

Relations between Immigration and Integration Policies in Europe

Written from a pan-European perspective, this book examines the decision-making processes in immigration and integration policies in Europe across decades, focusing on several key moments of Europe's postwar history.

The analysis of factors taken into consideration by states in key moments of immigration policy (re)formulation shows that Europe is moving away from rational, economic arguments towards more political ones. This book contributes to the theoretical and practical debate regarding immigration and integration policies by arguing that – contrary to assumptions – immigration policy should not be treated as having precedence before integration policy. It also reflects on the growing anti-immigration sentiments as well as the securitisation and criminalisation of migration issues that are fuelled by right-wing politics.

This book will be of key interest both to students and scholars of migration, the European Union, European integration, social policy, public policy, international relations, European studies, law, economics, sociology and to professionals, policy-makers, think tanks and associations in NGOs, the EU and other IOs.

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**Edited by Maciej Duszczyk, Marta
Pachocka and Dominika Pszczółkowska**



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1 Introduction

*Maciej Duszczyk, Marta Pachocka
and Dominika Pszczółkowska*

Migration, which is one of the most common social processes in the world today, brings a number of both benefits and challenges. Unfortunately, in recent years and especially in receiving countries, there has been a growing conviction that migration is a source of problems such as crime, poverty or lower social cohesion. Many opinions are formed based on stereotypes or unverified information repeated in the media. Simplifying somewhat, we can say that attitudes towards migrants and migration in Europe and the United States are today more negative than at any time since World War II. At the same time, a world without migration and migrants simply would not exist. We thus need to search for new theoretical concepts which would help to solve this challenge. One of the solutions worth considering is a better interconnection between immigration and integration policies, which, together, form part of a broadly understood migration policy. In the past, the two policies were implemented separately, which is one of the reasons for the current problems. Forgetting or consciously forgoing integration activities and subordinating immigration to the needs of the labour market in the hope that migrants will return home after some time was a mistake. We must draw conclusions and not repeat the mistakes of the past. This particularly concerns countries which are now transforming into immigration hubs, such as those of Central and Eastern Europe.

The migration and refugee crisis in Europe in 2015–2016 gave a new urgency to the issue of immigration and integration policies on the continent. Political decisions, first to let in all those seeking international protection and then to attempt to keep them outside European Union borders, have strongly divided leaders and public opinions in the EU. This book takes a step back in order to reflect on the decision-making processes in immigration and integration policies in Europe, not only in recent years but also in the last few decades and regarding not only refugees but also migrant workers, family migrants and all other categories of international migrants. It aims to contribute to the theoretical and practical debate regarding immigration and integration policies by arguing that – contrary to what is often assumed – immigration policy should not be treated as having precedence over integration policy. In fact, the present migration and refugee crisis and several other decisive moments in Europe's immigration history have demonstrated that it is the integration policy and its effectiveness which later determine a given

state's admissions policy. Integration policy can thus be equally as important as or even take precedence over immigration policy. The answer to the question of how many people a given country plans and is able to integrate can determine its immigration policies.

Consequently, this book focuses on relations between immigration and integration policies. The fact that integration outcomes can influence future immigration policies has been acknowledged since at least the 1980s, especially following the canonical writings of Tomas Hammar (1985, 1990, 1992) and Brochman and Hammar (1999). However, integration policy has often been treated as a subsection of immigration policy (Hammar 1985, 2010), as something that comes chronologically later or as an (often late) reaction to the inflow of foreigners (Messina 2007). We assume that the two are separate but related policies. Immigration policy – focused on admissions – is understood here as the state's activities aimed at controlling the rules of entry and stay on its territory of people who are not citizens of the country, in order to obtain the optimum scale and structure of the inflow of foreigners. Integration policy is defined as the state's actions aimed at achieving a dynamic and bi-directional process of mutual adaptation (adjustment) of immigrants and the receiving society, so that the potential of foreigners in the economy and society can be utilised optimally for both parties. We thus follow in the footsteps of a number of scholars (Entzinger and Biezeveld 2003; Hellgren 2015) and, in recent decades, the European Union (European Commission 2004, 2005, for example; see also Duszczyk 2011) in underlining that integration is a two- or three-way process (Garcés-Masareñas and Penninx 2016) which also demands some adjustment on the part of the receiving society. Both policies may be formalised as strategic documents, but the absence of a strategic document does not mean the absence of policies as such and is sometimes a policy statement of its own (for more on this, see Chapter 2 of this book).

From objective to subjective factors in migration-policy decision-making

This book is the result of our analysis of decision-making processes regarding migration in several key moments of Europe's postwar history: from the guestworker period of the 1950s to early 1970s, to the 'refugee crisis' of 2015–2016. Analysis of factors taken into consideration by states in key moments when immigration policy was (re)formulated shows that Europe is moving away from rational, economic arguments and towards more political ones.

In the years of the guestworker period, it was the objective needs of the labour market which dictated immigration policy. Other areas of migration policy, most notably integration policy, were largely nonexistent (Messina 2007; for a detailed discussion, see Chapter 3), and the subject was nonpolitical and managed by state bureaucrats barely influenced by public opinion.

Nevertheless, some scholars (notably Hammar 1992) believed that, as early as the 1970s, some influence of public opinion on decision-making was visible and the end of the guestworker policy in many countries was the result not only of

the economic crisis but also of perceived problems with the integration of newcomers. In the 1980s, some countries responded to these problems with elements of integration policy, for example the somewhat paradoxically named ‘temporary integration’ in Germany, which meant that workers had rights linked with the labour market, such as unemployment benefits or trade-union membership but that no steps were taken towards their legal or cultural integration (Hammar 1985). By the 1990s, the politicisation of migration issues in Western Europe, which had already begun in the 1970s, was irrevocable (Messina 2007).

The period preceding the enlargement of the European Union in 2004 was an interesting case of decision-making in immigration policy. The enlargement of the EU by ten countries, including eight from Central and Eastern Europe, raised public fears in neighbouring countries, especially Germany, regarding the potential mass inflow of workers and persons who would burden the social security system. A majority of the German population at the time was in favour of limiting or stopping immigration from Central and Eastern Europe (see Chapter 8). The decisions of political leaders reflected these fears, but – in part due to the nature of the accession negotiations, with European institutions acting as quasi-impartial brokers and basing their proposals on objective economic factors and migration forecasts – evidence-based factors still played a significant role in decision-making. Nevertheless, some authors believe that the delay in opening up the German labour market to new EU citizens was not justified by economic factors; rather, they believe that public fears were the main argument (Elsner and Zimmermann 2013).

The ‘refugee crisis’ of 2015–2016, the next period when European countries had to make decisions regarding a major inflow of newcomers, seems to be a time when the decisions of particular states were based even less on objective factors. The number of asylum applications was certainly not a determining factor, as some of the most affected countries, such as Germany, were also initially the most refugee-welcoming ones, while countries not frequently chosen by refugees, notably those in Central and Eastern Europe, adopted an unwelcoming attitude and discouraged refugees from applying for international protection. The growing anti-immigration sentiments and the securitisation and criminalisation of migration issues, fuelled in part by right-wing politics, seem to have contributed to stark changes in the positions of the governments of, for example, Germany and Sweden, by 2016. Significantly for this book, the issue of possibilities for immigrant integration was also a key argument. Previous failures in this field led directly to a limitation on the numbers of newcomers, which was stated directly, for example, by the government of Sweden.

These events demonstrate an increasing focus on issues of migrant integration in Europe. However, the relations between immigration and integration policies remain under-investigated and frequently overlooked when making fundamental political decisions. Hence this book aims not only to draw attention to the importance of integration policies but also to show that the effects of these policies frequently determine attitudes to immigration and immigration policies later on. Integration policy can, then, be treated as a primary concern or, at least, as

being equally as important as immigration policy; it should not be seen – as many policy-makers and academics have done – as a nonfundamental and secondary subsection of immigration policy.

Structure of the book

The book consists of ten chapters, of which the first three – written by the IMINTEG team (an interdisciplinary group led by Prof. Maciej Duszczyk at the University of Warsaw, comprising political scientists, sociologists, an economist and a lawyer) – are based on our own findings and analysis. Chapter 2 provides a theoretical background and discusses both how migration policies are created, which factors influence their creation and how – in the eyes of other scholars and ourselves – they should be created. Chapter 3 takes a historical look at how these policies were implemented in various European countries and in the EU as a whole. Chapter 4 presents the results of our Delphi survey. We confronted our findings regarding immigration and integration policies and the links between them with 79 experts from central and local governments, academia and NGOs from various parts of Europe (Poland, the Czech Republic, Germany, the UK, France, Spain, the Netherlands and Sweden).

The following six chapters, written by some of the most prominent migration scholars in Europe, take the reader to various parts of the continent, where the authors analyse the relations between immigration and integration policies in their countries of residence. The countries have been chosen to represent a wide geographical spectrum – from Scandinavia to the Iberian Peninsula to Central and Eastern Europe – and a diverse range of immigration histories and models. One of the book's strengths lies in the fact that it enlarges the usual Western European perspective to include experiences from Central and Eastern Europe, regions with countries which either have very recently become net immigration (the Czech Republic) or are currently on their way to becoming so (Poland).

The chapter on Germany talks about the history of relations between immigration and integration policies and analyses the country's latest experiences of the inflow of more than one million refugees after 2015. The following chapter is devoted to the Netherlands, which has many experiences of both immigration policy and attempts to integrate foreigners into Dutch society. The two policies – immigration and integration – were implemented separately, which influenced their effectiveness. We may, however, risk saying that Netherlands has the richest experiences, both positive and negative, in implementing integration policies. Scandinavia is represented in this book by a chapter on Denmark. The authors focus on demonstrating the change in the country's approach to migration, which is visible in both its immigration and its integration policies. They argue that the present restrictive immigration policy is a response to the growing influence of anti-immigrant and populist parties. The chapter on Spain describes the experiences of a country which transformed very dynamically from being one of emigration to one of emigration/immigration and, finally, to one of immigration. The authors also discuss the role of local governments in creating and implementing immigration policies.

The authors of the chapter on Poland took a similar approach. In practice, the country does not really have an integration policy. Actions of the state are focused on managing economic immigration, particularly from the Ukraine. The country has, in recent years, faced a very significant wave of immigration, which brought unprecedented challenges. The Czech Republic is also discussed in its own chapter. Especially interesting in this chapter are the reasons for abandoning the liberal immigration policy of the 1990s, which also regarded economic immigration. It seems that this was due to problems resulting from an ineffective or almost non-existent integration policy.

The European Union's experience in the area of migration and integration and its relevant policies – the EU being a unique supranational regional organisation on the Old Continent – has also been included, ranging from postwar developments to recent events related to the refugee crisis. Finally, to allow for a more global comparison of policies implemented in Europe (and in the EU) and other immigration states, we invited experts from Australia – a country somewhat less present in migration literature than the US or Canada – to reflect on the migration and integration policies implemented in that country and point to the lessons that Europe can draw.

Our book transfers academic knowledge, based on interdisciplinary and international research results, in an accessible way (and in online open access), so that it can be widely used for research, publishing, teaching and other dissemination purposes. It is directed at various audiences in Europe and beyond. We believe the book will be of interest to both the academic community – researchers, teachers and students – and representatives of public administrations, international and nongovernmental organisations and, indeed, anyone interested in migration and European studies. We hope that the content will encourage readers from across the globe to explore the relations between immigration and integration policies in their countries. Today, such reflection is absolutely necessary if we are to create more effective and more just migration policies which will benefit both the receiving societies and the migrants themselves.

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2 Which factors influence states' migration policies?

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Introduction

Looking at migration policies in Europe today, one cannot help but see chaos. It seems that, in many respects, they have gone from labour-market-based decisions to decisions which are highly politicised and not based on solid rational premises.

This is obvious when we look at Western Europe. In the 1950s to 1970s, the subject of immigration did not seem highly controversial, and decisions were made based on the needs of the labour market. In the 1980s and, especially, the 1990s, the issue became more politicised in many countries, and decision-makers started balancing between the needs of labour markets and public fears. This was the situation, for example, during subsequent enlargements of the European Union, when countries of the 'West' had to decide when to grant new EU members access to their labour markets and did so in part based on economic arguments and in part due to public fears of a wave of 'Polish plumbers' inundating Western Europe. Later, especially during the so-called 'migration crisis' of 2015–2016, decisions seem to have been made almost entirely on emotion (first on humanitarian grounds and then in acknowledgement of public fears) or politics (how to gain more voters using these fears).

Central and Eastern Europe, which were just becoming a region of immigration, went through a similar transformation at accelerated speed. Labour migrants had been quietly welcomed over the previous two decades without much public debate, but the so-called migration crisis brought a sudden politicisation of the subject and a fierce anti-refugee reaction from the governments and society – this in spite of the fact that the region (with the exception of Hungary) was not directly affected (Klaus *et al.* 2018).

Part of this politicisation seems to be a reaction to the lack or failures of integration policies (in the case of Central and Eastern Europe, the perceived failures of integration policies in other countries, as presented by politicians and the media). A thorough discussion on how we create and how we *should* be creating migration policies is thus very urgent. This book aims to be part of that debate. In this chapter, to provide a context for the more practical discussions in subsequent ones, we summarise the main theoretical thinking on migration and integration policies and the links between them. We argue strongly in favour of treating the issues of

integration and integration policy as equally important as or even more important than immigration policy. We also demonstrate that, in contradiction to what has been happening in Europe in recent decades, policies in both domains have to be created in tandem as their effects will be felt far beyond the field which a policy is meant to influence.

In this text, migration policy is understood broadly as a reaction of the state to migration processes – both immigration and emigration. It covers:

- admission policy, which is understood as allowing foreigners onto the territory of a given state and permitting them to stay and especially to access the labour market (immigration policy);
- actions directed at emigrants from the state – especially with the aim of attracting them back – as well as diaspora policies;
- actions aimed at stemming illegal immigration, including human trafficking and human smuggling; and
- issues related to the inclusion of foreigners in the host society, including their social, political and other rights – in other words, integration policy (Duszczuk 2012; Hammar 1992; Natter 2018; Peters 2015).

In most of the literature, immigration and integration policies are analysed separately, although they are often included in a broadly understood migration policy. It is also often assumed that actions taken within integration policy – and their results – influence regulations regarding the inflow of foreigners into a given state only in a very limited way – policies intended to control and manage the arrival of potential immigrants also have a limited impact (Crawley and Hagen-Zanker 2019). Integration policy is thus considered as reactive: it is reacting to situations brought about by immigration policy. Such an approach can be found in the canonical works of Tomas Hammar (1985b, 1985c, 2010): migration policy is treated as built of two components – the regulation of the inflow of foreigners to a given state (immigration policy) and actions taken by that state in relation to immigrants (integration policy). Anthony Messina (2007), who analysed the relations between migration and politics in Europe, takes a similar approach.

Such a view appears to be a simplification. It should be assumed that there are important relations between immigration and integration policies and that these relations may determine, to a large degree, how a state approaches the inflow of foreigners. This would mean that the degree of openness towards foreigners may significantly depend on the level of integration of those immigrants who are already living in the state. Obviously, migration is a phenomenon which cannot be fully controlled, except in extreme circumstances. This means that every state should have both an immigration and an integration policy. It is key that the two be tied, so that actions within one policy are coordinated with and result from the other. If an integration policy proves ineffective and social cohesion on a given territory is under threat, this should lead to a change of policies: either the limiting of immigration, a change in the direction of migration flows or a reform of existing integration policies which have proved ineffective in the case of particular groups.

The success of integration policy should lead to the liberalisation of migration policy and the opening up of a country to a larger number of foreigners.

The experiences of recent years, especially the so-called 'migration crisis' in Europe and the USA's policies under President Donald Trump, demonstrate clearly that it is impossible to have an open immigration policy without an effective integration policy. We should expect that political decisions on the opening or closing of borders and labour markets to foreigners will increasingly be made depending on the degrees of integration of the foreigners who are already in the country – although it should be underlined that frequently other political processes altogether, not the integration of foreigners, determine policies. A good example is the deporting of some undocumented but well-integrated and long-established migrants from the USA, done clearly for political reasons (see Welch 2003). Public opinion will force politicians to make decisions regarding foreigners based on their own experiences or those of others, as pictured in the media. Objective factors, such as the needs of the labour market or demographic processes, can be expected to play a much smaller role. It is hard to imagine many societies agreeing to an open immigration policy if integration policies are not successful. Governments which realise the benefits of immigration will have to devote more resources and attention to integration policies.

Ideally, migration policy formulation should follow that of a general migration doctrine and should take the form of a document accepted by the government or parliament. This helps to present it to society and – perhaps even more importantly – helps government and local government officials to act in accordance with its spirit when implementing not only migration policy but also other regulations which impact on the presence and rights of foreigners. In Hammar's (1992: 256) opinion, a migration policy is not necessary when the inflow of foreigners is small and thus usually not of interest to politicians. However, such a lack of policy is also a kind of policy by omission. A migration policy is necessary and is usually created when the inflow of foreigners becomes large. Usually the goal is to halt it and gain a sense of control (which is frequently just a sense – cf. Castles *et al.* 2014). It can also be created to steer the inflow of migrants who have been deemed necessary in the labour market or for other reasons.

It is difficult to measure the effectiveness of migration policy, especially in the long term. If we measure against goals set out in laws or other documents, we will find that many have failed. As an example, we can cite the policies of Germany (which, in the years 1950–1970, wanted to import labour, not people – see Chapter 5, this book) or Australia (which wanted to keep its 'White Australia Policy' in the years after World War II – see Chapter 11, this book). In both cases, reality proved far removed from what was planned. However, we certainly cannot say that these countries or societies failed. Both have managed to develop relatively cohesively. It is often the case that officially stated goals of policy are different to their unofficial, forecasted or even welcomed effects (cf. Castles 2004). Although it is difficult to measure the success or failure of migration policies, certain elements are worth looking at: maintaining external and internal security; economic development, especially the situation in the labour market; maintaining

an optimal demographic balance in society; and social cohesion. If success in these fields is to be achieved, an intense integration policy is a necessary part of migration policy (as well as a selective immigration policy). This – again – demonstrates that both policies should be analysed and conducted together.

Factors influencing migration policies – theoretical perspectives

As a part of social policy, migration policy should be aimed at solving particular social problems and facilitating socio-economic development. This is the perspective we should keep in mind when looking at the factors which influence (or should influence) migration policies. Such factors are often underlined in the very definitions of these policies (Chałupczak 2013; Duszczyk 2008). Many authors point to the objective factors which should be taken into consideration by policy-makers: the existent and forecasted demographic structure of the society, economic development and the situation on the labour market, including the needs of employers. Many definitions place labour market and related economic issues as the central points of reference of migration policies (Castles 2004; Duszczyk 2012; Hammar 1985b).

