrants. In March 2006, teachers of the *Rütli*-school in Berlin, a school with a very diverse intake, publicly denounced violence and ethnic conflicts at their school. These events led to an intense public debate on the integration of migrant children. The Christian Democratic party (CDU) initially reacted with a proposal to further restrict

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64 D Dangelmaier, ‘Die Einwanderungspolitik in der BRD und der Schweiz. Vergleich und Analyse’, 2007.

65 K Bade ed, ‘Enzyklopädie Migration in Europa. Vom 17. Jahrhundert bis zur Gegenwart’, 2007.

immigration to Germany. However, coverage in national newspapers and on state TV played an important role in changing the public perception of the integration problems of migrants. They blamed the educational underperformance of migrant children on the significant deficiencies of German integration policy. They also framed the non-integration of immigrants as a danger to social cohesion, arguing for the introduction of an efficient integration policy.<sup>66</sup>

As a consequence, the CDU-SDP government coalition convened a national summit on integration in autumn 2006. Politicians from all tiers of government (federal, federal states, communities), civil society, migrant organisations, trade unions, media representatives and scientists were invited to discuss measures to improve the integration of migrants. The summit agreed to over 400 voluntary actions.

A follow-up summit in 2007 led to the creation of a National Agenda on Integration. The federal government committed itself to spending €750 million per year on integration measures and projects in the fields of education, language, professional training, civic participation and sports. At the Third Summit on Integration which took place in November 2008, the federal government emphasised its initiatives in the field of language acquisition. It highlighted the positive effects of the language courses for migrants which had been introduced in 2005. New migrants eligible for permanent residency are now entitled to participate in language courses that are funded by the federal government. For some types of migrants (long term residents receiving welfare payments, migrants classified as “in special need of integration”) the courses are compulsory and non-compliance may be sanctioned.<sup>67</sup> For newly arrived immigrants the courses are compulsory if they do not have basic German language skills. Between 2005 and 2008, approximately 420,000 migrants

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66 B Laubenthal and J-U Nieland, ‘Migration policy in Germany: do the media matter?’, paper presented to the ‘Public policy and the mass media’ workshop of the ECPR conference, 11 May 2007.

67 M Borkert and W Bossick, ‘Migration policy-making in Germany – between national reluctance and local pragmatism’, IMISCOE, 2007.

have taken part in the courses according to the Federal Office for Migration and Refugees 2008.

The success of these new integration policies is far from certain. However, it should be noted that – in rhetorical terms at least – the equal social, political and economic participation of migrants is now established as a key policy aim. All important state and civil society actors are involved in the debate. Moreover, a number of local initiatives appear to have had some success. The city of Wiesbaden is one of the 25 biggest cities in Germany with nearly a third of its population (31.5 per cent) migrants. Wiesbaden has developed its own approach to integration, making sure it involves a range of civil society actors. It has focused on improving the language skills of pre-school children and encouraging the labour market participation of migrant youth. A recent evaluation of the local integration measures showed that the socioeconomic integration of migrants has measurably improved. In particular, the number of migrant children successfully participating in the education system has increased. The percentage of migrant children who attend kindergarten for less than two years has fallen from 16.4 per cent (2004) to 9.8 per cent (2007). During the same time frame, the percentage of migrant youth who attended a secondary school increased by 5 per cent. The share of migrant youth who left school without a formal degree has decreased by 5 per cent. The unemployment rate of migrants has also fallen by 4.7 per cent.<sup>68</sup>

Another aspect of Germany's evolving integration policy was the reform of the German citizenship law in 2000. Until the turn of the century, German naturalisation policies reflected a generally defensive attitude towards immigration. The citizenship law was based on legislation dating from 1913 (*Reichs- und Staatsangehörigkeitsrecht*) and was guided by the principle of descent (*jus sanguinis*). Until 1991,

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68 S Rittinghausm. 'Die konkrete Integrationspolitik in Deutschland. kann das Integrationskonzept der Stadt Wiesbaden ein Vorbild für Nordrhein-Westfalen sein?', BA thesis, Ruhr-Universität Bochum, 2009.