From an economic perspective, the flow of labour is frequently considered jointly with the flow of capital. If there is a free flow of capital, there is no need for immigration, because workplaces can be created in the countries of origin of potential migrants. The relation between migrations (migration policy) and type of economy (economic policy) was studied, among others, by Margaret Peters (2015), who argues that closed economies, which limit the free market and the inflow of merchandise from abroad, will be more open to immigrants (and should have a liberal immigration policy) because, as they develop economically, they will need more cheap labour, which they can only find abroad. Of course, in times of crisis, migrant labour becomes unnecessary (Welch 2003). It also becomes less necessary when a country opens up to the world market and globalises. Companies then change strategies – they export work abroad by moving their factories and then import products. In such situations, access to the labour market is closed to workers, because they can do their work in the countries of origin. This theory concerns low-skilled workers, although jobs requiring low qualifications are the ones most often filled by migrants (Peters 2015). As James Hollifield (2004) points out, governments face a ‘liberal paradox’: because of economic factors, they should be interested in an inflow of migrants – thus, they should have an open migration policy; however, issues of security or social cohesion push them to control borders and limit the inflow of migrants. It seems this paradox could be solved through a better coordination of decisions within immigration and integration policies.

Factors resulting from foreign policy and the international obligations which states take upon themselves can also not be omitted. The global, regional and bilateral agreements into which states enter and their membership in international organisations all influence governments’ actions. The scope of the decisions taken

by states is limited, for example, by the obligations they have taken upon themselves through signing the 1951 Geneva Convention Relating to the Status of Refugees or through membership of the European Union. The free movement of people is one of the fundamentals of the EU. Additionally, since the mid-1980s, member states have been tightening their cooperation regarding immigration both from outside the EU and from asylum. In 1997, these issues were moved into the first pillar, which means EU institutions gained the competencies to influence the shape of legislation. As Scholten and Penninx (2016: 96, italics in the original) write:

Europeanization clearly involves *loss of control* for nation states, given the supremacy and direct effect of EU directives. (...) EU institutions [are] exerting top-down control over immigration policies throughout Europe.

In the context of the functioning of the EU, the Schengen Agreement should also be mentioned. Members of the Schengen Zone limit their sovereignty regarding border control and visa policy. This reduces the freedom of individual states in creating migration policy.

The foreign policy of a given state is also important. Underlining the close relations with a given region (such as the Commonwealth or the Eastern Partnership between the EU and its neighbours) is often accompanied by regulations concerning migration from those states – usually giving their citizens certain privileges. Thus, migration policy also depends on alliances, neighbourhood policies, the aspirations of a given state and its economic and military power (Hammar 1992). Opening the doors to citizens of a particular state may also be a form of gratitude for the ‘services’ of the governments of that state. In recent years we have frequently witnessed this form of ‘return favours’ for not letting through other inhabitants of a region. This concerns, for example, Mexico, whose citizens benefit from certain facilitations of entry to the US in exchange for a greater securitisation of the southern border, or Morocco, which has a similar agreement with the EU (see Del Sarto 2010; Walker 2018).

Migration policy may also result from national traditions and sentiments. This frequently manifests itself in citizenship policy – the granting or repealing of citizenship to encourage both persons living outside the state to repatriate, as in the case of Germany or Poland (Harpaz 2015), and inhabitants ‘on the historical territory’ of that state, as is the case, for example, in Hungary. Interestingly, the Hungarian case also demonstrates how such policies can be counterproductive: many inhabitants of bordering regions apply for Hungarian citizenship to gain freedom of work and travel elsewhere in the EU – for example in Czechia or the UK (Jóźwiak 2017). Another variant of such a policy is to grant other types of instrument facilitating entry and residence to people who have national, historic or family links with the state. Poland is one such example, having created the Polish Card (*Karta Polaka*) for people with Polish roots who, for historical reasons, have found themselves outside the borders of the state (Szulecka 2016). Germany drew up a similar policy in the 1990s, which allowed numerous inhabitants of the

Commonwealth of Independent States, including Russia and Uzbekistan, who had German ancestry, to go to and reside in Germany.

Katharina Natter (2018: 7, 9) sums up factors influencing migration policy as follows:

Existing reviews of immigration policy theories [. . .] suggest four primary determinants of immigration policy: (1) the role of socioeconomic interests at the domestic level, operating via interest groups and public opinion; (2) the importance of foreign policy and diplomatic interests; (3) the role of state institutions' potentially conflicting interests; and (4) the impact of international norms on national policy-making. [. . .] Ultimately, most immigration policies – regardless of the political system in place – are likely determined by the dialectic between interests, institutions and ideas evolving at the intersection of domestic and international spheres.

When naming the determinants of migration policy, Natter draws attention to a very important element – the persons or interest groups who influence the choice of solutions and policies. Such groups lobbying in favour of particular solutions are especially important in democratic states. Gary Freeman (1995) calls this process 'client politics'. He argues that, up to the present, most migration policies were created in line with the preferences of business, which can influence parliamentarians. It is employers who gain the most from particular regulations regarding the access of migrants to the labour market. At the same time, Freeman believes that the costs of immigration are borne mostly by society and the state coffers, whereas business participates to a relatively small degree. The influence of employers is also visible at the level of definitions, since – as we have already mentioned – labour-market policies often influence migration policy the most. Historically, in most liberal economies, migration policies were created in response to the needs of the economy and employers. In many countries, business and politics are close to each other and, in the interest of guaranteeing economic growth, politicians pay close attention to the voices of employers, who tend to be well organised and have the resources to effectively lobby in favour of their interests.

Another important group which influences migration policies is NGOs (Duszczek 2012). The nongovernmental sector also tends to be quite well organised and to know how to find resources for its activities, has particular goals – usually in the field of human rights and protection of the rights of migrants – and is increasingly effective in what is called 'advocacy' (which is, in fact, similar to classic lobbying). NGOs are particularly active in the fields of humanitarian protection and asylum-related issues. What sets them apart from other lobbyists is that they act to protect certain values, not particular interests. In many countries with a limited experience of immigration (such as Poland or other countries of Central and Eastern Europe), NGOs are among the few with expert knowledge in the field of migration. As long as their subject matter is not of interest to politicians, NGOs are frequently the main partners of the government or officials in shaping

migration policies – either *de facto* through practical work or by participating in various ways in the creation of official documents (Lesińska and Stefańska 2015).

Here we come to the question of who creates and who should create migration policy. Since these are political documents, it should be politicians in public office or high-level bureaucrats. Other groups also participate in the decision-making processes in democratic societies. This process of influencing politicians and the solutions they create by various groups in society ('clients') is thus completely normal and useful, especially if we assume that these groups present the factual arguments behind their positions and that the process is transparent. The debate is thus enriched with data and knowledge rather than relying on emotions and imaginings. This clashing (or even battle) of views helps rational decision-making and improves the quality of the documents created (cf. Castles 2004).

As mentioned earlier, politicians are not always interested in the subject of migration. The lack of a 'migration policy', however, does not mean that such a policy is not being created or does not exist. In such a situation, it is simply being created by other actors – most often officials: '[T]he decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures, effectively become the public policies they carry out' (Lipsky 2010: xiii). Policy, in such a case, is being created by practical actions, settlements and decisions. It is necessary for bureaucrats because it creates a basis (also a legal one) for actions in the fields of migration and the integration of foreigners. Such a policy, however, is often incoherent, created *ad hoc* and case by case through trial and error, which leads to its being fragmentary at best. Many officials look at so-called best practices from other countries. However, these are not always adequate due to different legal or structural circumstances; sometimes, their implementation results in quite unintended results. NGOs and local governments also play their part in the creation of such migration policies (Hammar 1985c).

In recent years, especially, migration policies have become the subject of public disputes and arguments between political parties. The subject has become highly politicised and parties exploit it to win or retain power. This is an unfortunate situation which does not favour rational decision-making.

It is also important to note that the role of local authorities at different levels has been increasing. They are involved not only in implementing integration policy – for which they frequently are legally responsible – but also in formulating policy, sometimes even in opposition to the central government (Scholten and Penninx 2016). This is so in big hyper-diverse cities like Berlin, London or Amsterdam, whole regions like Scotland or Catalonia and also smaller cities in states where strongly anti-immigrant forces are in power (in Central and Eastern Europe, the cities of Warsaw, Poznań, Lublin or Gdańsk are good examples in Poland; in Hungary, the capital, Budapest). In Poland, which has not created an integration policy, local governments make their own efforts to integrate immigrants, realising that if they do not do so they face a higher risk of social conflict (Duszczyk *et al.* 2018).

It is worth underlining that even the mere fact of whether a country formulates a written migration policy or not is an element and a demonstration of a political decision in itself. A state has no choice but to control its borders and set rules regarding the entry of foreigners. In the case of integration policy, however, inactivity is an option. As Hammar (1985a) points out, when a state wants to have ‘guestworkers’ – that is, migrants who are temporary and whose presence is dependent on economic trends – it will not develop an integration policy, since this may encourage migrants to stay (even though many experiences demonstrate that such an approach is not enough to discourage migrants from remaining).

Even some of those states which assumed their immigrants would settle believed and claimed in their migration policies that no instruments to facilitate integration were necessary. They believed that the instruments of general social policy, open to all inhabitants, including immigrants, were sufficient. Such an assumption was frequent, particularly among post-colonial states, when immigrants had a (better or worse) grasp of the host country’s language (although Sweden, which had no colonies, followed a similar logic).

Such a non-integration policy became problematic when the number of immigrants increased and when immigrants came from a wider spectrum of countries. The receiving countries were caught unprepared, with no policies to determine how to include the newcomers into society. It was too late to create an integration policy only when migration had started to be perceived as a social (and frequently political) problem; such a policy could not bring the expected results. That is why, in many cases, the only reaction consisted of limiting the inflow or organising deportations. Some states, notably Spain and Italy, took a different route by conducting the regularisation of undocumented migrants (De Bruycker *et al.* 2000). However, only a coherent immigration and integration policy could have limited the problems resulting from migration.

To be effective, an integration policy needs to be a coherent set of actions aimed at including migrants in various dimensions of the functioning of the receiving society. Decisions made in all fields of migration policy should be interrelated. It is a mistake to consider decisions in immigration policy as primary and those regarding integration policy as secondary.

It is worth pondering, then, both on what influences the restrictiveness of migration policies and on the role of integration policy and its effectiveness. When we look from a global, long-term perspective, most basic parameters do not seem to influence migration policies. The level of democratisation does not play a role; neither does the level of GDP or GDP growth – that is, a country’s level of either crisis or prosperity does not determine the openness or restrictiveness of migration policies (Peters 2015). It is also not clear how the positions and values of traditionally present political parties influence the approach to migration. Some researchers underline that right-wing parties are more prone to restrictive migration policies (Freeman 1995), whereas others see left-wing parties as displaying such tendencies more often (Peters 2015). Much depends not only on the given state but also on the period when a given party is in power. Since all politicians, irrespective of alignment, must heed to the wishes of their voters, it is the

voters – who are currently more and more in favour of limiting immigration – who may have the last word.

This seems to have been the case since the 1990s, when immigration policy became highly politicised and was included in the programmes of extreme parties (on both sides of the political spectrum) which are highly anti-immigrant and populist. Migration became part of the game of power. Mainstream parties also introduced this question into their rhetoric and programmes, not wanting to leave the terrain to the extremists. They softened the message only somewhat, remaining within the border-closing trend (Lesińska 2010). At the same time, societies of the Global North increasingly perceived migration as unwelcome and believed that it should be stopped because it threatened the security of states and social cohesion (Castles 2004). It is worth noticing, though, that a certain political dualism has developed. In some countries, politicians publicly use anti-immigrant language but, at the same time, have a sort of hidden agenda, quietly implementing policies open to immigrants because employers demand they do so (Castles 2004). The behaviour of the Polish government since 2016 is a prime example of such duality (Klaus 2020, forthcoming).

This is undoubtedly a kind of circle. Politicians influence public opinion. They are the ones who create 'the figure of the migrant' – a politically useful portrait with the characteristics they ascribe to it (Nail 2015). Studies demonstrate, for example, that the more open and equality-focused the migration policy, the less endangered by migrants the locals feel. It is difficult, however, to pinpoint which is the cause and which the effect, Does a more open migration policy influence the openness of societies, or do more tolerant societies choose politicians who implement their views (Wysieńska-Di Carlo 2018)?

We also cannot underestimate the role of the media in discouraging societies of the Global North about migrants, who are often presented as the dangerous 'other'. As Teun van Dijk (2009: 199) notices, '[T]he press continues to be a part of the problem of racism, rather than its solution'. In his text, he presents the various techniques and procedures used by traditional media, which give rise to or reinforce xenophobic positions in society instead of doing the opposite. This situation is long in the making. Already in the 1990s, refugees were presented in the British or Austrian media as persons who need to be controlled, who commit crimes and who 'abuse' the asylum system (most readers do not differentiate between the various categories of foreigners and direct their negative feelings towards immigrants in general). They were presented as waves or hordes of invaders and thus became the subject of a 'moral panic'. Stan Cohen (1972: 1), who coined the term, described it as follows:

A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people. [. . .] Sometimes the object of the panic is quite novel and at other times it is something which has been in existence long enough, but suddenly appears in the

limelight. Sometimes the panic passes over and is forgotten [. . .] at other times it has more serious and long-lasting repercussions and might produce such changes as those in legal and social policy or even in the way the society conceives itself.

As a result, the ‘moral panic’ linked with migration and migrants was transferred into the political field, and a phenomenon called ‘governmental xenophobia’ started. Such a xenophobia exists when there is a combination of public discourse and concrete actions by the authorities aimed at stigmatising migrants and presenting them as a source of problems, evil or danger (Valluy 2011). Maggie Ibrahim (2005: 165–166) gives this process a different name: ‘new racism’. In other words, foreigners are presented as ‘other’, as a threat to the security of society – a physical, a cultural, an economic or any other kind of threat made up to fit the moment, such as a threat to ‘national identity’. As a consequence, there appears a demand for the government to ‘solve the problem’ – that is, to act to increase security. The only way of eliminating the threat in such a situation is by eliminating the migrants from social life. The government attempts to do so by legal and political means, including migration policy. Borders are closed and securitised, the rights of migrants are curtailed and new types of offences are created which can be committed only by immigrants. As a result, they are punished as criminals. The law and its agents start viewing all migrants stereotypically as dangerous breakers of the law who should be kept under control (Gliszczyńska-Grabias and Klaus 2018). All this is done to reduce the scale of migration and remove at least some of the foreigners from the territory of the states of the Global North. Fears of migration and migrants increase, especially in times of a migration crisis. In recent years, over a dozen such crises took place in the world, which were caused both by wars, such as the Balkan wars or the war in Syria, and by dramatically worsening living conditions, such as those in Venezuela or Myanmar. In such moments, which cause much emotion, decisions are frequently irrational and destroy the existing order; at times they even lead to the breaking of basic human rights.

At the same time, countries undertake what can be termed ‘nonimmigration policies’ (Castles 2004: 864–865) – they attempt to support the development of the Global South through instruments of a liberal economy. As an effect, it is mostly wealthy corporations from the Global North who benefit from free trade. The economic situation and related migration pressure from countries of the South do not change as a result or change only to a very small degree.

Some of the solutions to the problems described in this introduction could be found through an effective integration policy, which would be an element of decision-making in the whole migration policy. This would have to be based on an inclusive model which would assume that immigrants will eventually become full members of the destination society. An inclusive approach is also necessary in the case of short-term (seasonal) migrants or guestworkers. From the very first days of their residence in the state, they should be offered basic integration mechanisms such as language courses and instruction in local rules and customs. This would limit their ‘otherness’ and would prevent the creation of ethnic enclaves. The fear

of others in the receiving society would decrease, and the pressure on government to limit the inflow of foreigners would be smaller.

The experiences of integrating various groups of immigrants could influence decisions regarding the size of inflows from particular countries or regions of the world. Such an integration policy would allow for the adaptation of immigrants in the economic, social and legal spheres, as well as in many aspects of the cultural sphere. Integration policy, or rather its effects, would become an important argument in deciding how restrictive migration policy should be and what kinds of foreigners a country prefers to let in. We do not mean preferences in terms of ethnic groups or nationalities; rather, we mean particular features of migrants which may favour their integration. This would not mean closing the borders to forced migrants, who must be accepted, or to those who integrate slowly. In the latter case, we can simplify by saying that their number should be limited depending on the integration capacity of the receiving state. The existence of an integration policy should increase this capacity. We should also never forget that integration is a two-way process between immigrants and the receiving society. Efforts should be made to increase the acceptance of migrants' differences and to fight racism and xenophobia.

State sovereignty and the freedom to create migration policies

The body of international law regarding migrations is somewhat limited if we compare it, for example, with trade law or environmental protection law. No state is legally obliged to let in immigrants, but it should formulate rules according to which it intends to do so. Hammar (1992) promotes such an approach, stating that human rights, such as those formulated in the Universal Declaration of Human Rights of 1948, declare humans free to leave any country, including their own, but that this freedom does not extend to entering another country (Art. 13, Point 2 of the Declaration). Is it then the case that states and governments can exert almost unlimited control over their territory and the people living there? Can they – in the name of 'sovereignty' – formulate their migration policies as they wish and decide who can enter their territory and when they have to leave? Giorgio Agamben (2000) links the notion of sovereignty with nation states, which tie the rights of a certain group of people with their place of birth and the resulting status of citizen. He also points out that, for centuries, sovereignty was linked with the 'justification of violence' or 'the threshold on which violence passes into law and law passes over into violence' (Agamben 1998: 31–32).

Most researchers believe that the principle of sovereignty in migration issues is very broad (Kicinger and Saczuk 2004). In accordance with such a view, states and governments have a full right to regulate admissions and the question is excluded from under the protective umbrella of human rights, which usually limit the discretion of those in power. The full right of deciding who can enter the territory is correlated with the right to decide how long and under what conditions an individual can remain. If a state refuses someone the right to remain, it is entitled

to deport a foreigner and this concerns all persons, irrespective of whether they entered the territory illegally or legally and were later refused permission to stay.

Hammar believes states are entitled to conduct selective immigration policies, a selectiveness which can even concern such features of migrants as their ethnicity, religion or culture, as doing so may be in the interest of avoiding conflict or disrupting 'ethnic or religious balance' (Hammar 1992: 256). He argues that limits are a result of the limited integration capacity of states and the need to guarantee migrants appropriate access to the welfare systems. A large inflow of migrants could lead to financial problems in the state or endanger social cohesion. However, he puts into question his own argument by pointing out that most migrants, at the moment of arrival, do not obtain privileges comparable to those of locals. Their rights are much more limited, especially concerning access to the welfare system and, generally, the support of the state. They gain this access only after many years of residence and after fulfilling additional conditions (Hammar 1992). This brings us back to the integration offer for migrants from the first days of their stay. A selective immigration policy seems to make sense only if it is accompanied by a developed model of integration policy, which would allow for the effective and relatively speedy integration of foreigners in the receiving state.

Joseph Carens (1987) stands at the other extreme of the spectrum of views regarding immigration policies. Having analysed liberal political theories and their assumptions, he argues that it is difficult to find a rational and philosophical justification for closing borders. Interestingly, open-door policies are advocated by scholars on two sides of the philosophical spectrum: neoclassical economists on the one hand and left-wing scholars on the other, of course for different reasons (Castles 2004). Carens believes that, if humanity decided that the freedom of movement is a basic human right and if states guarantee it within their borders, it is hard to justify why it should be restricted between countries. As he wrote:

Our social institutions and public policies must respect all human beings as moral persons and this respect entails recognition, in some form, of the freedom and equality of every human being.

(Carens 1987: 265)

This corresponds with the words of Hannah Arendt, who wrote about refugees, although it seems that her thoughts can be extended to all migrants. She feels that they are in a situation, 'not [of] the loss of specific rights, [. . .] but the loss of a community willing and able to guarantee any rights whatsoever' (Arendt 1951: 297). From this perspective, integration policy is also key because of the potential multiculturalism of society. It would have to be quite different to the approach known today and would have to focus on building the society's adaptability to a constant inflow and outflow of both foreigners and its own citizens. It should also be based on the idea of society as a community which does not exclude any of its members.

Michael Walzer's views lie between the two extremes described earlier. He believes that states should generally be allowed to decide who and under what conditions they wish to allow on their territory. However, humanitarian reasons

provide an exception to this general rule. States are thus obliged to let in refugees and offer them protection 'because its denial would require us to use force against helpless and desperate people' (Walzer 1983: 51). This is in line with the limitations resulting from international human-rights law. The *non-refoulement* rule resulting from the Geneva Convention (Art. 33) forbids countries from sending people back to a place where their life, health or freedom could be in danger, especially if the person is in danger of being tortured (DeBono 2016). The second important rule stipulated by Walzer is that persons who have permission to enter and remain should quickly be integrated and subsequently naturalised. The point is that, if they are living in a society, they should become full legal members of that society. This is, again, an inclusive integration model. In other words, while governments can, to a large degree, decide who to let in, their decision-making power becomes more limited at later stages. Carens develops his thinking by proposing the theory of social membership. He believes that migrants who have spent some time living in the country are, from a moral perspective, members of that society and should be treated as such. This kind of belonging is more important than other, legal kinds. According to Carens (2013: 159):

it is not citizenship but social membership that provides the basis for moral claims to most legal rights because social membership is what citizens and residents have in common and what distinguishes them from visitors.

Integration and naturalisation also mean that states are obliged to give migrants political rights which guarantee their participation in society and in the system of power, instead of treating them as guests (or guestworkers) whose status is unsure. The abuse of migrants in society and oppression on the part of the authorities are the result of a lack of political rights. Without such rights, the economic position of migrants is also unable to improve. Politicians only listen to people who can vote for them and fight for their rights. When certain groups in society are not voters, nobody fights for their rights. Because of this, Walzer (1983: 62) believes:

Immigration, then, is both a matter of political choice and moral constraint. Naturalization, by contrast, is entirely constrained: every new immigrant, every refugee taken in, every resident and worker must be offered the opportunities of citizenship. [. . .] No community can be half-metic, half-citizen and claim that its admissions policies are acts of self-determination or that its politics is democratic.

In practice, however, such an approach often fails. As Lewicki (2017) points out, even naturalised migrants are treated by parts of society and its elites as foreign, not as equal members who fully belong to the society. Theoretically they have full civic rights but, in practice, these rights are often limited. The main barrier is structural or institutional racism, directed the most often at people of a different skin colour or at Muslims, which makes their full economic and political integration difficult (Lewicki 2017; Williams 1985).

Conclusions

States formulate or attempt to formulate their migration policies, which have diverse aims. On the one hand, they try to increase migration flows and encourage certain groups to come (for example, highly qualified workers or those whose professions are in short supply on the market); on the other, they try to limit inflows. These policies do not necessarily influence the behaviour of migrants. Like all other people, they have their plans and life strategies and navigate between states and their policies, using those which fit their aims and trying to circumvent the inconvenient ones (Hammar and Lithman 1987).

If policies are created only to satisfy the wants and needs of the host state, while ignoring reality and the expectations of migrants, they may well remain void. Castles (2004: 852) even claims ‘that states always, or even mostly, fail to influence migration through their policies’, especially if we look at the policies in the long term. This is because policies created by states are usually short-sighted and aimed at answering current challenges; their creators do not understand or do not take into consideration the logic of migration movements. Quoting Castles (2004: 864) again: ‘State migration control efforts still follow a national logic, while many of the forces driving migration follow a transnational logic’; this discrepancy leads to the ineffectiveness of state policies. State policies can be made more effective if they involve the full spectrum of the state’s areas of intervention in migration: immigration, emigration, preventing irregular migration and – most importantly – integration. This is the main argument both of this chapter and of the whole book. All partial policies must interact with each other, and in fact, they do, so decisions made in one field must (and do) cause effects in the others.

Immigration and integration policy cannot thus be treated as separate, as many states up to now have done. The experiences of recent years and the so-called migration crisis demonstrate that it is impossible to have an open immigration policy without a developed and effective integration policy. We must thus focus on integration policy more than in the past, and decisions in immigration policy must be made based on the effects of previous integration policies. We thus assume that we would have a selective immigration policy; however, this selection would be based on rational and nondiscriminatory criteria and would result from our knowledge, not from social fears and stereotypes.

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3 Relations between immigration and integration policies in postwar Europe

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Introduction

Analysing the development of immigration policy in postwar Europe, one may hypothesise that the evolution of the destination country's response to the influx of immigrants is a process which starts from a (wide) open-door policy for foreign workers (as a result of dynamic economic development and a high demand for a cheap foreign labour force). Such a policy has been replaced over time with one of increasing limitations and strict control over the inflow and settlement of immigrants. Migration policy, however, is a set of regulations not only covering immigrants' entries and exits but also adapting to cope with the long-term consequences of the settlement of foreigners – i.e. their integration. There are significant connections between immigration and integration policies, yet it requires a long-term perspective to understand the importance of this interplay. Moreover, both entry regulations and integration policies are affected by a whole range of factors (see Chapter 2, this book).

European countries' experiences of immigration and integration and the corresponding policies have been miscellaneous and conditioned by specific historical and socio-economic contexts, different concepts of nationhood and citizenship, geographical location and regional political constellations. In this chapter, the focus will be on those Western European countries that were at the forefront in experiencing immigration processes and developing models of integration – which then became points of reference for other countries. The dynamics of the relationship between immigration and integration policies are closely related to the migratory history of individual countries. In receiving countries, the interest of the authorities and public opinion on immigration and integration issues varied in different periods, depending on the intensity of the inflows of newcomers and their characteristics. This chapter will particularly concentrate on Western Europe for several reasons. Firstly, in the postwar period, countries such as Germany, France, the Netherlands and others in the region were the most important destinations for immigrants both from other continents and from Europe. They had to tackle mass inflows of foreigners and became, in a relatively short time, countries of net immigration – Western Europe became a net immigration regime in the 1950s, whereas Northern and Southern Europe did so in the 1970s (see Okólski 2012).

Although national variations may be found in the composition and number of foreigners, in the stage of their immigration process and in the models of admission policy implemented by each individual state, the governments had to face the challenge and design their political response to the process of these immigrants' settlement – in other words, integration policy. The diversification of the modes of integration policy developed in Western European countries is another reason for focusing on this particular region. The third reason is that migration flows to and within the European continent have traditionally been regulated by nation-states; however, in recent decades, competence in this field has been partially delegated to the European Union (Scholten and Penninx 2016: 92). The strict connection between national and EU levels in terms of the management of migration flows and attempts to implement a common migration regime operating in all member-states is an extraordinary example of interstate cooperation; there appear to be no other similar examples noted in the world on such a scale.

The aim of this chapter, therefore, is to examine and reflect on relations between immigration (admission) and integration policies, using the example of selected European countries and their grouping (EU). The starting point is that – contrary to traditional thinking – immigration policies are not and should not be considered as superior to and independent from integration policies. Integration policies, particularly their failures, frequently determine immigration policies at a later stage. Thus, both policies appear to be very interdependent. In detail, the issue of the relationship between immigration and integration policies is examined from three perspectives reflected in the following parts of this chapter. The first of these provides a historical analysis of postwar migration, with special attention paid to the reconstruction of developments in each policy as well as the connections between them (if any). Analyses of state responses to migration show that, in general, efforts to facilitate migrants' integration result from actions already undertaken within admissions measures. In other words, integration policy is reactive and subsequent to immigration policy (see the discussion on this issue in Chapters 1 and 2, this book).

The second part of the chapter examines the approaches to integration and the corresponding policies in selected European countries. On the one hand, integration models implemented in Western European countries with the richest immigration histories and, consequently, with the most advanced integration measures on the Old Continent, are discussed. On the other hand, references to countries that are in transition from emigration to immigration countries in Central Europe are also presented (Van Mol and de Valk 2016). To this end, the third part of the chapter explores the European Union's approach to broadly understood migration and immigrant integration and corresponding policies, underlining their legal framework. The EU as an international organisation whose competence in the field of migration is shared with its member-states, is a special case study. Within its integration policy, the EU only supports national efforts and provides incentives – both financial and nonfinancial – to states to enable them to take various actions to empower both third-country citizens living legally in the EU and receiving communities. The reconstruction of the development of immigration and integration

policies in Europe also serves as an introduction to the following part of the book, dedicated to case-studies of particular countries.

The interplay between immigration and integration policies – an overview of postwar developments

As the history of the twentieth century shows, perceptions of immigration as a threat increased during wars and periods of political instability, economic crisis and high unemployment, which often coincided with mass population movements. The implementation of immigration control and entry regulations has generally been regarded as necessary by state authorities. Immigration flows that took place between the 1950s and the 1970s can be grouped into two main streams: colonial migration regimes (common for former colonial powers such as the UK, France and the Netherlands) and guestworker policies – which were implemented, *inter alia*, in Germany, Austria, France, Denmark and Sweden (Hansen 2003: 25). The massive human flows gave rise to a number of challenges for Europe's receiving countries which have remained to this day, with the integration of immigrants being the most notable. The postwar era of the early 1970s requires more comprehensive examination here, as a starting point for European countries' policies aimed at controlling and reducing immigration (Hansen 2003; Van Mol and de Valk 2016). Although the concern to restrain newcomer inflows and to manage the integration of those already settled was originally limited to Western European countries – as 'traditional' destination states – new pressures emerging during the 1980s and 1990s made the immigration issue a salient problem also for 'new' immigration countries in Southern Europe and, in later decades, for Central European countries as well (Okólski 2012).

Until then, migration was determined mainly by market forces and migrants were viewed as strictly temporary – necessity for the purposes of the national economies' recovery in the postwar period and to fill sectoral labour shortages caused by the current rapid economic growth. In many Western European countries, employers were free to recruit foreign workers abroad or to employ those who arrived on their own initiative in search of work. It was – following Thomas Hammar's words – a period of *laissez-faire*, when governments left the regulation of migration flows to companies and labour-market forces (Hammar 1992: 248). Migration policy was based primarily on the rules of entry and work and on the notion of migrant circulation – entry, work and return – on which the guestworker system was based. Immigrants were to stay only on a temporary basis, with no opportunities for permanent settlement, family migration or societal integration. At that time no measures were taken to integrate foreigners. There was a lurking assumption that this labour migration was temporary and that migrants would return to their home countries once their economic role had been completed.

The economic slowdown and oil crisis that took place in the early 1970s became turning points in the history of migration processes in Europe and marked the beginning of a new way of thinking about immigration and integration policies. In 1971, the UK, followed a year later by Germany, France and then other

countries, announced the end of an active recruitment policy and employment of foreigners. Subsequent governments began to proclaim the slogan 'zero immigration', meaning the closure of borders to stop the influx of new foreign workers and the implementation of stricter regulations of stay and work for already settled migrants.

Whereas the inflow of foreign workers was limited for the next few decades, family members as well as asylum-seekers from Central and Eastern Europe, Africa and Middle Eastern countries continued to arrive using still-available entry channels. After the borders were closed to labour migrants, legal entry was only possible through the asylum path and arrangements for family reunion. Despite the tightening of the immigration law, the number of newcomers increased in the following years: by 13 per cent in the cases of West Germany (1974–1982) and Great Britain (1971–1981) and by 33 per cent in France (1969–1981) (Moch 1992: 184). Moreover, despite losing their jobs during the economic slowdown, foreign workers did not return to their countries of origin, knowing that rearrival would be difficult, if not impossible. The return programmes introduced by governments to encourage foreigners to leave were also unsuccessful. As a result, the policy of 'closed borders' caused the opposite effect to the expected one: inflows did not stop and, moreover, thousands of foreigners decided to stay in their countries of residence, having no reason to return to the much lower standard of living and development in their countries of origin. By the late 1970s, it was clear that supposedly temporary migration had turned into permanent settlement, resulting in the emergence of multicultural and multilingual societies. The stabilisation of immigrant populations began, family reunion and refugee status gave way to permanent settlement and Western European governments and societies began to perceive immigrants as more permanent rather than merely a temporary component co-shaping national communities. The profile of immigrant-origin communities changed when, instead of male workers, more women as well as younger and older people arrived, with the increased engagement of key social institutions, particularly the welfare state. After all, the governments acknowledged that settled migration meant new challenges in terms of integrating into host societies.

This process caused *de facto* new policies to emerge. There had been surprisingly little recognition of the potential social and political impacts of immigration and nothing in the way of long-term planning for the integration of immigrants. Traditional assimilation channels were projected in the interwar period for those few who had decided to stay and settle. Since these policies were intended for relatively small groups originating from culturally similar areas, they were unlikely to be successful in the case of diversified and large waves of immigrants arriving from other continents (Doomernik 1998). The recognition of immigrants' permanent settlement led Western European governments to gradually develop activities aimed at the greater integration of immigrants. Initially integration policies had been formulated in a reactive way – as policy-makers did not expect migration to be permanent, they responded to specific problems as they arose, rather than through the formulation of comprehensive and far-sighted strategies (Collison 1993: 90). The state's role was limited to control and to limited forms of integration policy

focused mainly on legal solutions in the field of anti-discrimination legislation and on the socio-economic dimension (education, housing, the welfare state).

The main aim of a state's activities in this area was to prevent the economic marginalisation of immigrants and to better integrate them into the labour market in order to increase their productivity through access to education, language learning and vocational training. The immigrants' integration was perceived as a one-way process (immigrants were expected to adjust to the host society) and as voluntary (as a right, not an obligation) and felt to be concerned mainly with the economic and social spheres of life, rather than the cultural. It was widely believed that integration was an inevitable process: if not the first generation, then the second and subsequent ones would be sufficiently integrated as a natural consequence of the processes of education and socialisation into the host society. Moreover, an argument was pursued that a successful integration policy depended on strict entry control, meaning in practice that the free influx of foreigners was seen as the major obstacle to the establishment of a peaceful relationship between immigrants and the host society (Brochmann 1995: 115). This approach still remains a key argument shaping migration policies in many countries: integration measures aligned with reinforced attempts to limit any further immigrant inflows.

Demands for the improved enforcement of migration regulations and especially for better control of the admission of asylum-seekers have been raised since the 1990s throughout Europe. It was a time of political instability in many European regions. The collapse of the Iron Curtain, the disintegration of the Soviet Union and Yugoslavia, the opening of the borders of Central and Eastern Europe and, later, the Balkan Wars all induced new migration flows across the Old Continent. Asylum-seekers and refugees joined the guestworkers and family members arriving primarily in the Northwestern European countries. These flows and their consequences created the impetus for an integrated European approach that became part of the 1992 Maastricht Treaty and 1997 Amsterdam Treaty, in which migration and asylum were formally defined as a common policy concern. An overview of several periods in the history of postwar migration processes and policies in Western Europe is presented in Table 3.1.

The variety of integration models in Western European countries

As evidenced in the previous section and Table 3.1, despite the changing dynamics between immigration and integration policies in postwar Europe, the integration of migrants remains a subsequent and secondary component of migration policy, which explains the certain delay in implementing solutions within admissions policies. Since the integration of migrants is a rising concern not only of individual European countries but also of its supranational representation (EU), in this part we focus on the reconstruction of particular states' responses to this challenge. Making a comparison of policy approaches in this domain is difficult as they are shaped not only by different historical and structural (social, economic and political) or institutional settings but also by dissimilar ideological and

Table 3.1 Periods in postwar migration processes and policies in Western Europe

<i>Period</i>	<i>Main Characteristics</i>	<i>Immigration (Admissions) Policies</i>	<i>Integration Policies</i>
1945–1971	Migration inflows related to labour recruitment and bilateral agreements resulting from labour shortages	Policy of open borders and active recruitment of foreign workers, guestworker system	–
1971–1973	‘Immigration stop’	The end of an active recruitment policy and the employment of foreigners	–
1973–early 1990s	Inflows due to family reunion and asylum-seeking, limited admission of guestworkers	Tightening of political measures: visa policies, the selective admission of low- and high-skilled migrant workers, restrictions in family reunion and asylum schemes; differentiated national legislations related to ‘channels of entry’	Introducing voluntary individual integration programmes by state governments; tolerance of diversity; multiculturalism as mainstream approach
Late 1990s–the present	Increasing intra-EU mobility and inflows of third-country nationals; growing diversity of immigrant communities	Building of integrated European migration space: common visa and asylum policy, freedom of movement in the EU; policy of control of external borders	Shift from voluntary integration programmes towards more assimilative approach; introducing obligatory integration courses; integration as a condition for third-country nationals to enter and stay in an EU country; EU initiatives in integration area

Source: Authors’ elaboration

political understandings of national identity, national cohesion and social order (Rudiger and Spencer 2003; Scholten and Penninx 2016; cf. Favell 2001; Mahning and Wimmer 2000; Penninx 2007). Some are empirically grounded and refer to particular examples of European countries; other are ideal types based on general assumptions and so are not used consistently in any country. They are not stable and permanent but, on the contrary, constitute dynamic and flexible systems

of principles that undergo some (even fundamental) transformations depending on the macro-structural circumstances. Public attitudes towards immigrants and concepts of integration are continually changing under the influence of a transforming social reality, new political and socio-economic priorities and unexpected events – e.g. the 2015 refugee crisis (cf. Favell 2001; Penninx 2007). Despite these limitations, in the migration literature there are conceptualisations and categorisations of integration policies in Europe that help to clarify that domain.