German citizenship could only be attained by birth, if one parent was German, or by marriage to a German citizen. A reform of the Aliens Law in 1991 opened up the possibility of obtaining German citizenship after 15 years of legal stay in the country. It also eased naturalisation conditions for foreigners aged between 16 and 23 if they remained in Germany continuously during this period. However, the overall framework still reflected a desire to restrict access to German citizenship.<sup>69</sup> In 2000, the federal government further reformed the naturalisation law. The main change was a partial introduction of the principle of birthplace (*jus soli*). Children of foreign parents born after 1 January 2000 now automatically qualified for citizenship if at least one parent was born in Germany or had legally lived in Germany for at least eight years. Children must choose to take one nationality before their 23<sup>rd</sup> birthday. The new legislation also introduced the possibility that after eight years of legal residence migrants could apply for naturalisation. In 2007, the federal government tightened the conditions for the acquisition of German citizenship. Thus migrants must pass a language test and a “naturalisation test” (*Einbürgerungstest*) containing 30 questions on German culture, history and the political system.

In 2000, the year of the introduction of the new citizenship law, the numbers taking out German citizenship reached a peak of 187,000. However, with the exception of 2006, the number of immigrants applying has subsequently gone into decline and reached a new low in 2009. In 2007 only 113,000 migrants opted for German citizenship.<sup>70</sup> In a 2008 survey 27 per cent of migrants eligible for German citizenship stated that they definitely would not apply for German citizenship while a further 37 per cent said that is unlikely that they

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69 M Borkert and W Bossick, ‘Migration policy-making in Germany’, 2007.

70 S Worbs, ‘Die Einbürgerung von Ausländern in Deutschland’, Bundesamts für Migration und Flüchtlinge, 2007.

would seek naturalisation.<sup>71</sup> Since 2008 both the federal states and the federal government have initiated campaigns to promote the acquisition of German citizenship. However, it appears unlikely that these campaigns will have the desired effect: while systematic empirical studies on the reasons for migrants' unwillingness to take German citizenship are still lacking, one central reason seems to be that the majority of migrants do not want to give up the citizenship of their country of origin. Migrant organisations also suggest that the 2007 introduction of language tests has prevented many migrants from applying for a German passport.<sup>72</sup>

### 3. CONCLUSION

There is no question that Germany required proactive integration policies, and initiatives in recent years have rightly created a public consciousness of the need for political, social and economic participation of migrants in German society to be improved. The promotion of German language skills, which are crucial for successful performance in the education system, and local level educational and labour market projects, are steps in the right direction.

However, Germany's citizenship policies remain far from ideal. The introduction of a double citizenship option would be one way to promote integration in Germany by acknowledging that in an increasingly globalised world, migrants' lives are bound to feature parallel involvements in two or more countries. It remains to be seen whether the National Integration Summits and the National Integration Plan will have measurable effects, or if the 'new integration policy' is merely an empty gesture. Worse still, it may make migrants feel unfairly singled out for interventionist policies and encourage exclusionist tendencies on the part of the majority population. Thus despite the public emphasis on

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71 Statista migration data, at <http://de.statista.com/statistik/daten/studie/5149/umfrage/beantragung-der-deutschen-staatsbuergerschaft/>

72 Süddeutsche Zeitung, 12 August 2009.

integration as a central task of German society, surveys show that in the German population negative attitudes towards migrants prevail and in recent years have even intensified. In 2002, the CDU initiated a debate about the need for a 'German leading culture' (*Deutsche Leitkultur*) that migrants should adhere to. Recent surveys show that the proportion of Germans who support the statement that "foreigners who live in Germany should adhere to German culture" has consistently increased during the last decade. In 2000, 61 per cent of the German population supported the statement; in 2008, 78 per cent agreed. Furthermore 82 per cent of Germans support the statement that "foreigners in Germany should adapt their way of life more to the German lifestyle".<sup>73</sup> Surveys by the Federal Office of Statistics also show that attitudes towards Turkish migrants have become more negative. This is related to a rise in anti-Muslim sentiments probably originating in the World Trade Centre attack in 2001. This has since been exacerbated by well publicised conflicts about the right of migrants to practice their religion in public relating, for example, to the building of mosques and prayer rooms in schools.

The new integration policies have the right aims, but they run the danger of depicting migrants falsely as a problematic homogenous group. The current ways of addressing issues of migration and integration have, until now, not led to a perception of migrants as a valuable part of German society – a perception that is very much needed if Germany wants to successfully address the social, demographic and economic challenges of the 21<sup>st</sup> century.

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73 German Federal Statistics Office (Destatis) survey, 2008.