A good starting point is a well-known study by Rogers Brubaker (1992) on concepts of citizenship and nationhood in France and Germany. He argues that, among others, the postwar immigration and integration practices of these two countries have their roots deep in contradictory ways of nation-state formation, with the French *ius soli* (granted on the basis of territory or place of birth) and German *ius sanguinis* (ascribed to the children of citizens) as principles for obtaining citizenship. Two different nation-building processes are reflected in more universal and assimilationist approaches to migrant integration in France and more particularistic and exclusive ones in Germany (Scholten and Penninx 2016).

The deconstruction of different historical patterns of nation-state formation also led Stephen Castles (1995) to propose a typology of policy models concerned with immigration and ethnic diversity. He refers to the degree of acceptance of minority group cultures and distinguishes the *differential exclusion model*, the *assimilation model* and the *pluralist model*. Following the same path, Steven Weldon (2006) proposed a typology of citizenship regimes (i.e. the ways in which citizenship is granted and, thus, determines immigrant integration) that corresponds to the actual immigration policies of European countries (Niekielska-Sekuła 2016). He differentiates between, respectively, *collectivistic-ethnic*, *collectivistic-civic* and *individualistic-civic regimes* (Weldon 2006). Similar categorisation has been elaborated by Rinus Penninx (2007) who provides empirical examples of two basic models of integration policy: *exclusionary policy* and two variants of *inclusion policy* – the *French (Republican) model* and the *Anglo-American model*. The latter two policies are responses to two different visions of state – citizen relations and, in consequence, the position and role of immigrants in the host societies.

First, within the models oriented towards the exclusion of specific migrant groups (Castles' differential exclusion model, Weldon's collectivistic-ethnic regime and Penninx's exclusionary policy), citizenship is equivalent to ethnicity, which means its acquisition is solely based on the *ius sanguinis* rule. The host countries which apply this approach are not defining themselves as immigration countries. Since newcomers are perceived as temporary 'guests', they are prevented from permanent settlement (Castles 1995; Weldon 2006). Penninx notes that, since a migrant is defined as an 'alien' and an 'outsider', this approach can, following Alexander's (2007) concepts, be described as a *non-policy* or a *guestworker policy*. Migrants are included only in one sphere – usually the labour market – but are excluded from civic and political participation and lack a secure legal status. Consequently, it is assumed that there is no need for a complex integration policy that would include the newcomers as full citizens or political actors. Policy instruments are usually accidental and based on *ad hoc* responses to emerging

problems. They can be implemented to make immigrants' stay potentially comfortable and profitable for both immigrants and the host country, but the expected result is that the aliens will return to their countries of origin sooner or later (Penninx 2007).

The model was being implemented in Germany, Austria, Denmark, Italy and Greece almost up until the end of the twentieth century (Rudiger and Spencer 2003). In the following decades they withdrew in favour of policies based on a combination of the *ius sanguinis* and *ius soli* principles (cf. Favell 2001; Süßmuth and Weidenfeld 2005). Interestingly, elements of this policy can be observed nowadays in Poland (Gońda and Klaus 2018). Castles (1995) argues, however, that this model is difficult to maintain as it may lead to social tensions, and it contradicts the democratic rule of including all members of civil society in a nation-state. Other scholars underline the fact that it restrains integration by leaving migrants in a situation of legal uncertainty, which may lead to a lack of identification with the receiving country's social order and, in turn, increase the host society's xenophobic attitude towards the newcomers (Doomernik 1998).

Second, the assimilationist model is based on the idea of loyalty towards the nation-state. An immigrant is seen as a full member of the host society and is incorporated into the host society through naturalisation. It is expected that immigrants will seek citizenship and, referring to the main political principle of equality, will become fully fledged participants in political life (Penninx 2007). However, given that ethnic roots are not a precondition for attaining citizenship, immigrants of various backgrounds are expected to resign from their cultural distinctiveness. Expressing one's culture of origin is possible only in the private sphere. In order to facilitate the assimilation process, the host country applies different cultural incorporation instruments, e.g. an obligatory official language or education for immigrant children (Castles 1995; Weldon 2006).

This model is commonly associated with the republican tradition of France, which does not officially recognise ethnic minorities as groups with distinct rights. Consequently, there are no relevant policy differences between individuals once they become French citizens. Their national belonging is supposed to be determined by the political order based on substantive values rather than by racial, ethnic or religious background. In this context, the emergence of minorities would lead to a failure of integration (Rudiger and Spencer 2003; cf. Favell 2001). Penninx (2007) also adds that, since immigrant communities are not considered to be separate political actors, the use of notions such as 'ethnicity', 'ethnic minority' or 'multiculturalism' (which may imply collectiveness or institutionalised difference due to origin, culture or religion) is avoided. The issue of immigrants and their integration is then principally depoliticised, which does not mean, however, that they are not present in political debates. This vision, as defined by Penninx, of inclusive policies then has direct implications for integration measures. In the French model, driven by the principle of equality, policies are not targeted at any specific groups (priority is given to general policies) as these would amount to recognising these groups as separate political actors. The result of the implementation of this approach might, however, be counterproductive, as issues with

mobilising and engaging members of not fully recognised immigrant groups may appear.

The third type of policy model concerns the multicultural approach (as defined by Weldon, an individualistic-civic regime). It is based on a pluralist idea of democracy in which the presence of different ethnic groups is accepted and regulated through a specific management strategy (Rudiger and Spencer 2003). Countries implementing these policies tend to grant *ius soli* citizenship at birth. Since substantive equality remains a fundamental element of a political system and may, in practice, be related to membership of ethnic or cultural groups, governments should allow for cultural diversity by providing citizens of different backgrounds with the right to manifest their cultural distinctiveness publicly (Weldon 2006). Penninx (2007), in what he calls the *Anglo-American inclusive model*, underlines that ‘ethnicity’ or ‘multiculturalism’ seem relevant terms with which to describe the composition of the host society and, thus, also to become important subjects of political life. Consequently, particular policies are aimed at target groups so that even specific integration instruments (such as positive discrimination or affirmative action) are being used.

This model, however, occurs in various forms, depending on the degree and manner of accepting differences at the institutional level. In practice, the pluralist approach implemented in the UK, the Netherlands and Sweden relies not on the recognition of minority group rights but on a pragmatic management of relations between different ethnicities. This can be achieved not only through enabling different cultural practices but also through anti-discrimination legislation, equal opportunities policies (including access to full civil and political rights) and tailor-made arrangements at the local level to facilitate communication between ethnic groups (Rudiger and Spencer 2003; cf. Bertossi *et al.* 2015; Favell 2001). Of the three described here, this approach, according to Castles (1995) is the most successful in incorporating immigrants into the host society. Ascribing ethnic and cultural differences in integration processes may lead to a stimulation of the representation of such groups – for example, by extending subsidies directly to immigrant entities. Thus, countries applying the assimilation model have generally moved to a mixed approach, embodying some elements of the pluralist model – which, in consequence, has led to public controversies because of contradictions between explicit goals and actual policies.

To sum up, the typologies mentioned are based on a large body of historical evidence of integration policies developed in different European countries. Their relevance in today’s fast-changing realities has, however, been questioned by many scholars. The variety of national models of integration policy has been criticised for over-emphasising the importance of the transnational and local levels, as well as for minimising internal tensions and certain changes over time (Penninx and Garcés-Mascreñas 2016). The optimistic overview of the results of national approaches to integration has also been much present in academic analyses, although there has also recently been some doubt (Scholten and Penninx 2016; cf. Bertossi *et al.* 2015; Joppke 2007). While the models presented underline national specificities, a closer analysis shows that, as some scholars argue,

integration and – especially – immigration policies are convergent in practice, proposing parallel solutions for dealing with increasing immigration. This is especially evident at the local level, where problems and their solutions often appear to be similar across Europe. These transnational similarities leave space for a more active role of the EU in facilitating integration, which could help to overcome the limitations created by national policies (Rudiger and Spencer 2003; cf. Mahning and Wimmer 2000).

Many studies show that migrant integration still remains a nation-state's sphere of influence because ideas for the newcomers' integration are much correlated with notions of national identity and belonging. However, several research outcomes suggest that the top-down or centralist model has become much less applicable to the practice of migrant integration policy-making in many European countries. Interestingly, in this domain, we can also observe shifts away from historically grounded state-centric policies towards integration strategies developed and implemented at the local level (cities and local governments). This 'local turn' in migrant integration policies is supposed to better answer to migrants' needs and to effectively help to manage growing ethnic diversity (Scholten and Penninx 2016; cf. Alexander 2007; Caponio and Borkert 2010; Entzinger and Scholten 2014). At the same time, apart from the decentralisation of integration policies and following the terminology applied by Scholten and Penninx (2016), a tendency towards the multilevel governance of migrant integration is observed. State authorities maintain their influence on integration policies (mostly through funding mechanisms) or are even asked by local governments to become more involved. Since the 2007 Treaty of Lisbon, the EU has also left its institutions with the mandate that they should do whatever is required.

Towards a European model of immigration and integration policies?

With the deepening of European integration processes and the subsequent legal and institutional reforms of the European Communities and the European Union, the place of migration issues and their scope have also changed. The number of member-states has been increasing and, thus, the migration experience and the catalogue of national policies have diversified. Until the late 1990s, the driving force behind European integration was the states of Northwestern and Southern Europe, whose interests shaped the EU approach to migration. Among them were former colonial states dealing with the consequences of the past as well as new immigration countries receiving labour migrants and asylum-seekers. On the contrary, the new member-states that joined the Union in 2004, 2007 and 2013 were the Central and Eastern European countries from the former Eastern Bloc and the USSR, as well as Croatia, once part of the former Yugoslavia, whose experiences with international migration until the 1990s were limited and whose migration policies were thus not developed (see Castles *et al.* 2014; Doornik and Bruquetas-Callejo 2016). While the old EU members had a greater impact on the creation of a migration policy towards third-country nationals from outside

the EU in a bottom-up way, new countries have, instead, been adopting certain solutions based on a top-down logic while preparing for their EU accession and then in the first years of their membership (see Doornik and Bruquetas-Callejo 2016; Van Wolleghem 2019).

The founding treaties did not yet refer to international migration (that is, to third-country nationals) *per se*. Until the mid-1980s, the issue of the influx of citizens from third countries was the subject of intergovernmental cooperation which was beyond the competence of the European Communities. In the second half of the 1980s, several working groups were set up as part of the preparations for establishing the internal market. The result of cooperation between member-states at this stage was, among others, the adoption of the Dublin Convention, determining the state responsible for examining applications for asylum lodged in one of the member-states of the European Communities in 1990. The second half of the 1980s was also marked by the cooperation between European countries in order to gradually abolish the checks at their common borders and to create the Schengen Area without internal borders. The Treaty of Maastricht (1992) was crucial for the development of EU policies towards third-country nationals. The legal basis and the institutional framework for cooperation in this area were covered under the third pillar of the EU legal system, encompassing justice and home affairs. The Treaty of Amsterdam (1997) limited the scope of the third pillar to police and judicial cooperation in criminal matters, while issues regarding migration and asylum were transferred to the first pillar, based on the Community integration method with the strongest supranationalism (see Borawska-Kędzierska and Strąk 2011; Duszczyk 2011).

Of the greatest importance for the development of the EU's approach to migration and integration of migrants was the Treaty of Lisbon (2007)¹ which gave the European Union a full legal personality. Consequently, nowadays, EU policy in relation to broadly understood migration is part of the area of freedom, security and justice, which is subject to shared competences between the EU and its member-states. This means that both parties can legislate and adopt legally binding acts in this field. Article 3(2) of the TEU stipulates

The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.

(European Union 2016a)

Only a few articles (Articles 67, 77–80) under Title V of the Treaty on the Functioning of the EU outline the general legal framework for three specific policies on border checks, asylum and immigration in EU primary law. The scope of the latter covers such matters as

the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention

of, and enhanced measures to combat, illegal immigration and trafficking in human beings.

(European Union 2016b: Article 79(1))

In order to make this possible, the Union may reach for specific measures concerning, *inter alia*, conditions of entry and residence on its territory, the rights of third-country nationals legally living in the EU, the prevention of illegal immigration and residence, the fight against trafficking in human beings and the conclusion of readmission agreements with third countries. Regardless of these provisions, member-states have the power to decide on the scale of admission of third-country nationals onto their territory in search of work, whether employed or self-employed.

The growing importance of migration issues on the EU's political agenda was reflected in the gradual development of EU secondary law (directives, regulations etc.) in recent decades. Many strategic EU acts of law have been adopted since the early 2000s and several have already been revised or subject to proposals for replacement or recasting. They concern the entire spectrum of matters, including EU border management, regular migration, irregular (illegal) migration and human trafficking, forced migration and asylum. However, it was the 1985 Schengen Agreement with its 1990 Implementation Convention that had a symbolic meaning, providing the basis for a common area without internal borders and which – step by step – was joined by new countries.

Particular attention can be paid to legal instruments concerning regular immigration that reflect the EU approach, which assumes the adoption of sectoral legislation, by category of migrant, to finally achieve a comprehensive policy package. In this regard, the vast majority of legal acts in force deal with labour migration into the EU and establish the conditions of entry and residence of third-country nationals with high qualifications; those interested in seasonal work; those in the framework of an intra-corporate transfer; those pursuing research, studies, training, voluntary service, pupil exchange schemes or educational projects; and au pair placements. This is supplemented by the rules of a common, simplified procedure for third-country nationals applying for a residence and work permit in an EU member-state. The EU also regulates the conditions for the exercise of the right to family reunification by third-country nationals residing lawfully in the territory of the member-states – including persons granted refugee status and third-country nationals who are long-term residents – and the conditions for the exercise of the right of citizens of the Union and their family members to move and reside freely within the territory of the member-states.

The 2010s saw a significant change in the migration and asylum situation in Europe due to the increase in the inflow of forced and irregular migrants from the Middle East and Africa. The years 2015–2016 were considered the peak of the so-called migration and refugee crisis, with one million crossing the Mediterranean Sea to Europe in 2015 (UNCHR 2018), 1.8 million detected cases of illegal crossings between border-crossing points at the EU's external border in 2015 (European Border and Coast Guard Agency – Frontex 2018) and a very

high number of asylum applications submitted by third-country nationals in the EU-28 – that is, 1.3 million annually in 2015–2016 (Eurostat 2018). This time, it was the European Commission’s ‘European Agenda on Migration’, announced in May 2015, which turned out to be a key strategic document in framing the EU’s approach to migration in the following years. It identified emergency actions to be taken immediately in the EU and in its neighbourhood in order to face the most urgent challenges of the crisis. These were, *inter alia*, two-year relocation and resettlement schemes in 2015–2017 dedicated to asylum-seekers and to setting up hot spots in Italy and Greece. The Agenda also proposed several actions designed to better manage migration in the medium and long term, divided into four main pillars aimed at reducing the incentives for irregular migration, saving migrants’ lives and securing the external borders, strengthening the common asylum policy and developing a new policy on legal migration. In the context of the latter, re-prioritising funding for integration policies was listed among the key actions to be taken in the future. The Agenda clearly stated that

Our migration policy will succeed if underpinned by effective integration policies. Although the competence lies primarily with Member States, the European Union can support actions by national governments, local authorities and civil society engaged in the complex and long term process of fostering integration and mutual trust.

(European Commission 2015: 16)

In other words, it can be deduced that integration policies in EU member-states supported by the EU framework determine the success of EU migration policy. Returning to the solutions proposed in the Agenda, these have been gradually implemented in the EU since 2015, albeit at different speeds and with varying degrees of success. The migration and refugee crisis showed that a reform of EU policy in the area of migration, asylum and border management was necessary, making it one of the priorities of the EU’s political agenda. In its progress report of March 2019, the Commission stressed that a comprehensive approach based on the joint efforts of member-states and the EU, in close cooperation with external actors, was still necessary in order to provide better management of migration in Europe (see European Commission 2019).

The regular increase in the inflow of migrants to the EU in recent decades has resulted in the need to address the issue of their admission and integration from a long-term perspective. Integration-related issues began to appear gradually in subsequent EU (political) documents focused on migration, usually regarding legal migration and third-country nationals. This list included the Tampere Programme (1999), Communication from the Commission to the Council and the European Parliament on a Community Immigration Policy (2000), Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on Immigration, Integration and Employment (2003), Thessaloniki European Council Conclusions (2003), The Hague Program (2005), the European Pact on Immigration

and Asylum (2008) and the Stockholm Programme (2009) (see Duszczuk 2011). In these documents, information on the relationship between integration and immigration – or, rather, about the importance of integration for migration policy – appeared in different ways. For example, in the Thessaloniki European Council Conclusions, in the section discussing immigration, borders and asylum, it was stated that ‘the issue of the smooth integration of legal migrants into EU societies should also be further examined and enhanced’, while the section dedicated to integration proposed to understand integration policies as ‘a continuous, two-way process based on mutual rights and corresponding obligations of legally residing third-country nationals and the host societies’. If they are successful, they could contribute to social cohesion and economic welfare. The formulation from the Stockholm Programme is also interesting, in which the European Council stated that

the long-term consequences of migration, for example on the labour markets and the social situation of migrants, have to be taken into account and that the interconnection between migration and integration remains crucial, inter alia, with regard to the fundamental values of the Union.

(European Council 2010)

To this end, the Council stressed the key importance of the successful integration of legally residing third-country nationals in order to maximise the benefits of immigration. Once again, it has been said – implicitly – that integration policy *determines* immigration policy and is not just its simple sub-policy or a complementary element.

In the light of today’s EU’s primary law, ‘integration’ in the context of migration is mentioned only once in the treaties, while the term ‘integration policy’ does not appear at all. Article 79(4) of the TFEU states that

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States.

(European Union 2016b: Article 79(4))

There are two important conclusions that flow from this provision. Firstly, ‘integration’, for the EU, refers only to third-country nationals – that is, to non-EU citizens – and only those who legally reside in its member-states, which would indicate that EU citizens do not need to integrate when they live in an EU country different from their country of origin. Secondly, integration is not subject to the harmonisation of national law at the EU level, which means that states conduct their own integration policies within national legal regimes in this matter and that the EU supports them only in integration efforts and provides incentives in this regard. If the EU competence in the field of integration is limited, the inclusion of

Article 79(4) in the TFEU is an important milestone that gives EU institutions any mandate in the field of migrant integration. In this context and in light of the scope of this book on the relations between immigration and integration policies, the integration of immigrants (and, more specifically, of third-country nationals) and the corresponding policy from a legal perspective are part of a wider immigration policy at the EU level. The superiority of immigration policy over integration policy was noticeable before the Treaty of Lisbon. Strengthening the integration of third-country nationals legally living in EU countries as an essential goal for EU immigration policy was stated by the Commission of the European Communities in 2004. In practice, following the stipulations of Article 79(4) of the TFEU, EU integration activities are mostly carried out using nonbinding tools (e.g. common standards and principles or good practices such as 11 EU-wide Common Basic Principles for Immigrant Integration Policy or the European Web Site on Integration) as well as dedicated funds and programmes (such as the European Integration Fund for 2007–2013 and the Asylum, Migration and Integration Fund for 2014–2020) which the member-states can use for the purpose of the integration of third-country nationals. Geddes and Scholten (2016) perceive these measures as an expression of soft(er) governance mechanisms at EU level, while Van Wolleghem (2019) approaches the EU's policy on the integration of migrants through the prism of the concept of a soft Europeanisation that is understood as the process encompassing both bottom-up and top-down phases.

The review of EU legal and political documents shows that integration is, in general, understood as a dynamic, two-way process based on the mutual rights and corresponding obligations of legally resident third-country nationals in EU member-states and the host society. In its December 2003 opinion, the European Socio-Economic Committee confirmed that integration is a bilateral process which involves gradually bringing the scope of immigrants' rights and obligations, as well as their access to goods, services and methods of civic participation, closer to those enjoyed by the rest of the population, with regard to equal opportunities and equal treatment. Since then, this understanding of integration has been regularly mentioned in different EU documents and has become the core component of the EU approach in this regard.

An important milestone in the development of an EU integration policy was an adoption of the set of 11 Common Basic Principles for Immigrant Integration Policy in the EU in 2004 by the Justice and Home Affairs Council (JHA) (Council of the European Union 2004). They started with the general definition of integration as 'a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States', followed by the presentation of the wide spectrum of dimensions of this process (employment, education, equal and non-discriminatory access to public and private goods and services, cultural and religious diversity, participation in democratic processes and a basic knowledge of the host society's language, history and institutions) and ended with a request to monitor and evaluate integration policies using appropriate indicators. Employment – corresponding to economic integration – was recognised as a cornerstone of the integration of immigrants in a new society. Even if the principles themselves did not refer to

the relationship between immigration and integration policies, in the introductory considerations, the Council stressed that

A critical aspect of managing migration is the successful integration of legally residing immigrants and their descendants. At the same time immigration policy can contribute to the success of integration policy.

(Council of the European Union 2004: 15)

Thus, the interdependent links between immigration and integration and their policies have been highlighted. The success of an integration policy is of key importance in ensuring well-managed migration processes. Another thing that draws attention is the fact that integration is related only to ‘legal’ migrants (today, referred to instead as ‘regular’ migrants) – in other words, those living legally in the EU.

In 2005, the Commission of the European Communities announced ‘A Common Agenda for Integration – Framework for the Integration of Third-Country Nationals in the European Union’. It referred to the aforementioned Common Basic Principles, which should be seen ‘as main elements of all national and EU integration policies’. Also, the need to foster a more coherent EU approach to integration was expressed. In its conclusion, the Commission stated that ‘legal migration and integration are inseparable and should mutually reinforce one another’, indicating their co-occurrence and close relationship (see Commission of the European Communities 2005). Another key document was the ‘European Agenda for the Integration of Third-Country Nationals’, adopted by the European Commission in 2011. As a new EU strategy in the field of the integration of migrants, the Agenda pointed out that integration management is a shared responsibility and should involve both immigrants and residents, through more action at the local level and with the participation of the countries of origin, with the supporting role of the Commission in the planning of integration activities (see European Commission 2011). Finally, 2016 saw the adoption of the Commission’s ‘Action Plan on the Integration of Third Country Nationals’. The successful integration of third-country nationals in the EU was identified as a matter of common interest to all member-states, especially because European societies are becoming more and more diverse and human mobility in the world will continue in the twenty-first century. The 2016 Action Plan offered a common policy framework to help EU member-states to develop and strengthen national integration policies for migrants from third countries, combined with the corresponding financial support. The actions planned at the EU level to support member-states in their integration efforts covered such areas as pre-departure and pre-arrival measures, education, employment and vocational training, access to basic services such as housing and health care, active participation and social inclusion, as well as tools for coordination, funding and monitoring. In this way, the Action Plan became the next stage in the evolution of the EU approach to the integration of migrants – this time, considered a holistic one. The Action Plan highlighted the need to think about integration measures at pre-departure and pre-arrival stage, that is, at the

earliest possible moment in the migration process, which allows both migrants and receiving communities to better prepare for the former's full integration. The pre-integration measures are beneficial for anyone moving legally to the EU but are especially important for resettled refugees (see European Commission 2016).

There is no EU legislation focused on the integration of third-country nationals *per se*, although certain aspects of this process are regulated under the acts of law regarding immigration – that is, those on family reunification and conditions of entry, stay, residence and work in the EU. EU legislation, which indirectly affects their integration, includes acts on combating discrimination, xenophobia and racism, counteracting social exclusion and strengthening social cohesion. A separate issue is acts of law and activities directed at asylum-seekers (instead related to reception conditions during the asylum procedure) and beneficiaries of international and national protection – mostly refugees as they are a group with specific needs.

Conclusions

This chapter has examined the issue of relations between immigration (admissions) and integration policies in Europe from several angles. The first part focused on the reconstruction of postwar migration processes that had revealed specific moments when (inter)dependencies of these policies were especially evident. In the first decades after World War II, the migration flows to Western European countries were highly determined by market forces, with migrants being recognised as an interim solution to the recovery of local economies and, subsequently, to filling workforce shortages in rapidly growing industries. It was not until the economic crisis of the early 1970s and the 'zero immigration' policy proclaimed by the main destination countries in Western Europe that many governments faced the transformation of temporary guestworkers into permanent settlers and recognised the request for an integration policy. It appeared, then, to be a pivotal moment in European governments' perceptions of and political approaches towards migration. The concerns of managing the admission of immigrants and preventing their socio-economic marginalisation also became a key issue for 'new' immigration countries in Southern Europe in the 1980s and 1990s and, in subsequent decades, for Central European countries.

In the second part of this chapter, more detailed considerations were presented on selected European countries' approaches to integration. Despite the fact that states' policy responses in this domain are conditioned by various historical and institutional circumstances as well as different frames of negotiating national identity and belonging and of assuring social cohesion, the migration literature – as well as a substantial body of historical evidence of integration policies implemented in the Western hemisphere – brings to light several theoretical conceptualisations and practical references that enable the clarification of the issues being investigated. One can recognise that states' responses to the presence of immigrants stretch from models oriented towards the exclusion of specific migrant groups (where citizenship is equivalent to ethnicity), to the assimilationist

models based on the idea of loyalty towards the nation-state (whereby an immigrant becomes a full-fledged member of society through naturalisation), to multicultural approaches that allow for cultural diversity by providing citizens of nondominant backgrounds with the right to openly manifest their cultural distinctiveness. On the other hand, as many scholars argue, despite these seemingly wide discrepancies between particular policy models, there is, in practice, significant convergence in policy solutions towards immigration. It is particularly visible at the lowest governance level (cities and local administration) and results in the transformation of policies from the historically grounded top-down (centralist) models to seemingly more applicable and efficient bottom-up policy-making – or, where state authorities still tend to shape both immigration and integration policies – to the multilevel governance of migrant issues.

In this context there is also room for supranational entities, like the European Union, which operate traditionally in the sphere of migrants' admission but which have recently also developed policy solutions to facilitate their integration. The importance of migration issues and the scope of their regulation in EU law changed along with the development of European integration. The growing interest in this field was already noticeable at the turn of the 1980s and 1990s, although the key moment was the adoption of the Treaty of Lisbon, giving the EU a legal personality and ordering the EU legal system. Since then, the EU has been pursuing a policy, known as common, in the areas of borders, immigration and asylum, based on shared competence. Consequently, the EU approach to migration is firmly anchored in its legal and institutional framework. Recent years marked by the migration and refugee crisis have shown that the governments of many EU member-states are increasingly emphasising their national competence in the migration arena, especially in the field of asylum policy. The interest in immigrant integration began to increase at the EU level at the turn of the 1990s and 2000s. At that time, integration policy was treated as complementary to migration policy, whose high efficiency and achievement of migration goals would not be possible without the implementation of an effective (successful) mechanism of involving foreigners in European societies and their institutions (Duszczuk 2011). This complementary nature of integration policy has already been outlined in the first EU documents comprehensively dealing with migration, such as the Tampere Program (1999), and following EC communications and Council's conclusions (Duszczuk 2011). From the beginning of 2000, in subsequent EU documents, integration was mainly related to legal immigration and third-country nationals. At the same time, a change in the EU approach could be observed from that promoting multiculturalism to the model aimed at foreigners' full socio-economic independence (Duszczuk 2011). The Treaty of Lisbon turned out to be a breakthrough in the development of an integration policy because it formally provided the EU with the possibility of influencing integration in its member-states. From a legal point of view, as already mentioned, integration is part of the EU's immigration policy and does not constitute a separate, common policy. In such a way, as the entire immigration policy is subject to shared competence, it falls under the area of freedom, security and justice. In practice, the broadly understood integration of

migrants remained the domain of the member-states and their national law. However, the changing migration reality of Europe and the transformation of European societies into more culturally diverse ones in recent years have increased the demand for integration initiatives at the EU level. Van Wolleghem (2019: 190) claims that EU integration policy does not exist; however, ‘there is a consistent set of policy instruments that together form a policy relating to integration but talking of an EU integration policy as of yet is hardly valid’. In the same context, Geddes and Scholten (2016: 171) conclude that ‘there is not an EU migrant integration paradigm and it is highly unlikely that one will emerge’. What, however, draws their attention, are various measures of a binding and nonbinding nature at the EU level which correspond to transgovernmental and multilevel dynamics. The Union is distinguished by the promotion of integration as a two-way process which concerns not only immigrants but also residents. It draws attention to the fact that rights and obligations apply to both parties in this process and common efforts are required. The weakness of the EU’s approach is in limiting integration only to third-country nationals, which questions the need to integrate citizens of one EU country living in another member-state. Thus far, the lack of a common EU integration policy has resulted in a soft, gradual Europeanisation of national policies by using such incentives as good practice and dedicated funds.

Note

- 1 The Treaty of Lisbon amending the Treaty on the European Union and the Treaty Establishing the European Community, signed in Lisbon on 13 December 2007, OJ C 306, 17.12.2007. With this signing, the Treaty Establishing the European Community was renamed the Treaty on the Functioning of the European Union (TFEU) and the Union replaced the Community, becoming its legal successor. Since 1 December 2009, the EU has been functioning as a full international organisation (in fact, a supranational one) whose legal basis are two treaties: the Treaty on the European Union (TEU) and the aforementioned TFEU.

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4 In(ter)dependent policies? Expert survey findings on relations between immigration and integration policies in selected EU member states

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Introduction

Immigration and integration policies are usually analysed as two separate spheres of a state's activity. This division is based on a conviction that actions performed under an integration policy and their effects have limited impact on regulations regarding the inflow of foreigners into a given state. Various research findings show, however, that there are relevant interdependencies between immigration and integration policies and that the scope of their connections largely determines a state's approach to immigration (cf. Hammar 1985a, 2010; Messina 2007). This means that the degree to which borders are open to immigrants could depend on the level of integration of those foreigners who already reside in that state (cf. Bosswick and Heckmann 2006). However, integration measures might also result from a state's admission practices. Immigration and integration policies counting among a state's public policies has a long tradition in migration analyses (cf. Geddes and Scholten 2016; Hammar 1985b; Penninx and Garcés-Mascareñas 2016; Schain 2008). This gained momentum during the so-called refugee crisis of 2015, which resulted in a strong polarisation of political scenes and of Europeans' opinions regarding immigration (cf. Schain 2018). In the context of European migration challenges, there is a need to re-assess relations between both policies and their role in public policies of certain EU member states.

This chapter discusses the findings of an online Delphi-method-based survey conducted in 2017–2018 among diversified groups of experts on relations between immigration and integration policies in selected EU states. Among the nearly 80 respondents representing eight European states (Czechia, France, Germany, the Netherlands, Poland, Spain, Sweden and the United Kingdom) were local- and state-level policy-makers, researchers and members of NGOs. The survey's aim was to reconstruct experts' opinions on current and desirable links between the two policies and to collect their forecasts for the development of these policies in the next few years. Diverse factors influence both policies: historical, socio-economic, internal and foreign policies, as well as political philosophy or current social convictions. Various entities and interest groups of different levels – including international institutions but also politicians, officials, employers or social

organisations – also affect their formation (Natter 2018). In this context the following questions emerge:

- What determines the shape of these two areas of public policy in particular EU states?
- What are the relations between them?
- What are the dynamics of these changes in recent years in a situation of growing reluctance towards immigrants and the politicisation of the immigration issue?
- Considering the increasing attention paid by Europeans to immigration, what are the future scenarios for the development of the two policies as foreseen by experts?

Research methodology

In order to face the challenge of describing the current shape of immigration and integration policies and of anticipating their future development in the European countries investigated, the IMINTEG research team carried out a comparative study using the Delphi method.¹ On this basis the team sought the opinions of a deliberately chosen panel of experts on a subject requiring complex and barely accessible knowledge – used mostly to assess trends in the development of given phenomena (Linstone and Turoff 1975; Martino 1972). In subsequent rounds of the study, a version of the questionnaire was used which was extended by the presentation of the results from the previous round. This allowed anonymous participants to compare their own answers and, as a result, change or maintain their opinion on a given issue. This procedure also enables researchers to sift through the various opinions, rejecting those which are extreme and atypical, until a uniform statement of experts is achieved (Drbohlav 1997). Rather than obtaining numerous and therefore separate opinions, it is important to gather fewer but more in-depth ones that lead to a consensus on a given issue in the course of subsequent research phases. The Delphi method is currently used to predict phenomena of high social significance – for instance public health, education or environmental protection. It is also gaining increasing popularity in migration analyses (see Bijak and Wiśniowski 2009; Jaroszewicz and Lesińska 2014; Lachmanová and Drbohlav 2004).

The online Delphi survey was conducted in two rounds in the autumn of 2017 and the spring of 2018. In the first round, the online questionnaire was distributed to more than 200 experts from eight EU member states. In total 79 experts responded, who were then approached again in the second round. In the end, answers from 56 experts were collected (see Table 4.1). In our analysis we focus on two axes of interpretation of the data collected. First, the countries were chosen to take into account the differentiation in immigration and integration policy models and, in consequence, their position on an historical map of European population transfers. We decided to cluster the data from the eight states into two blocks representing the two stages of immigration phenomena in Europe. The first block

Table 4.1 Structure of the panel of experts

	<i>Researchers (RE)</i>	<i>Policy-Makers and Practitioners</i>			<i>Total by Country</i>
		<i>Central administration (AC)</i>	<i>Local administration (AL)</i>	<i>Nongovernmental organisations (NGOs)</i>	
Round I					
Germany (DE)	5	4	1	2	12
France (FR)	3	2	0	0	5
The Netherlands (NL)	4	1	0	0	5
Spain (ES)	7	0	2	1	10
Sweden (SE)	6	0	1	4	11
United Kingdom (UK)	4	0	0	1	5
Czechia (CZ)	4	4	0	6	14
Poland (PL)	6	5	3	3	17
TOTAL (by employment sector)	39	16	7	17	79
Round II					
Germany (DE)	2	1	0	2	5
France (FR)	3	1	0	0	4
Netherlands (NL)	2	1	0	0	3
Spain (ES)	3	2	0	1	6
Sweden (SE)	4	1	0	0	5
United Kingdom (UK)	3	0	0	0	3
Czechia (CZ)	3	4	0	6	13
Poland (PL)	6	5	3	3	17
TOTAL (by employment sector)	26	15	3	12	56

consists of states with a long immigration tradition, including those with a post-colonial history (France, the Netherlands, the United Kingdom) and those experiencing mass postwar labour immigration as well as recent refugee immigration (Germany, Spain, Sweden). The second block is made up of new immigration destinations (Czechia, Poland). This distinction also comprises an overlap between Western Europe and Central Europe. The proposed interpretation scheme allows us to observe potential approaches to the relations between immigration and integration policies in the context of clashes between old and new migration patterns.

Secondly, the group of respondents contained representatives of four sectors: researchers from academia and scientific entities (hereinafter marked as RE),

policy-makers from central (AC) and local administration (AL) as well as practitioners working in nongovernmental sectors (NGO). For this chapter, special attention was paid to the comparison between the academic (theoretical) point of view and the practical one represented by policy-makers and practitioners. Such an approach cannot easily be found in the existing literature but is crucial for pinpointing the potential inconsistencies in the European debate on immigration and integration policies. Consequently, the answers collected among researchers (39 in the first round and 26 in the second) were compared to the responses of the aggregated group of policy-makers of central and local administration and NGO practitioners (40 in the first round and 30 in the second round). On the other hand, in total 48 and 26 answers (in the first and second round, respectively) were gathered from respondents in Western European states (Germany, France, the Netherlands, Spain, Sweden, the United Kingdom), whereas Central and Eastern Europe were represented by 31 and 30 (in the first and second rounds, respectively) Polish and Czech respondents. The experts in the first round had an average of over 13 years of professional experience (nearly 15 years in the researchers' group and almost 12 years among policy-makers and practitioners), while those answering the second-round questionnaire had been dealing professionally with migration issues for about 15 years (18 for researchers and 13 for practitioners).

The main challenge in the organisation of the Delphi survey was to find a sufficient number of experts within each predefined group in all the states being researched and to maintain constant respondent representation between the two rounds. Despite the IMINTEG research team's efforts to secure an equal number of respondents in each category, the most underrepresented subcategory was that of local administration employees. We think there are two reasons for this. The first is the position of immigration/integration policies in the local context – for example, in the United Kingdom, responsibility for local activities in migration issues were delegated to NGOs whereas, in France, migration policy is traditionally highly centralised (Scholten and Penninx 2016: 99). The second reason is because we encountered difficulties in recruiting relevant respondents – local officials dealing precisely with immigration/integration issues, for example. Surprisingly, it was also hard to reach selected experts from the 'core' migration countries: France, the Netherlands and the United Kingdom, where the number of research centres on migration problems is extremely high.

The survey included 16 closed questions referring to three main topics: immigration policy; integration policy towards migrants; relations between these two state activities. The last set of questions concerned the linkages between immigration and integration policies and factors shaping them in three periods (during the five years prior to the survey, at the moment of the survey and within the following five years) as well as in the desired situation (optimal for the state's interest). In addition, we asked about the impact of EU institutions on the implementation of these two spheres. Although the survey did not directly refer to refugee and asylum policies, it was conducted at the time of the European refugee crisis, which might have influenced respondents' opinions. As we were aware of this, we asked the experts, in the methodological instructions, to focus on the broader and

longer-term perspective rather than the present migration situation of their respective countries. Nonetheless, since the experts, apart from answering the closed questions, also had the opportunity to add comments to the issue, they still underlined the challenges their countries had faced at the time of the refugee crisis.