## ■ France: The long road to a balanced migration policy

Catherine de Wenden

### INTRODUCTION

On 22 June 2009 Nicolas Sarkozy told reporters that the burqa 'is not welcome in the Republic of France'. He was weighing in on an ongoing heated debate, triggered by 60 parliamentarians voting to hold a commission of enquiry on the subject. Sarkozy insisted that his criticism of the garment did not stem from antipathy towards the Muslim religion, but that the *burqa* constrained 'the liberty and dignity of women', and that it was a 'sign of domination and debasement'. This is of course not the first time Sarkozy has prompted controversy with his comments about immigrant groups in French society. During the 2005 riots in French suburbs following the deaths of two youths during a police chase, he referred to the rioters as 'racaille' – a word that resides somewhere between the English concepts of 'rabble' and 'scum'.

However, Sarkozy should not be caricatured as an anti-immigrant populist. In cabinet debates over new integration policies after the riots, Sarkozy championed positive discrimination as a means of challenging inequalities in jobs

and education. However the then prime minister, Dominique de Villepin rejected such reforms, calling them 'un-French'.

Such a paradoxical approach is typical of the inadequate French response to rapidly rising immigration. Over the last 30 years, the large numbers of immigrants to France from North and West Africa have been the subject of heated controversy. The rise of an overtly racist political party and hesitant and haphazard attempts to control immigration by politicians have been exacerbated by the use of inflammatory and populist rhetoric. Immigrants have, in the past, been perceived by the French government and business as a means of bolstering the depleted post-war workforces. But more recently, the far-right has sought to make political capital out of France's migrant population. The year 1983 was a landmark, with extreme right candidates achieving legitimacy by winning seats in elections to the French National and Municipal Assembly. While acknowledging that xenophobic arguments resonated with broader society, mainstream political parties still attempted to dismiss the argument that immigrants are a source of unemployment and violence. Over the years, legislators have faced the problem of identifying and defining the underlying challenges posed by immigration. While long perceived as a threat to national employment, it seems that nowadays immigration is also perceived as a challenge to national identity.

Recently, there have been some faltering attempts to create a more coherent and pragmatic immigration policy, which balances the needs and rights of migrants, the demand for labour in the French economy, and public demands for strict limits on numbers. But there remains a tendency for politicians to return to populist diatribe or rigid republicanism, which heightens social tensions and does nothing to solve the myriad of problems faced by immigrant communities in France. This paper provides an overview of the history of French immigration and the development of immigration laws and policies since the 1970s. This is with a view to establishing how both the politics and policies of migration in France might be improved.

## 1. GEOGRAPHICAL ORIGINS AND IMMIGRATION TRENDS IN FRANCE SINCE THE 1960s

### Background and origins

Unlike in the United Kingdom, fertility rates in France began to drop at the end of the 18<sup>th</sup> Century. Because of the specific nature of French demography, immigration became a political issue much earlier than in other European countries and as a consequence a system of migration rules was introduced shortly after World War I.

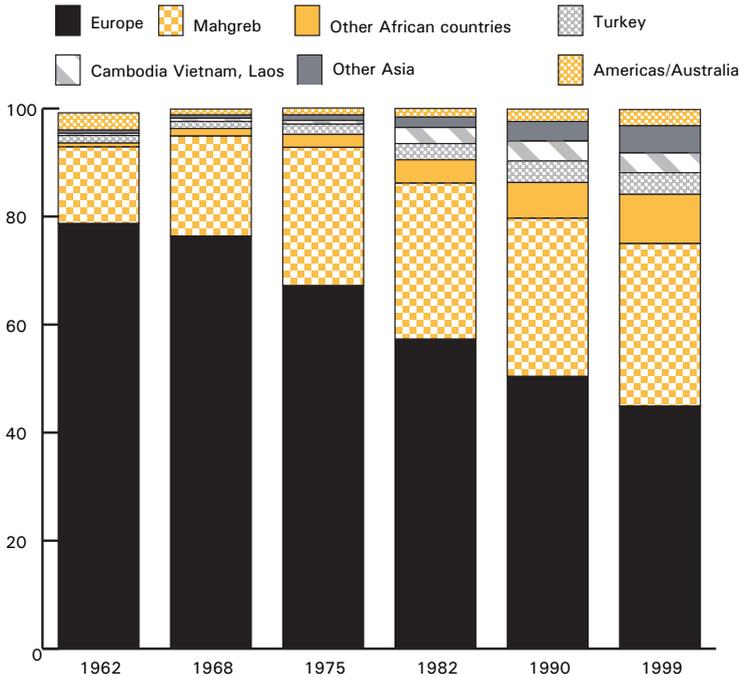
### Geographical origins: from southern Europe to north sub-Saharan Africa