In the questionnaire, we also included definitions of the policies being investigated. As stated in the introduction to this book, the principles and scope of a state's actions towards migration are variously described in the migration literature (cf. Boswell 2006; Brochmann and Hammar 1999; Dell'Olio 2004; Duszczyk 2008; Zapata-Barrero *et al.* 2017). The legal acts and/or practices of particular states also define them in different ways. For the IMINTEG project, we conceptualised immigration policy as the action taken by a state to control the rules of entry and stay on its territory of people who are not citizens of that state. We perceived integration policy as the action taken by a state to ensure a dynamic, two-way process of mutual adjustment between immigrants and the receiving society (for more on this, see Chapter 2).

In the rest of this chapter we focus only on those selected results of the survey that directly refer to the different relations between immigration and integration policies. In detail, we present expert assessments on current (answers to Q11) and desirable (Q12) relations between the two policies in particular EU states, as well as the experts' predictions regarding the direction(s) which these two policies are likely to take in the future (Q13). We show the quantitative distribution of responses, deepened by qualitative analysis of the experts' comments (highlighted in italics). The results of the second round of our study (56 expert responses in total) are presented. Where the opinions of experts were significantly different between the two rounds, we present the results of both research stages.

Current relations between immigration and integration policies

First the respondents were asked to describe the current relationship between immigration and integration policies in their countries (see Table 4.2). Irrespective of the experts' sector of professional engagement as well as the history of immigration to their countries, the vast majority of the participants noted that the two policies being investigated were interconnected but that immigration policy played the dominant role. For instance, all four French and all four Dutch survey participants saw the dominance of immigration policy over integration policy. We may assume, then, that they agreed that the integration of foreigners was subordinate to a state's migrant admission policy, as a state normally needs first to respond to the arrival of migrants before, subsequently, implementing integration measures step by step, as indicated by this Czech respondent:

It is a question of building a 'foreigners' infrastructure. Immigration policy has been dealt with as a priority; integration policy has established itself gradually, slowly and with difficulty. As a younger and somewhat forced guide.

(I_CZ_7_RE)

Table 4.2 Responses to Q11: ‘Please select the statement below which best describes the relations between your country’s current immigration and integration policies’

	<i>Researchers</i>	<i>Policy-Makers and Practitioners</i>	<i>Western Europe (DE, FR, NL, ES, SE, UK)</i>	<i>Central and Eastern Europe (CZ, PL)</i>
Policies are implemented independently (decisions taken in migration and integration policy are not interrelated)	6	1	4	3
Policies related but immigration policy plays dominant role (integration policy decisions are a consequence of immigration policy decisions)	18	22	18	22
Policies related but integration policy plays dominant role (immigration policy decisions are a consequence of integration policy decisions)	0	0	0	0
Policies are implemented jointly, but it is difficult to say which one plays the dominant role	0	7	4	3
Other situation (please specify)	2	0	0	2
TOTAL	26	30	26	30

One of the British experts bitterly underlined the actual dominance of immigration policy in the UK which resulted from a lack of adequate social policy instruments in the field of migrants’ integration:

The ‘needs of industry’ should not be prioritised over integration measures; at the moment they are. But ‘integration’ also needs to include the provision of housing, school places, health and other services and these have to expand to the meet the needs of a larger population – this has not been the case.

(I_UK_3_RE)

Only in a few cases did the experts tend to see a lack of connection between these policies or, on the contrary, their simultaneous implementation without the possibility of determining the precedence of one over another. This last idea is described here by another Czech expert:

In my opinion, the Policy for the Integration of Immigrants is integral to legal migration, to which it must be directly linked. Successful integration is a direct prerequisite for the expediency and efficacy of migration. The integration policy is based on experience – that preventing problems in co-existence is always easier than facing the consequences of ill-handled integration.

(II_CZ_3_AC)

The latter opinions were delivered mostly by policy-makers and practitioners (from Czechia, Germany, Spain and Sweden) and contradicts the stances taken by researchers who – besides their still-dominant opinion on the leading role of immigration policy – also specified that the two policies are unrelated and implemented separately.

What needs to be emphasised is that, whereas in the first round of the Delphi survey few respondents placed integration measures over immigration policy – and justified this point of view with ‘Language capabilities and job offers play a major role in decisions on immigration policy’ (I_DE_1_NGO) – none of the experts in the second round prioritised integration policy over immigration policy. This proves that the Delphi survey procedure enables researchers to settle for more uniform statements and to reject opinions that seem to be unreal and atypical.

Interesting comments on the issues being investigated were also given by the Polish experts. They refused to clearly determine the relationship between Poland’s immigration and integration policies since, as one of them argued, ‘integration policy basically does not exist’ (II_PL_3_RE). They underlined that state-centric integration measures are limited to education (foreign children are subject to compulsory schooling) whereas, in practice, one Polish expert posited that:

all (integration) activities are undertaken by NGOs and financed from external sources and integration strategies appear at the level of cities, where activities are financed from the communal budget.

(II_PL_15_RE)

What is more, due to the lack of mature immigration and integration solutions, these policies overlapped or were even contradictory, as another Polish expert confirmed:

There are dependencies between them but, at the same time, immigration policy plays a leading role. Nevertheless, integration activities are happening independently and even contrary to what emerges from immigration policy.

(I_PL_3_AC)

Consequently, it is not possible to indicate any current dependencies between these two spheres of a state's activity (cf. Gońda and Klaus 2018). What needs to be underlined is that these critical opinions were expressed by two academics (researchers) and one central administration officer. On the other hand, civil servants also tended to look for excuses regarding the lack of integration tools (and, thus, found no relation between the two types of policy). One of the Polish respondents argued that:

Institutions responsible for integration policy have until now conditioned the adoption of (conceptual) measures on migration policy, based on the principle: 'If there is no migration policy, then we do not have to create an integration policy'.

(II_PL_16_AC)

The desired relationship between immigration and integration policies

Besides determining the contemporary relationship between immigration and integration policies in each of the eight EU states, the experts were also asked to discuss how they would prefer to see the connections between these two spheres of state activity – in other words, how should this relationship look, taking into account a given state's interests and characteristics (see Table 4.3). What should be strongly stressed is that almost all respondents from both participant groups distinctly agreed that, contrary to the present policy practices of European states, immigration and integration policies should be implemented jointly and simultaneously. The experts underlined the fact that, as far as decisions on the scale of immigration and the scope of integration activities were concerned, they needed to be part of one decision-making process. Interestingly, there were no discrepancies in this domain between the experts' professional backgrounds or their countries of residence. Furthermore, what makes the present and desired relationship between the policies we are investigating even more pronounced was that today's precedence of immigration over integration policies would be favourable only for one respondent. No significant differences in the distribution of answers to this multiple issue were noted between the two rounds of the Delphi survey, which proved that the experts already had grounded and well-established visions of how adequate immigration/integration policies should be.

The predicted relationship between immigration and integration policies five years from now

Finally, the experts gathered for the Delphi survey were asked how they foresaw the future development of the two policies and their mutual dependency (see Table 4.4). Interestingly, when it comes to the relationship between immigration and integration policies in the next five years, the predicted scenarios varied

Table 4.3 Responses to Q12: ‘Based on your own knowledge and experience, please select the statement below which best describes the desired relations between immigration and integration policies in your country’

	<i>Researchers</i>	<i>Policy-Makers and Practitioners</i>	<i>Western Europe (DE, FR, NL, ES, SE, UK)</i>	<i>Central and Eastern Europe (CZ, PL)</i>
The two policies should be implemented independently	1	0	1	0
Immigration policy should determine integration policy (integration policy decisions should depend on the scale of the influx of foreigners arriving for different reasons)	0	1	0	1
Integration policy should determine immigration policy (decisions concerning the scale of immigration and the duration of migrants’ stay should depend on the effectiveness of integration policy)	1	2	1	2
The two policies should be implemented jointly and simultaneously (decisions on the scale of immigration and the scope of integration activities should be taken as part of a single process)	24	27	24	27
Other situation (please specify)	0	0	0	0
TOTAL	26	30	26	30

more than did those observed today or those desired by the respondents. Despite the majority of respondents, in particular those from Central Europe, still seeing the dominant role played by immigration policy (and, thus, integration policy being dependent on the scale of the immigrant influx and the duration of the foreigners’ stay) as the most probable in the future, several researchers and policy-makers/practitioners also predicted that the two policies would be implemented

Table 4.4 Responses to Q13: ‘What do you expect the relations between immigration and integration policies in your country to be like over the next five years?’

	<i>Researchers</i>	<i>Policy-Makers and Practitioners</i>	<i>Western Europe (DE, FR, NL, ES, SE, UK)</i>	<i>Central and Eastern Europe (CZ, PL)</i>
Implemented as two independent policies (any relevant policy decisions will be taken without specifying or researching their mutual interdependence)	6	7	8	5
Integration policy decisions will depend on scale of immigrant influx and duration of stay – on the priorities of the immigration policy in place (integration policy will be reactive towards immigration policy)	13	16	9	20
Immigration policy decisions – the scale of immigrant influx and duration of stay – will depend on the effectiveness of prior integration efforts (immigration policy will be reactive towards integration policy)	5	1	5	1
The two policies will be implemented jointly (the relevant policy decisions will be taken as part of the same process)	1	6	4	3
Other situation (please specify)	1	0	0	1
TOTAL	26	30	26	30

independently. Although the forecasts delivered by Western European respondents were, in general, very dispersed, they were particularly eager to anticipate such a scenario. Furthermore, a few researchers agreed that immigration policy would be reactive towards integration policy, whereas the majority of policy-makers/practitioners also predicted that both policies would be implemented as part of

the same decision-making procedure. One of the German experts interviewed was confident about the latter scenario:

As in the current situation, the two policies are implemented jointly and, in the case of a growing immigrant influx, both policies will be changed or adapted jointly.

(II_DE_3_NGO)

One respondent also pointed to another possible situation but, like the opinions already expressed in the question on the current relations between the two policies, it was a pessimistic conclusion that one of these two policies (integration policy) ‘does not exist’ (II_PL_3_RE). Like the issue – discussed earlier – of desired immigration and integration policies, no significant differences in predictions were observed between the first and second round of the Delphi survey. We may again assume that the experts were stable and realistic as to the development of both policies.

Conclusions

Our findings from the Delphi survey conducted among European experts on migration issues showed that perceptions of the current and future development of relations between immigration and integration policies were not specifically dependent on their state context: despite contradictory macrostructural conditions (particular states’ immigration histories, political profiles, modes of creation and implementation of public policies and coherent visions nor any clearly defined objectives for either policy) and the evaluation of immigration (less or more restrictive) and integration policy (less or more effective),² similar opinions on relations between the policies now and prospects for the next five years were observed. Table 4.5 presents the main axes of experts’ stances on all the questions in the survey:

Table 4.5 Relationship between policies (aggregated findings)

WHAT DOES IT LOOK LIKE?

Dominant role of immigration policy

WHAT SHOULD IT LOOK LIKE?

Should be implemented simultaneously and jointly (one decision-making process)

WHAT WILL IT LOOK LIKE IN 5 YEARS?

Researchers	Policy-makers and practitioners	Western Europe (DE, FR, NL, ES, SE, UK)	Central and Eastern Europe (CZ, PL)
Dominant role of immigration policy (half of the responses in each group)		Different approaches (all scenarios)	Dominant role of immigration policy

When trying to conclude the results of the survey's second round, we found that it was worth combining three modes enabling us to understand the relationship between immigration and integration policies. In general, regardless of the field of expertise and state affiliation, our respondents indicated that the current relationship between the policies was marked by the dependence of integration activities on directions for the implementation of immigration policy. As was distinctly expressed by one Delphi panelist from Czechia:

Immigration policy is naturally in the lead but must be done with a thorough understanding of the socio-cultural context, and must be immediately followed by integration measures.

(I_CZ_9_NGO)

At the same time, the experts agreed that the ideal relationship between these two policies should have been founded on their interdependence – i.e. a situation when decisions undertaken within each of them were part of the joint decision-making process and were complementary to each other. The opinions of our panel of experts in this respect were well grounded and stable, since the vast majority of them in the first round of the survey also tended to agree with these scenarios.

Slightly more diverse responses were noted when it came to the key issue of forecasting the future developments of the two policies and their relationship. Half of the respondents representing both the group of researchers and that of policy-makers/practitioners indicated that, within the next five years, the state of dependence between the two policies would remain the same as today – i.e. integration practices would be determined by a state's migration admission policy. The prospects for other scenarios were less probable, with some likelihood that the two policies would be implemented independently (any relevant policy decisions would be undertaken without specifying their mutual interdependence). Interestingly, however, the belief that immigration policy would be still dominant was particularly popular among the experts from Czechia and Poland – which are currently transforming from emigration to immigration countries. In West European countries that have both greater experience in managing large waves of migration and better developed practices for newcomers' integration, the responses were spread in a more diverse way. However, what needs to be distinctly underlined is that none of the experts gave the priority to integration policy over immigration policy; thus, based on the results of our study, this scenario would seem to be totally unlikely. It is also worth noting that, despite the assumed 'natural' diversity in the stances taken by scientists on the one hand and people directly involved in the implementation of specific policy solutions on the other, the opinions of the experts and practitioners in our study proved to be quite consistent. Just as with the whole group of experts, the biggest discrepancies were observed when assessing the shape of any future relationship between immigration and integration policies. Both groups of respondents agreed on their assessment of the current situation and indicated similar ideal scenarios for these policies' future development.

The prognosis for the development of relations between integration and immigration policies in the future turned out, then, to be inconsistent with the situation which, as the experts suggested, would be the most favourable for the European states in our study. Only a few respondents indicated that, in the short term, an ideal scenario would be found – both policies would be interdependent and developed complementarily. It is perhaps worth asking why half of the experts who participated in our Delphi survey, who came from various professional backgrounds, thought that the current relationship between policies (with the dominant role of immigration policy) would prevail over the next five years. Why did not they take into account what they themselves deemed to be the ideal and thus optimal scenario of the interdependence of these two policies? Both categories of expert, irrespective of their country background, appeared to be very pragmatic and, based on their expertise in the development of national policies as well as particular societies' responses to the recent refugee crisis, perceived this scenario as fundamentally improbable. The following two opinions, by a Spanish and a Dutch expert respectively, reflect their realistic approach in this domain:

The two policies will be implemented separately. Nevertheless, they are actually deeply interconnected, so a joint implementation is strongly desirable.

(I_ES_3_RE)

[Joint implementation] sounds ideal but, in practice, immigration policy always takes priority over integration policy, especially when the former aims at restrictiveness. Therefore, the other option [that immigration policy should determine integration policy] is more realistic.

(I_NL_4_RE)

Our study does not, then, bring a clear answer to our research questions but would appear to be a good starting point for further analysis. It seems that the expert outlook presented to us on the relationship between immigration and integration policies was framed by the proposed short time frame – five years is not a lot of time in which to change the modes or directions of public policies (none of the experts suggested such a circumstance, though). On the other hand, given the dynamic migration situation in Europe in recent years, stable expert opinions on the lack of change in the functioning of these two policies may have been an expression of their concerns about growing migration challenges in Europe – framed by categories of securitisation and threats – and the emphasis on border protection. The compatibility of these expert opinions may also have been connected with the impact of according priority to the development of EU migration and asylum policies.

Notes

- 1 The field research was conducted by Marcin Gońda and Karolina Podgórska as part of the IMINTEG – ‘in search for models of relations between immigration and integration policies’ project implemented at the Centre of Migration Research, University of

Warsaw. The project was financed by the Polish National Science Centre (grant agreement No. 2014/14/E/HS5/00397). The research team, apart from the authors of this chapter, included Maciej Duszczyk (head), Witold Klaus, Magdalena Lesińska, Marta Pachocka, Dominika Pszczółkowska and Dominik Wach, whom we thank for their valuable input to this text.

- 2 In the survey we also assumed the outcome (or the lack) of the implementation of the two policies, understood as follows: an ineffective integration policy – immigrants do not integrate at all and social tensions caused by their lack of integration are on the increase; effective integration policy – immigrants integrate very well and their presence and everyday activities do not give rise to any major social tension; a very restrictive immigration policy – the so-called closed door policy; and a non-restrictive immigration policy – the so-called open door policy.

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5 Slowly turning into a ‘Country of Immigration’? On the interaction between migration and integration policies in Germany

Nora Ratzmann and Thomas K. Bauer

Introduction

Until the early 2000s, German politicians often refused to accept the country’s position as a *de facto* country of immigration, despite the high share of migrants in the population. Even if ignoring the significant inflow of ethnic Germans directly after World War II, Germany could factually be considered a country of immigration, since at least 1957. Since 1985, net immigration to Germany was positive almost every year, reaching a peak of 1.14 million net immigrants in 2015 (SVR 2019). In 2017, almost 24 per cent of the German population had a ‘migration background’ – i.e. had immigrated themselves or were the descendants of immigrants (Statistisches Bundesamt 2019).

However, since immigrants were expected to stay only temporarily, a structured integration policy was lacking until recently. The immigration of workers tended only to be possible for certain specialists for a limited amount of time and for EU workers as part of the freedom of movement within the European Union. However, regarding ‘ethnic Germans’ and, at least compared to many other countries, asylum-seekers and refugees, Germany’s immigration policy has been relatively liberal since the aftermath of World War II (see Bauer *et al.* 2005).

Immigration and integration policies began being adjusted to the new empirical realities from 2000, when the government passed new regulations concerning immigration to Germany, such as the so-called Green Card for non-EU information technology (IT) specialists. Activities culminated in the aligning of the German asylum law with the newly enacted integration law in 2016, following the inflow of more than one million refugees between 2015 and 2016 (SVR 2018, 2019). Most recently, in 2019, the German government submitted several legal proposals to parliament, including regulations concerning the immigration of workers from non-EU countries. If passed, these regulations would mark a historical turn in Germany’s migration and integration policy in several respects. Immigration policy towards skilled workers would be liberalised and be refocused on permanent rather than temporary immigration, helping to counter demographic change and the increasing shortage of skilled labour. In light of the recent inflow of refugees, the government also recognised the importance of a more active and structured integration policy. The new migration policy covering labour migrants

has deliberately been denominated ‘immigration’ law (*Einwanderung*) rather than ‘inward migration’ law (*Zuwanderung*), which signals that, for the first time, Germany formally calls itself an ‘immigration country’.