Immigrants account for 7.4 per cent of the entire population in France; most of whom come from Europe or Northern and sub-Saharan Africa. However, there has been a profound shift in the origins of immigrants to France since the 1960s. Until then, immigration was mostly European, and the vast majority derived from neighbouring countries. In 1962, 79 per cent came from Europe – with the largest numbers coming from Italy and Spain – while only 21 per cent came from outside Europe. However, as shown below, the proportion of immigrants from Europe had decreased to 45 per cent of the total incoming population by 1999.

At the same time African immigration has risen significantly. The proportion from France's largest ex-colony, Algeria, remains relatively constant (it was 12 per cent in 1962 and 13 per cent in 1999) whereas there were large rises in migrants from Morocco (from 1.1 to 12.1 per cent of immigrants in this period), Tunisia, and more recently from countries – mainly Francophone – in sub-Saharan Africa.

While Africa and Europe remain the most important sources of migration, there has been a large increase in migrants from Asia – mostly China. The numbers from Turkey and from Francophone south-east Asia have remained relatively constant since 1990 by representing 3.7 and 4 per cent of the immigrants respectively.

### CHART 1: A GROWING AFRICAN PRESENCE



Source: Institut National de la Statistique et des Etudes Economiques (INSEE)

#### A younger and more diverse population

In 1999, 13 per cent of immigrants were under 25. However, looking at these statistics more closely we can see that the migrant population’s age structure varies depending on their origins. For example, half of Italian-born inhabitants of France are over 65 years old, while 22 to 29 per cent of immigrants from sub-Saharan Africa are under 25.

When considering second generation immigrants, the young population is also proportionally over-represented compared to the French population as a whole. Indeed, out of the 2.35 million French people who have at least one parent with foreign origins, 1.3 million are under 17 (44 per cent). Of the entire population only 25 per cent are under 17.

Here, there is a slight difference depending on the country of origin and the time of arrival. Indeed a quarter of 'long staying immigrants' from, for instance, Spain or Italy are between 50 and 65 years old, whereas half of those who had at least one of their parents emigrate from North Africa is either a child or a teenager.

The high proportion of young first and second generation immigrants is perceived to put pressure on both the educational and employment systems, especially since the central government has attempted to curb immigration for work purposes.

**The changing nature of French immigration:  
from labour force to family reunification – legal  
perspectives**

While the pace of immigration has slowed since the 1970s, migrant numbers continue to grow. The 1970s marked a sharp change in France's approach to migration as it made a serious effort to clamp down on labour immigration. This change of policy was due to two factors. The first was the sudden halt in the long post-war economic boom. The second was the entry into the labour force of the large baby boomer cohort, which made extra labour supply superfluous.

As France attempted to strictly limit migration for labour purposes after 1974, the vast majority of migrants arrived in the country under the more relaxed laws governing family reunification. Recently, family reunification rules have been reformed, allowing those who have migrated to France to work and those who have held a job for more than six months in France to bring their family. Around 78 per cent of all migrants were allowed entry on family reunification grounds in 2003 (see Table 1). As a consequence, immigrants to France are perceived less as competitors in the labour market than as a threat to national identity.

**TABLE 1: NON-EEA IMMIGRANTS' MOTIVES (2003)**

<b>Nationality</b>	<b>Permanent work</b>	<b>Family reunification</b>	<b>French families*</b>	<b>Private life and family**</b>	<b>Refugees</b>	<b>Total</b>
Europe	1,144	1,032	624	4,499	3,097	11,787
Africa	2,097	19,014	13,122	43,938	4,314	90,062
Algeria	397	5,367	4,105	15,884	226	28,554
Morocco	707	7,775	2,366	10,789	0	22,339
Tunisia	194	3,068	3,610	2,265	16	9,425
Other African	799	2,804	3,041	15,000	4,072	26,923
Asia	2,013	4,772	1,517	8,779	1,960	22,192
Turkey	339	2,768	372	3,882	857	8,613
Vietnam	84	58	80	582	16	909
China	222	339	149	1,132	39	2,411
Japan	386	450	81	192	0	1,405
Lebanon	364	157	64	246	5	1,004
Americas & Australasia	1,244	1,948	961	4,927	366	11,258
Other	2	2	4	28	53	96
<b>Total</b>	<b>6,500</b>	<b>26,768</b>	<b>16,228</b>	<b>62,171</b>	<b>9,790</b>	<b>135,395</b>
2002	7,469	27,267	21,020	43,681	8,495	123,477
2001	8,811	23,081	18,765	34,682	7,323	106,656
2000	5,990	21,404	15,992	31,140	5,185	97,083

\* Spouses, children and descendents of French nationals, and parents of naturalised French children.