Against this political backdrop, our chapter discusses the dynamics and interlinkages between immigration and integration policy in Germany after World War II. Following the German Expert Council on Integration and Migration (SVR), we refer to integration as the socio-economic incorporation and socio-cultural adaptation to legal – political and cultural – religious norms, which enable newcomers to participate as accepted citizens of the host society (SVR 2018; see also Garcés-Mascareñas and Penninx 2016). The chapter starts with a review of the data on public attitudes on immigration in Germany. It then situates current policies and politics in their historic context and finishes with a reflection on the degree to which Germany addresses the challenges of migration-related diversity.

Public sentiments towards immigration and integration

Integration and migration policies may affect the attitudes of German-born nationals towards immigrants, as they can impact on who gains and who loses from immigration. Economic theory predicts that those German citizens whose skills may be substituted by those of immigrants will suffer, while those who have complementary skillsets to those of immigrants will benefit from immigration (Bauer *et al.* 2000). Hence, sentiments towards immigrants, which may affect their integration, are likely to depend on whether German-born nationals fear the labour market competition of foreigners or whether they expect to benefit from immigration.

Generally, since the substantial inflow of refugees in 2015, the topic of immigration to Germany and the integration of migrants has continuously gained importance in public discussion. According to a 2015 survey, 88 per cent of respondents ranked the issues on immigration as being among the key challenges to Germany society (SVR 2019). The German Socio-Economic Panel (*SOEP*), one of the largest household panel surveys in Germany, revealed that an increasing part of the German resident population considers immigration to be a concern. While, in 2014, about 26 per cent of respondents in Germany worried about immigration, the percentage rose to 32 per cent in 2015 and to 46 per cent in 2016 – the highest share observed since 1999. In contrast, the percentage of those who did not consider immigration to be an issue halved from 33 per cent in 2014 to 15 per cent in 2016 (Sola 2018). We can note, however, that similar numbers were observed in earlier years. In 1999 and 2005, 36 and 39 per cent, respectively, worried about migration issues while, in both years, about 19 per cent stated ‘no worries’.

Other studies, such as a survey carried out by the Bertelsmann Foundation, offer some insights into why immigration might be perceived in such ways (Bertelsmann Stiftung 2015, 2017). In 2012 and 2015, the majority of respondents claimed that immigration is beneficial for Germany because it helps to attenuate demographic change and to dampen the shortage of skilled workers. Immigration was also considered to make life in Germany more interesting and important for foreign investments. Nevertheless, the share of respondents perceiving immigration as beneficial decreased for most items in 2017 (see Figure 5.1).

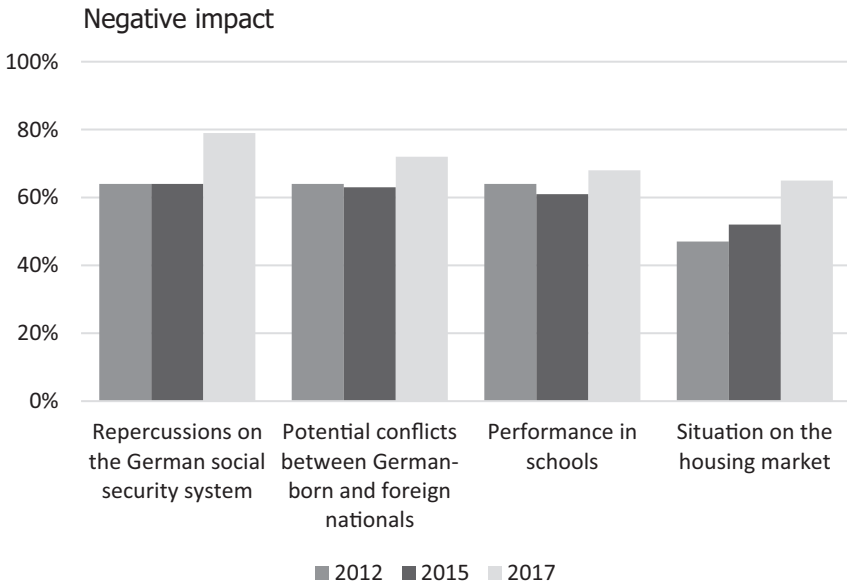
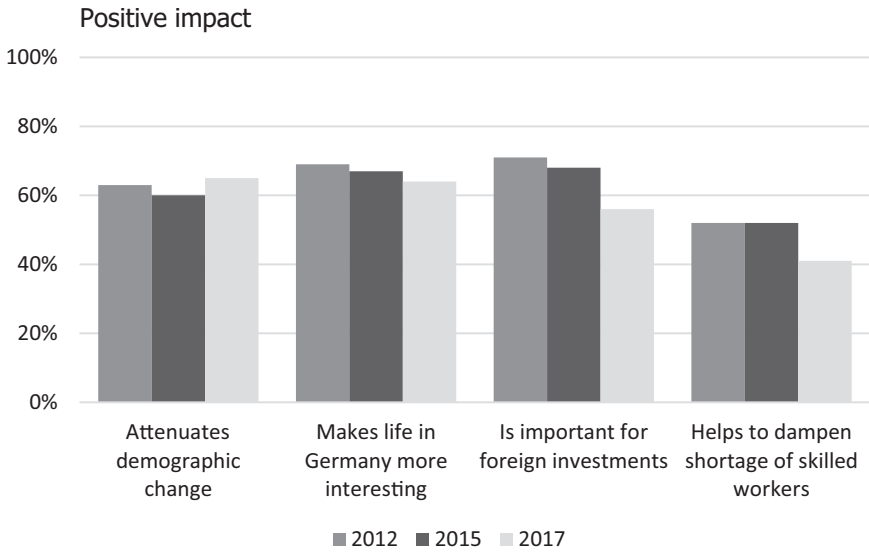


Figure 5.1 Perceptions of the impact of immigration

Source: Based on Bertelsmann Stiftung (2017: 15–17)

Respondents expressed concerns about the repercussions which immigration might have on the German social security system, on the social fabric regarding conflicts between German-born and foreign nationals, on the performance in schools or on the situation on the housing market. Furthermore, the percentage of respondents sharing these concerns increased in 2017 compared to 2012 and 2015. Yet these numbers consider only the potential benefits and costs of immigration in total and do not differentiate between the different types of immigrant. The inflow of refugees throughout 2015 and 2016 is likely to have affected perceptions on the comparatively higher costs of immigration.

Surveys that ask about people's sentiments towards the immigrants from different countries of origin or of different skill levels support this interpretation. According to recent public attitude data from Eurobarometer (November 2018), the resident population judged the immigration of EU nationals to Germany as more positive than that of third-country nationals. About 71 per cent of the German population considered immigration from other EU member-states to be a positive phenomenon but only 39 per cent felt the same about the arrival of non-EU immigrants.¹ However, attitudes towards the immigration of both EU and non-EU immigrants overall have become more positive in recent years. Between 2014 and 2018, the percentage of respondents seeing EU immigration as positive rose by 20 per cent and of non-EU migrants by 10 per cent.

A similar picture emerges when asking about attitudes towards the immigration of different types of immigrant. Data from *ALLBUS*, another representative survey of the German resident population, suggested that, in 2006, about 30 per cent (8 per cent) of the respondents voted for the unrestricted immigration of workers from the EU (non-EU) respectively, while about 60 per cent (65 per cent) opted to restrict this type of immigration and only 11 per cent (26 per cent) wanted to prohibit it altogether (SVR 2019: 140). In 2016, almost 48 per cent advocated the unrestricted immigration of EU workers and 19 per cent that of non-EU workers, while only 3 and 12 per cent, respectively, wanted to prohibit labour immigration from these regions (SVR 2019: 140). Asking about attitudes towards the immigration of workers with different skills provides a similar picture. According to a survey by the Expert Council of German Foundations for Migration and Integration, 63 per cent of German nationals think that the number of skilled immigrants should be increased (SVR 2014).

The results are more ambiguous concerning attitudes towards the intake of refugees. According to the *ALLBUS* survey, the share of Germans voting for the unrestricted immigration of refugees increased from almost 13 per cent in 2006 to 23 per cent in 2016, while the share of respondents asking to stop refugee immigration altogether decreased from 14 to 7 per cent (SVR 2019: 140). In contrast, findings of the Bertelsmann Foundation indicate that attitudes towards refugees became more disapproving over time, especially amongst the older generation. While about 40 per cent of respondents thought Germany should not accept more refugees in 2015, the share rose to 54 per cent in 2017 (Bertelsmann Stiftung 2017). However, a survey by the Expert Council of German Foundations for Migration and Integration in 2015 and 2018 found no clear trend indicating

whether or not refugees were perceived as a threat to the German economy and the cohesion of its society (SVR 2019).

Surveys conducted by the Bertelsmann Foundation (2017) and by Zick and Preuß (2019) provide some insights into the factors that German nationals consider to be important for immigrants’ integration into the host society. Both surveys highlighted the strong expectations which Germany’s resident population has of newcomers. In 2015, three out of four respondents expected immigrants to adapt to and assimilate into ‘German culture’. Interestingly, though, 80 per cent simultaneously claimed that they would like immigrants to share more of their cultural background with the majority population (Bertelsmann Stiftung 2015). Younger and highly educated respondents had fewer expectations of immigrants’ duties to proactively integrate (Bertelsmann Stiftung 2017).

How newcomers could demonstrate their willingness to integrate is mostly related to their acquiring knowledge of German cultural norms, learning the language, being aware of the civic obligations to respect the rules of the political system and the economic conditionality to be engaged in gainful employment, while more formal markers of acquiring German citizenship are of less importance (see Table 5.1). Data collected by the Expert Council of German Foundations for Migration and Integration provide a similar picture. When being asked about the factors that are important when a person aspires to belong to German society, 89 per cent of German-born nationals stated being in work and 65 per cent having German citizenship, 27 per cent following a Christian religion, 25 per cent being born in Germany and 20 per cent having German ancestors (SVR 2019).

In sum, four main messages on attitudes towards immigration and integration in Germany emerge from the review of public attitude data. First, the topic of immigration has gained salience in the public debate, with concerns over immigration issues being on the rise. Second, a high proportion of Germans appears to favour the immigration of EU workers, while the acceptance of immigration from third countries is much lower, although increasing. Thirdly, the inflow of almost one million refugees since 2016 did not change public opinion drastically but

Table 5.1 Indicators of immigrants’ obligations in the German society (selection)

<i>Expected Behaviour (%)</i>	<i>Bertelsmann (2017)</i>		<i>Zick and Preuss (2019)</i>	
	<i>2012</i>	<i>2017</i>	<i>2014</i>	<i>2018</i>
Learn the German language	96	99	86	92
Respect the German constitution	91	98	83	87
Work	86	86	79	78
Adapt to ‘German culture’	73	82	–	–
Respect German norms and traditions	–	–	65	72
Acquire German citizenship	50	38	48	35
Be born in Germany			30	23

Source: Based on Bertelsmann Stiftung (2017), Zick and Preuss (2019)

raised some more critical voices. Finally, the German resident population appears to have strong expectations that newcomers will assimilate into ‘German culture’ by acquiring knowledge of the German language, norms and values and by participating in the labour market. Traditionally prevailing descent-based markers appear to define belonging to a lower degree.

Immigration and integration policies

Migration policy may influence the integration of migrants into the host society in several ways (Bauer *et al.* 2000). To the extent that migration policy is selective, it affects the characteristics of the immigrants. A policy that focuses on the demands of the labour market predominantly attracts migrants whose skills could be easily transferred to the needs of the host country’s economy. Such a policy would appear to reduce the necessity of an integration policy, since immigrants are expected to integrate rapidly into the labour market and society. In contrast, the integration of individuals accepted for humanitarian reasons is harder to achieve and involves higher costs, since forced migrants usually did not plan their migration in advance. Compared to labour migrants, their skills could be expected to be less transferable to the needs of the host society which, in turn, increases the necessity of a well-designed integration policy. Integration may also be affected by the extent to which migration policy focuses on permanent or temporary migrants, since the latter may be perceived to have lower incentives to acquire the skills necessary to integrate into the host society, such as language competence. As illustrated in the following paragraphs, these sorts of premise have shaped German political thinking on migration and integration policies.

Historically, Germany’s migration and integration policies have been characterised by ethnic understandings of citizenship and belonging, based on descent, shared norms and a common language (Triandafyllidou 2001). The German conception of nationhood relates closely to what Anderson (1983) captured by the term *imagined community*, which he conceptualised as a symbolic political community, based on shared values, and a common language and descent. Gosewinkel (2016) traced the exclusionary logics that have characterised German citizenship policies since the nineteenth century. This included, among others, the expulsion of Polish workers from Prussia based on their non-German origin and the withdrawal of citizenship rights from the Jewish population living in Germany in the antecedent of World War II.

Strong economic growth and the resulting labour shortages led some European countries to actively recruit immigrants (Bauer *et al.* 2000). Between 1955 and 1973, the government operated a guestworker scheme, which turned the country into one of the most diverse European countries. About 14 million people came as labour migrants to Western Germany, many of whom stayed, founded families and naturalised (Schierup *et al.* 2006). These guestworkers were predominantly of Italian, Spanish, Greek and Turkish origin. As Schönwälder (2004) pointed out, policy-makers deliberately sought to recruit white European immigrants. The government practiced a selection based on national origin – for instance,

excluding Portuguese workers of African or Indian descent. The guestworker policy was terminated in 1973, when Germany experienced an economic downturn in the aftermath of the global oil crisis (Davy 2005). After guestworker recruitment stopped in 1973, migration to West Germany was mainly characterised by the immigration of the family members of those guestworkers who entered the country before 1973. The Eastern half of the country, the German Democratic Republic, also managed a small guestworker programme, recruiting workers from other socialist countries such as Poland, Hungary, Cuba, Vietnam, Angola and Mozambique (Davy 2005).

History may help to gain an understanding of the partially ethnically motivated selection at entry. Compared to its neighbours, the German nation-state emerged relatively late by uniting the fragmented territorial entities of the Holy Roman Empire of the German Nation. The latter was a loose political structure, whose geographic borders were difficult to delineate, bound together as they were by their common traditions and language (Brubaker 1992; MacGregor 2014; Paul 2015). Language defined belonging, mirroring the collective myth of the German nation as an entity ‘where people speak German’ (Hogwood 2000).

Since the late 1980s, East–West migration and the inflow of asylum-seekers and refugees dominated immigration to Germany. Large parts of the immigrant population were ethnic Germans (Bauer *et al.* 2005). The repatriation route was closed in the early 1990s, after a heavy inflow of about 1.6 million ethnic Germans following the collapse of the Soviet Union and the former Yugoslavia (Bommes and Geddes 2000). Between 2015 and 2016, the country experienced a renewed influx of almost one million refugees, this time mostly originating from Syria, Iraq and Afghanistan (SVR 2019), of whom almost half were female. Since then, about 35 per cent of them have been granted some form of protection while another 35 per cent had their asylum claim rejected. Syrians and Eritreans were granted protection status in almost all cases (SVR 2019).

German immigration policy has also been characterised by the re-opening of immigration pathways for economic migrants since the 2000s, starting with the IT Green Card, a temporary work permit for IT specialists. The changes coincided with the political realisation that Germany needs immigrant labour to sustain its economic growth and to stabilise its social security system against the background of a dramatic demographic change which manifests itself in a strongly ageing workforce (Kaiser and Paul 2011; Paul 2015). For instance, in 2001, an independent commission chaired by Rita Süßmuth proposed a reform of German immigration policy which, among other changes, envisaged a points system for labour migrants similar to that in Canada or Australia, as well as greater efforts to ensure the integration of migrants (Unabhängige Kommission Zuwanderung 2001). While the points system was not supported by the German parliament, the report of the Commission led to changes in German immigration and integration policy. Moreover, the 2005 Residence Act (*Aufenthaltsgesetz*) and the most recent EU-wide Blue Card initiative created special legal reception pathways for qualified non-EU workers. State-sponsored visas for up to four years, based on a labour contract with an employer in Germany and minimum earnings of 52,000 euros

per year, were meant to attract highly skilled labour to fill job shortages (Mourão Permoser 2017; SVR 2018).

The Expert Council of German Foundations on Migration and Integration has qualified the German labour migration scheme for the highly skilled as one of the most liberal schemes worldwide (SVR 2018). Overall, recent policy initiatives could be seen as a continuation of the historic guestworker schemes, premising selective entry depending on labour market needs. However, compared to the guestworker policy, the new policy initiatives aim to foster permanent immigration, since the requirements to obtain a permanent residence permit have also been liberalised. While the Blue Card aims to attract workers from non-EU countries with an academic degree, the German government currently plans to improve the immigration possibilities for skilled workers who do not have one.

However, EU migrant citizens, one of the largest immigrant groups in Germany, are exempt from these rules. Of all the immigrants in Germany in 2017, about two-thirds came from another EU member-state (Bundesamt für Migration und Flüchtlinge 2019). EU Directive 2004/38 (Article 6) stipulates an unconditional right to reside for all EU citizens for the first three months, provided that they hold a valid identity card or passport and that they register their local address with the German authorities. The three-monthly unconditional residence right can be renewed by leaving and re-entering the country. After three months, the rights of EU citizens diverge, depending on their labour market status. Economically inactive EU citizens can only continue to reside in Germany if they are covered by comprehensive health insurance and on condition that they have sufficient financial resources to fund their living. Employed EU citizens can reside indefinitely. After five years of legal and continuous residence, EU migrants can obtain the right to reside permanently, independent of their employment status.

With respect to integration policy, Germany is a latecomer. For decades, the country had declared itself a ‘nonimmigration country’. Until the mid-2000s, the idea of supporting migrants’ participation in German society had barely surfaced. Guestworkers were assumed to return to their home country instead of settling permanently (Doomernik and Bruquetas-Callejo 2016; Traenhardt 2014). Such an approach fuelled public perceptions of immigrants as foreigners and transient guests (Gosewinkel 2016; Triandafyllidou 2001). The approach delegitimised any state-sponsored pursuit of immigrant integration (Ellermann 2015; Kaiser and Paul 2011). Furthermore, it reduced the incentive for these guestworkers to integrate into German society (Dustmann 1993). Only ‘ethnic German’ immigrants were granted access to language courses and to special public transfers to foster their integration.

To date, historic ideas of German nationhood as a homogeneous ethno-cultural and linguistic entity continue to shape policies and laws on migrant naturalisation. Germany’s immigrant integration regime appears to be dominated by assimilationist elements (Ersanilli 2010), even though recent integration policy points towards some renunciation. In principle, immigrants who settle for at least eight years and who prove their loyalty to the country through language skills and knowledge of ‘German culture’ are granted German citizenship. While *ius sanguinis*

principles tend to dominate naturalisation policy (Brubaker 1992; Ditzmann *et al.* 2011; Doornik and Bruquetas-Callejo 2016), the 1990 Aliens Act (*Ausländergesetz*) and its revised version of the 1999 Citizenship Act, introduced some civic *ius soli* elements. Nevertheless, naturalisation remains difficult in practice (Amjahid 2017). An exception has been made for ‘ethnic repatriates’ (*Aussiedler*) who lived outside the German state boundaries after 1949. Based on their German ties by family origin, ‘ethnic repatriates’ were recognised as conationals and given immediate and permanent access to German citizenship (Bommes and Geddes 2000; Hogwood 2000).