\*\* A new category: family reunification of immigrant workers, whose children and spouses are now allowed to join them after six months.

Source : INSEE

## **A legislative clampdown**

The growth in non-European immigration prompted an increasingly open and politicised debate in French society, to which politicians and governments responded with a flurry of legislation. Hyperactive law-making by government – new laws on immigration were passed in 1981, 1984, 1986,

1989, 1993, 2003, 2006, 2007 and 2009 – highlights both that politicians felt they had to show they were on top of the issue, and the difficulties the state faces in trying to control immigration.

The immigration policies enacted since the 1970s have largely been in response to this shift in the region of origin of French immigrants – and high levels of unemployment after the 1970s recession. Successive governments of left and right have attempted to crack down on illegal immigration since the 1974 ban on immigration from outside of the (then) European Community for work purposes, in an attempt to cut the numbers of non-European migrants. In 1974, Valéry Giscard d'Estaing's government tried to limit immigration for the purpose of family reunification too, but this was overturned four years later by the courts. Giscard and his successors hoped that putting a stop to the high numbers of migrants from North and West Africa that had come to France during decolonisation would both ease unemployment and help to constrain xenophobia and ethnic tensions.

While legislation has managed to slow the rate of growth of immigration to France, the yearly total continued to increase even after France closed its borders to migrants who came in search of work (see Table 1). As economic conditions in France improved in the 1990s, the protectionist assumptions that migrants take jobs from French nationals were also challenged. After the oil price shock of 1973-4 tipped France into recession and unemployment surged, the government attempted to limit the immigration of labour to protect jobs for French nationals. Governments of the left and right have maintained protectionist laws keeping labour migrants from non-EU countries out. In October 1981 Mitterrand's government increased fines on employers who used illegal immigrants. It further banned asylum seekers from working in 1991. This decision underlines the changing nature of immigration policy. After this point both left and right broadly supported the view that migration should only be allowed for family purposes: Charles Pasqua, the right of centre home affairs minister, further tightened working restrictions by

banning foreign graduates from accepting job offers from French employers in 1993.

This legislation has been accompanied by successive one-off regularisations as attempts to clarify the legal status of all people who live in France while securing the border against further immigration. Generally, the majority of those applying for papers were accepted: 143,000 out of 150,000 in 1981; 90,000 of 150,000 in 1997. These regularisations were often responses to pressure from popular movements. Some 30,000 parents were granted legal status in 2006 when a teachers' movement, 'Education sans frontières', campaigned to save schoolchildren from extradition along with their parents. Movements led by migrants themselves championing the cause of the 'sans-papiers' also led to government regularisations. The 'March of the Arabs' from Marseilles to Paris in December 1983 was a major factor leading to the 1984 law giving ten-year residency to all who could prove they had lived in France for more than 15 years. Regularisations were usually granted at the same time as new laws were introduced: as legislation was amended to cope with the failures of the last act – either by tightening or loosening – 'sans-papiers' were given legal status in an attempt to wipe the slate clean.

Most French people continue to accept that immigrants have rights to naturalise their spouses and children for humanitarian reasons. But the naturalisation process has become hotly contested, as anti-immigration campaigners have highlighted loopholes and abuses by economic migrants. As elsewhere in Europe, many French citizens express concern about false marriages, marriages between sans-papiers and citizens, and mothers coming to give birth in France where children born on French soil are automatically French citizens. Populist rhetoric about polygamy has also served to stoke public outrage.

Algerians were free to settle in France until 1973, and many French Algerians have families in the Maghreb. The government has repeatedly attempted to crack down on family members of French Algerians crossing the Mediterranean.

This is also true of people from other ex-colonies who did not have the same preferential status. Until 1993 children who were not citizens but had lived in France for five years were automatically made citizens when they became 18. This was overturned that year – and it was made more difficult for parents who had been naturalised to bring children from overseas.

As a result, there has been a legislative tussle between governments of left and right over family reunification between the 1980s and 2000s, with centre-left governments under President François Mitterrand and Prime Minister Lionel Jospin trying to regularise *sans-papiers* on humanitarian grounds, and centre-right governments under Jacques Chirac and Edouard Balladur trying to secure the border, restrict family reunification and expel illegal immigrants.<sup>74</sup> In 1984 Mitterrand granted newly regularised immigrants ten year residence permits, which were automatically renewed if they were married to a French national, had children who had been born in France, or had been living in France for more than 15 years. In 1987 centre-left home minister Pierre Joxe restored judicial control over expulsions – there had previously been no recourse to the courts for illegal immigrants who were to be deported. In 1997 Lionel Jospin's government regularised 90,000 illegal immigrants out of 150,000 applicants.

Meanwhile, the right has sought repeatedly to limit the grounds for reunification and clamp down on illegal migration. For example, in 1977 Giscard d'Estaing's government introduced grants to help pay for voluntary repatriation. In 1980 it required illegal migrants stopped at the border to be held in prison until the legal examination of their status was complete. Conservatives were more willing to adopt anti-immigration rhetoric and policies, and emphasised the ethnic tensions immigration causes and the dangerous spread of overtly racist politics as the Front National became an electoral force. In his 1993 law, Pasqua allowed the police, not judges, to expel illegal immigrants who had no recourse to the courts, denied residency permits to married couples

74 Jospin 'cohabited' with President Chirac.

where the foreign spouse entered illegally, and extended the waiting period for family reunification from one year to two. Furthermore, migrants seeking unification with their families needed to show evidence from the local authorities that housing was available. Mayors could prevent marriages between illegal immigrants and French nationals. Immigrants who were not citizens and had been imprisoned could be deported.

## 2. CONCERNS AND CHALLENGES

### **Societal integration and identity politics**

The large wave of migration of mostly Muslim Arab and West African people to France has been perceived by many conservatives to be a potential threat to the republican values that underpin French civic life. The French state is secular, and all arms of French government and public service are supposed to embody this principle. The 1789 Declaration of the Rights of Man (Declaration of Human's and Citizen's Rights) also emphasised rigorous equality under the law – “all men are born free and hold equal rights” – which has meant that French legislators have been unwilling to counter racial and cultural discrimination through the law. French government agencies do not collect statistics by ethnicity, after the Constitutional Council ruled it unconstitutional. The court argued that Article 1 of the Constitution of the Fifth Republic of 1958 outlaws this practice. Article 1 states that: ‘France is an indivisible, secular, democratic and social republic. All citizens are equal before the law, without distinction of origin, race or religion.’ The French constitution is based upon a social contract, in which rights are passed to the state by equal citizens. Republicans fear that citizens of different cultures, holding opposed opinions on some issues, are incapable of finding the common ground necessary for the state to function.

The political and legal system, and the principles that underpin it, does not sit easily with an increasingly multicultural society. The fact that a large proportion of immigrants are Muslim

**TABLE 2: MIGRANTS' JOBS**

<b>Profession</b>	<b>Men (%)</b>	<b>Women (%)</b>	<b>Both sexes (%)</b>
Agriculture	2	0	0
Run a business	11	5	9
The professions	16	22	25
Services	15	60	34
Trades, manufacturing	46	13	32

*Source: INSEE*

and have settled in the poor suburbs of major cities with low levels of integration is a further cause of tension. Jean-Marie Le Pen, leader of the far-right Front National, portrays Islam as incompatible with French civic life, and more vocal and violent Islamic political movements that have emerged since the 1980s have heightened the popular sense of friction between French republican ideals and Islam.

### **Stigmatisation and social integration**

France's approach to integration since the 1970s has been sparse and muddled. Immigrants in France have found it difficult to succeed in the labour market, and have been poorly integrated into society. The majority of men work in trades and manufacturing, while the majority of women work in services. They are under-represented in the higher paying jobs, especially in enterprise (see Table 2). The OECD criticises the French system for not recognising foreign qualifications, and requiring immigrants to retake exams or undergo retraining in order to work in the same job they had in their country of origin. It also cites the hesitancy of employers to take on immigrants as a major problem. Studies have shown that young people entering the job market with African

names need to make three times as many applications as those with French names to get an interview. The OECD also criticises the government's failure to recruit immigrants to the French public sector.<sup>75</sup>

While unemployment rates among immigrants as a whole are not much lower than for people born in France, participation rates vary according to country of origin. 35 per cent of immigrants of working age from Algeria do not work, compared to a national average of 12 per cent. There are similar rates for Turkey (36 per cent), Morocco (32 per cent) and Tunisia (27 per cent). Migrants from sub-Saharan Africa and from Europe are much more likely to be working. Many immigrant families from Islamic countries follow traditional gender roles, with women raising children and men working. As a result, female participation rates for some groups are very low: only 45 per cent of women born in Morocco or Algeria and 37 per cent of women from Turkey work. And labour participation rates are much lower for female immigrants generally between 25-60 – the period when people are most likely to be working – at 59 per cent, compared to 77 per cent for French-born women.<sup>76</sup>

At school, the children of immigrants do worse on average than children of French nationals. Only one in four undertake the *baccalauréat général*, the qualification required to get into university. A segmented school system – in which pupils are divided into technical and academic educational groups – does not help. Aspirations to succeed are being strangled during secondary education. Some 80 per cent of children of immigrants want to take the 'bac', France's main leaving qualification, when asked at the time they complete primary school, but by the year before they leave, this has fallen to 46 per cent. And at this point, only 18 per cent of children of Turkish parents want to take it.<sup>77</sup>

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75 OECD, 'Jobs for immigrants', 2008.

76 INSEE, 'Les immigrés en France', 2005.

77 Ibid.

## CHALLENGES

French immigration policy therefore faces a number of major challenges. Immigration should not only respond to public concern, but also allow newcomers to integrate effectively.

### **Ghettoisation and the banlieues**

France has found it hard to encourage social mobility among some of its immigrant communities. Many poor and/or second generation immigrants feel ostracised from the rest of the society. Two particular problems: first, as discussed previously, there are still substantial obstacles to entry into the labour market for many immigrants. Second, French urban planning does little to promote social mobility. Most of these migrants move to French cities: more than 1.2 million immigrants from Algeria, Tunisia and Morocco live in metropolitan areas, as do the vast majority of the 5 million French Muslims of Maghreb descent. As a consequence, French policymakers tend to perceive the challenge of integration as one of the poor banlieues that surround the major cities. This is also because the French constitution outlaws discrimination, positive or negative, by race of country of origin. However, since the 1990s, city mayors have introduced 'priority education zones', where schools may positively discriminate when selecting students. They have also tried to distribute more funds to ethnically mixed neighbourhoods through programmes for 'underprivileged neighbourhoods' based on a geographical analysis more than an ethnic assumption.

### **Representativeness and data gathering**

There is another major problem France faces in developing a coherent policy response to immigration – the lack of accurate information. As previously mentioned, French law does not allow data to be collected on ethnic, religious or gender grounds. French citizens are understood as an entity, where political and religious views are set apart from public affairs.

Furthermore, there are electoral gains to be made through populist rhetoric, but they risk the further alienation of France's immigrant community. The interests of the different French inhabitants involved – a native population fearful of immigrants and suspicious of Islam; immigrants themselves; French ethnic minority citizens; and spouses, children and parents who want to live together – need to be carefully managed through a considered, rational debate, rather than populist legislation and fear mongering about the far right. France could do much more to improve the lives of immigrants who already live in France, by improving housing and education in suburbs where they predominate, toughening legislation against discrimination at work and providing incentives for training, and improving France's recognition of foreign qualifications.

It should start collecting statistics by ethnicity and religion and tailoring policies to solve the different problems which various immigrant groups face. The recent moves towards a more pragmatic labour migration policy, based around skills and labour shortages, may help to defuse the debate a little.

### **3. TOWARDS PRAGMATISM?**

Over the last decade, French policymakers have made tentative steps towards a more utilitarian and pragmatic stance on the economics of migration. Nevertheless, governments have still courted public opinion by addressing the regularisation, Islam and integration debates in their legislative programmes.

Lionel Jospin's government emphasised some elements of the republican tradition in their 1997-8 immigration laws, appealing to the right by allowing the state to keep migrants out if they feel they are a 'threat to public order' and giving all non-citizen children 'republican identity cards'. They simultaneously appeased the left by loosening some of the restrictions Pasqua had placed on family reunification in 1993, allowing migrants to bring their families to France after one year of residence rather than two, and getting rid

**TABLE 3: IMMIGRATION SINCE 1997 (IN THOUSANDS, ORDERED BY LARGEST COUNTRY OF ORIGIN, 2006)**

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Algeria	12.2	16.7	11.4	12.4	15.0	23.4	28.5	27.9	24.8	25.4
Morocco	10.3	16.1	14.3	17.4	19.2	21.8	22.6	22.2	20.0	19.2
Turkey	5.1	6.8	5.8	6.6	6.9	8.5	8.6	9.1	8.9	8.3
Tunisia	3.6	5.3	4.0	5.6	6.6	7.8	9.4	8.8	7.9	8.2
Cameroon	1.3	2.4	1.4	1.8	2.4	2.9	3.4	4.1	4.3	4.4
China	2.8	5.7	1.7	1.8	2.3	1.8	2.4	2.9	2.8	4.3
Congo	1.0	2.1	1.6	1.8	2.3	3.3	3.8	4.2	4.1	4.0
Côte d'Ivoire	1.5	2.5	1.4	1.8	2.2	2.8	3.4	4.0	3.8	3.6
Mali	1.5	4.2	2.5	1.5	1.7	2.0	2.6	2.6	2.5	2.9
Haiti	1.9	1.9	1.4	1.8	2.2	2.1	2.7	3.1	3.1	2.8
Senegal	1.6	3.0	1.9	2.0	2.3	2.4	2.6	2.6	2.5	2.7
Russian Fed.	0.7	0.9	1.0	1.2	1.4	1.9	2.4	2.9	3.0	2.5
United States	2.8	2.5	2.7	2.6	2.6	2.4	2.3	2.6	2.4	2.3
Madagascar	1.0	1.4	1.2	1.5	1.7	1.9	1.9	1.9	1.9	1.9
Romania	0.6	0.9	0.9	1.2	1.5	1.5	1.6	1.8	1.7	1.8
Other countries	26.7	38.2	29.5	31.0	36.6	37.8	38.1	40.9	42.4	40.8
Total	74.5	110.7	82.8	91.9	106.9	124.3	136.4	141.6	135.9	135.1

Source: OECD

of the certificate of housing provision from local authorities. But the laws also recognised that France was failing to attract highly skilled workers, and made it easier for foreign scholars, scientists and businessmen to gain a work and residency permit.

Similarly Nicolas Sarkozy, as home affairs minister, tried to balance the competing demands of the economy and French society by regularising some illegal immigrants, promising to deport 25,000 others, and sharpening integration laws. In 2006, he passed legislation the slogan for which – ‘Chosen immigration, not immigration forced upon us’ – marked the reorientation away from the emphasis on family rights.

Other European countries were opening their borders to migrants, and trying to pick workers whose skills were in demand, and the European Commission was also recommending a more relaxed policy towards migration from outside Europe. Sarkozy introduced a 'skills and talents permit' for the same people Jospin was trying to attract, making it easier for them to come to France if they had an employer. The legislation also allowed permits to be handed out to less skilled workers in sectors suffering labour shortages if the need arose.

But successive centre-right governments from 2002 felt it necessary to balance utilitarianism with a conservative republican rhetoric, and laws designed to allay French fears about the social consequences of migration. In 2003, Sarkozy introduced an 'integration and reception contract', which obliged newcomers to learn French and republican civic values. In November 2007, Sarkozy's successor Brice Hortefeux wanted to introduce DNA tests for the verification of family links but was refused. While Sarkozy attempted to improve relations between the French government and Muslims in the suburbs, by creating a 'French Muslim Council' in 2002, relations have since worsened following the government ban on headscarves and other religious symbols in schools in 2006, and the riots in 2005.

## CONCLUSION

It seems that the debate on immigration in France will continue to follow the same dynamic in the future: gestures to balance the interests of left and right, combined with some attempts at thoughtful, evidence-based and pragmatic policymaking. Since Jospin's government relaxed reunification laws in 1997, the numbers of migrants from North and sub-Saharan Africa and Turkey have grown rapidly (see Table 1). Most immigration will come from nearby Muslim countries (the Maghreb and Turkey), from China, and from Francophone West Africa in the future, because people from these countries can join large communities that already live in

French cities, and most African migrants can speak French. Despite the attempts to alleviate the brain drain and address skills shortages, migration for work purposes still only makes up around 10 per cent of the total.<sup>78</sup> The government would find it impossible to reach 'zero immigration' or to halt family reunification and has found it difficult to attract large numbers of skilled migrants.

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78 OECD, 'International migration outlook', 2008.