Nevertheless, over the last decade, German policy has increasingly recognised the empirical reality of Germany as a country of permanent immigration (Ellermann 2015; Kaiser and Paul 2011). State-sponsored integration policies have come into effect quite recently, starting with the 2004 Immigration Law and the 2007 National Integration Plan. The 2005 Immigration Act (*Zuwanderungsgesetz*) established state-sponsored civic integration and language courses. These courses constitute the central instrument of German integration policy, offering newcomers 600 hours of German language teaching and 100 hours of orientation about Germany’s legal system, ‘culture’ and history (SVR 2019).

Current integration policy seeks to find a balance between the necessity to foster the integration of recent immigrants and efforts to reduce potential pull factors for migrants resulting from fast integration (SVR 2019). For refugees whose countries of origin give them a high probability of being recognised as asylum-seekers and to stay in Germany for a longer period, state-sponsored civic integration and language courses are mandatory and may already begin during the asylum application process. In contrast, refugees with a ‘medium probability’ of having their status as asylum-seekers recognised are not granted immediate access to these courses. Instead, they have the possibility to attend alternative, less-intensive courses, which provide them with basic language skills as well as some knowledge of German laws and ‘culture’. Refugees and asylum-seekers from so-called safe countries are not permitted access to any state-sponsored integration measures. All other immigrants, including EU migrants, may participate in these courses voluntarily and, if they do, are required to contribute financially to cover the costs. Since 2007, family migrants must prove that they have some basic German language skills in order to be allowed to immigrate. Yet this regulation has been amended in the light of a judgement by the European Constitutional Court, which considered the regulation to violate the Treaty of Association of the European Union with Turkey (SVR 2019).

Overall, the political focus has remained on immigration policy, while integration policy has remained either nonexistent or reactive. As one effect, about half of Germany’s resident population with a migration background generally tends to have lower qualifications than German-born nationals (Kohn 2015), except for EU migrant groups who often find themselves on the (highly) qualified end of the spectrum (Bruzelius *et al.* 2015; Foti 2015). The difference in educational background and labour market performance can be explained through a path-dependent, demand-driven migration policy which focused on recruiting

low-skilled guestworkers to fill unwanted industrial jobs (Bauer *et al.* 2000). Complemented by family reunification and asylum as the only other legal entry pathways for third-country nationals for many years, selection mechanisms and the absence of a structured integration policy led a structurally deprived immigrant population (Jaehrling and Knuth 2010; Schierup *et al.* 2006).

Regarding immigrants' social integration, within the comparatively inflexible and hierarchical labour market, low qualifications translate into unemployment and underemployment (Soskice and Hall 2001). Immigrants become shuffled into occupational niches of the labour market – which may not reflect their formal education (Bruzelius *et al.* 2015; Faist 2013). This relates to their comparatively lower German skills and their foreign, often unrecognised qualifications (Cancedda *et al.* 2015; Frings 2009). In short, one of the main labour market problems of immigrants lies in the recognition of the skills they obtained in their home countries (Basilio *et al.* 2017). Partly due to the unique German apprenticeship system and the importance of occupational licences, the recognition of skills is still difficult and costly, even though a law which took effect in 2012 – *Gesetz zur Verbesserung der Feststellung und Anerkennung im Ausland erworbener Berufsqualifikationen* or Law to Improve the Establishment and Recognition of Professional Qualifications Acquired Abroad – aimed to improve the situation. Survey experiments also suggest that local employers discriminate against job applicants whose name or appearance hints at a foreign descent. Applicants with a migration background are up to 10 per cent less likely to be invited for a job interview than German-born job-seekers (Koopmans *et al.* 2018). In light of this, 59 per cent of the respondents in a 2017 representative survey considered discrimination based on their origins as one of the main obstacles to socio-economic integration in Germany; 65 per cent felt that there was a lack of equality of opportunity on the job market (Bertelsmann Stiftung 2017).

Immigrants' socio-economic profile and their experiences of disadvantages in the labour market translate into rates of unemployment and poverty which are more than twice as high for residents with a migration background compared to German-born nationals (Barrett and Maître 2011; Kaiser and Paul 2011; SVR 2018). Immigrants to Germany are not *per se* more welfare-dependent, since most of the differential in welfare-dependency between German-born nationals and individuals with a migration background can be explained by differences in socio-economic characteristics, such as education or labour market experience (Bauer 2002; Barrett 2012; Barrett and Maître 2011; Wunder and Riphahn 2013). Higher reliance on social assistance-type benefits relates to their household characteristics (Beste *et al.* 2014; Bruckmeier and Wiemers 2016).

Despite their privileged residence and labour market rights, EU migrants experience similar economic and social problems as third-country nationals residing in Germany. Technically, EU citizens can move to Germany, work there without a work permit or visa and enjoy non-discriminatory treatment compared to third-country nationals (Articles 18 and 21, Treaty on the Functioning of the European Union). However, workers from other EU member-states tend to often only access precarious, atypical jobs at the bottom of the labour market hierarchy, for which

they are formally overqualified (Brändle 2018; Foti 2015). In this respect, posted EU workers (Molitor 2015; Wagner and Berntsen 2016) and those working in the informal domestic and care sectors (Anderson 2000) are the most marginalised, without access to adequate social security coverage. Nevertheless, the situation has improved over recent years due to the economy’s comparatively strong performance and a labour market that is increasingly characterised by a shortage of workers (SVR 2019).

Moreover, EU migrants, once they interact with local welfare and employment agencies – which may hamper their social integration efforts – often face informal barriers when seeking to access employment benefits and services. A qualitative study of German job centres documented how some eligible groups of EU migrant applicants were denied substantive receipt of the benefits to which they were legally entitled, particularly when they found themselves in situations of marginal employment (with salaries below 450 euros/month and fewer than five to ten hours of weekly work). The data pointed to instances of institutional discrimination, related to organisational blind spots with respect to EU citizens’ legal entitlements and to occurrences of individual discrimination, whereby administrators relied on group-based stereotypes and welfare chauvinist preferences when exercising discretion during claims-processing, seeking to deter applicants (Ratzmann 2019).

However, while EU and non-EU labour immigrants receive comparatively little support for integrating into their host society, state-sponsored integration policies for refugees have recently expanded in scope. As of last year, asylum-seekers can access the labour market after three months of residence in Germany. They may also participate in integration courses and vocational training while their asylum claim is under review. According to an assessment by the Expert Council for Migration and Integration, the integration courses provided are lacking in quality (SVR 2019). Moreover, channels for family reunification have been liberalised by allowing family members to immediately become active on the labour market. Asylum-seekers’ labour market participation nevertheless bears practical challenges, as employers often become discouraged by their uncertain residence status. Additionally, non-recognised qualifications are commonly treated as no qualifications. However, informal skills assessments are currently being piloted. Thus, refugees’ employment rates have been on the rise since 2016, with 32 per cent being economically active in 2018. Experts consider this to be a success compared to former refugees’ experiences of labour market integration, which took substantially longer. Yet employment opportunities have remained confined to low-qualified, temporary jobs in the construction, service, hospitality and logistics sectors, taken up by men rather than women (SVR 2019).

Overall, insufficient language skills, a lack of local social networks and unrecognised qualifications remain the main stumbling blocks for all immigrant groups in Germany. Whilst state-sponsored integration policies were nonexistent for many years, they have recently gained in importance on the policy agenda. Whether these policies are effective in accelerating the sustainable economic and social integration of immigrants yet remains to be seen, as they tend to narrowly focus on the newcomers acquiring the German language and on their labour

market integration. Moreover, a political approach to regulating inward migration through integration policy is increasingly discernible. Stratified access pathways to the labour market, to social security or to housing are implicated in determining which migrant groups are allowed to stay and settle in Germany. As Bommers and Geddes (2000) have argued, national social policies can act as political filters that thwart migrants' efforts to achieve social inclusion by incorporating certain kinds of migrant while excluding others.

For instance, a study of implementation dynamics in German social administration (Ratzmann 2019) unravelled how welfare bureaucrats tend to grant access to subsistence-securing social benefits, in practice, only those EU migrants whom they perceive to 'culturally fit' and who have the potential to become involved in non-marginal, gainful employment. Moreover, German legislation tightened legal benefit entitlements in 2017, now only allowing to apply for social assistance-type benefits in Germany those EU migrants who have 'worker status'. The ways in which policy is implemented allow all EU citizens to move freely but not all are made to feel welcome and enabled to residing without restrictions in their member-state of choice. It may be argued that local-level processes of enabling or refusing access to basic income benefits create a filter with which to keep EU migrants who are deemed 'unproductive' from settling by depriving them of any state support in their host country. In the absence of traditional instruments of migration control, local implementers may engender an informal rebordering of the internal, borderless Schengen Area through keeping certain types of EU migrant in precarious living conditions. Every day, almost invisible functional borders against EU citizens shape who can afford to stay in Germany (Ratzmann 2019).

In light of this, social integration efforts might have to be rethought in a more holistic manner to facilitate migrants' meaningful societal participation in Germany as equal conationals. Public legislators may have to address questions of policy coherence, considering that fields beyond classic immigration policy affect newcomers' settlement in Germany – fields such as labour market and social security policies, whose goals may conflict with the logics of migration control through selective immigration policy. This also includes questions of political representation and visibility in the public sector, especially schools and administration. Moreover, the role of federal and local government in migration and integration politics might be worth rethinking. To date, the federal level is solely responsible for shaping immigration policy, while regions and cities have very little or virtually no voice. As for integration policies, local government has a more active role than the federal legislator, especially when it comes to insuring the social cohesion and inclusion of migrant residents locally. While both policy areas tend to be legislated and implemented independent of one another, they nevertheless commonly interact and thus would need to be codeveloped jointly.

Conclusion

This chapter has traced the developments of German immigration and integration policies since the antecedent of the postwar period. Policies regulating immigrants' entry have existed for decades. As immigration tended to be seen

as predominantly of a temporary nature, policy-makers did not perceive a structured policy to foster the sustainable integration of migrants and their descendants into society to be a necessity. However, in recent years, the country’s integration paradigm has undergone a fundamental shift. Not least, the inflow of a substantial number of refugees in 2015 and 2016 illustrated the need for more effective integration policies. The considerable number of new laws and adjustments to existing laws concerning migration and integration issues in the last decade hints at the German government’s willingness to pro-actively address the challenges of migration-related diversity.

What remains open to debate is whether ideas about nationhood have merely changed on paper. To date, cultural markers of belonging continue to be embedded into policy design, filtering immigrants based on their ‘cultural fit’. Evidence also suggests that public-service providers continuously abide by assimilationist understandings of integration and tend to discriminate against residents with a migration background (Ratzmann 2018; see also Hemker and Rink 2017). While policy cannot prescribe integration efforts, it has the potential to steer perceptions of ‘cultural integration’, which oscillate between civic duties of abiding by the German constitution and the prescriptive norms of everyday life. A move away from a ‘deficit’ or ‘cultural assimilationist’ perspective, addressing instead the shortcomings of what immigrants ‘lack’ compared to German-born nationals, may be required. Questions further persist as to whether perceptions of diversity as a resource and value in and of itself have trickled down to the local level or whether understandings of integration as an interactive process aimed at ensuring the meaningful participation of all residents remain confined to the policy rather than the implementation level.

Note

1 See <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Chart/index> (accessed 28 September 2019).

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6 Postwar immigration and integration policies in the Netherlands

An unstable marriage

Rinus Penninx

Introduction: studying the relationship between immigration and integration policies

Immigration and the settlement of newcomers in the Netherlands have a long and rich history that has been well documented recently (Lucassen and Lucassen 2018; Lucassen and Penninx 1997; Obdeijn and Schrover 2008). The volume and patterns of immigration and emigration, however, have varied strongly, as has the reaction of Dutch society towards immigration and newcomers. Over quite a long period – roughly between 1580 and 1800, thus including the Dutch Golden Age – immigration into the Republic of the Seven United Provinces took place on a large scale. Most of these newcomers flocked to Dutch cities, where trade and industry flourished.

In contradistinction, in the next period – roughly between 1870 and 1960 – more people left the Netherlands than came into the country. The country built up a tradition of emigration, particularly to North America, until the USA closed its borders in the early 1920s. This emigration tradition was picked up again after the end of World War II: civil society and the government (re)built an infrastructure to promote emigration to Canada, Australia, New Zealand, the USA and destinations in South America.

Postwar emigration fever receded in the 1960s and migrant workers arrived to fill the lowest ranks of the labour market of a booming economy, recovered from the war. From 1960 to the present, a period followed in which immigration was systematically more important than emigration (except for a few years – 1966/67 and 2002–2007 – with a small negative net migration).

Key questions and how to study them

It is against this historical background of the migration experience in the Netherlands that I focus on Dutch immigration and integration¹ policies and how these have related to each other since the end of World War II in 1945. The key issues are:

- firstly, how Dutch society and the Dutch government looked at newcomers and decided who they wanted to admit;

- secondly, how immigrants were assigned a place in Dutch society and how they were helped to find that place; and
- thirdly, how the ideas and practices concerning the admission of newcomers (i.e. immigration policies) were influenced or determined by those of assigning a place to newcomers (i.e. integration policies), or *vice versa*.

How to study immigration and integration policies?² The essence of policies is the intention to guide and steer processes in society. Immigration and integration policies are part of a normative political process in which the issues of immigration and integration are formulated as problems; these problems are given a normative framing and concrete policy measures are designed and implemented to achieve the desired outcome.

In order to study immigration and integration policies empirically and their changes over time, I examine them on two levels. The first is the framing and aims of policies – i.e. looking at how the problem is actually defined and explained and at what can and should be done about it. Definition of the problem takes into consideration how immigration is perceived: is it seen as a problem, as an opportunity or as a necessity? Who has the moral or legal right to be or become an immigrant? Who are the wanted immigrants and who the unwanted ones? For those immigrants already present in the host society, a basic issue is whether they are seen as ‘foreigners’, as ‘temporary guests’ or as permanent members of society for whom the state accepts the same responsibilities as for native citizens, guaranteeing the same rights and providing the same facilities. To study these elements of framing, I refer to original policy documents and contemporary sources.³

The second level refers to the embodiment of policies in regulations, organisations, programmes and budgets. The study of these concrete aspects of policies allows a distinction to be made between symbolic and substantial policies and to measure the seriousness and possible selectiveness of policies in practice.

Such an analysis leads me to distinguish five periods in the postwar Netherlands in which migration and/or integration policies were defined differently and their practices changed. In the next section I describe migration and integration policies in these five periods and, for each period, ask how the relationship between migration and integration was framed.

Emigration fever in an ‘overpopulated’ country and unsolicited newcomers, 1945–1960⁴

In the postwar period, the Netherlands regarded itself as an ‘overpopulated’ country. It had the fastest demographic growth (and highest fertility) rate in Europe and an economy – destroyed by the war – that could not offer employment for its growing population. This ‘population pressure’ was to be combatted by a governmental policy designed to stimulate industrial development on the one hand and emigration on the other (Beijer and Oudegeest 1952). Emigration was encouraged and assisted by Emigration Boards in this pillarised Dutch society (a Catholic, a Protestant and a nonreligious Board) that revived their pre-1920s activities.

Government policies saw emigration as part of the solution to unemployment and poverty. The government subsidised the Emigration Boards that prepared and assisted individuals and families to leave for a new home elsewhere. The general public's willingness to emigrate was so high that observers spoke of 'emigration fever'. Indeed, many left the country for Canada, Australia, New Zealand, the USA and destinations in South America. Between 1946 and 1969, about 450,000 Dutch emigrated – 4.5 per cent of the population of 10 million (as of 1949).

Although the preceding paragraph makes it abundantly clear that the Netherlands did not see itself as an immigration country, this same period saw nearly as many people coming into the country as left it. These newcomers were not defined and seen as migrants or immigrants (this terminology was used later by researchers but did not fit in public discourse and policy frames at that time and was not used). The first large category to arrive in the Netherlands was that of *repatriates* from the Dutch East Indies/Indonesia and New Guinea. Their arrival was a consequence of the War of Independence (1945–1948) and the actual independence of Indonesia in 1948. In the period 1945 to 1962, an estimated 300,000 people left Indonesia for the Netherlands. Some were white European settlers in the former Dutch colony. The majority, around 180,000, was of mixed Indonesian–Dutch descent, who were entitled to settle in the Netherlands due to their Dutch citizenship but were not encouraged to do so.⁵ The term 'repatriates' thus actually reflected their legal status: only those who could claim Dutch citizenship by recognised descent from a Dutch citizen were allowed to come to *Patria* (most had never been there before). Native Indonesians and even persons of mixed origin who had not been recognised as a descendant by a white parent, were not allowed to 'repatriate'.

The restrictive application of the right to 'repatriate' became very clear for *Moluccan soldiers* of the former colonial armed forces.⁶ After Indonesia gained its independence, part of the former colonial army was interned in a camp on the island of Java. Most were of Moluccan origin. They refused to demobilise on Java and instead wanted to go back to the Moluccas, to the independent Moluccan state that they had expected to be established there. However, the Indonesian government did not allow them to go there and the Dutch government did not want them taken to the Netherlands. After three years of imprisonment on Java, they finally won a court case against the Dutch government; the latter was obliged to bring its soldiers to the Netherlands: 12,500 persons – soldiers and their families – arrived there in 1951. Both the soldiers themselves and the Dutch government regarded their stay as temporary, as they intended to return to a Free Republic of the Moluccas (which, however, never came into existence).

What were the ideas and policies concerning these newcomers in Dutch society, who had arrived unsolicited and who were ostensibly not called immigrants? As for repatriates, it was clear that the Dutch government felt responsible for these citizens, for whom a place had to be found in Dutch society. There was a consensus between the government and the leaders of the different pillars to define 'repatriates as "Dutchmen in need" as the basis of the policy' (Amersfoort 1982: 96). So, an active reception (in contract pensions) and settlement policy

was put in place, assistance in (re)schooling and finding work was provided and social assistance was organised in cooperation with pillared welfare organisations, including courses on how to manage a family business in the Netherlands – a full-fledged assimilation policy. The mainly quick and smooth integration of the repatriates was helped by their relatively high educational level and strong orientation towards the Netherlands on the one hand and a quickly recovering and expanding economy and labour market in the 1950s on the other (Amersfoort 1982; Surie 1971).

How different were the ideas, policies and practices relating to the future place of Moluccans (at that time called Ambonezen) in Dutch society. The soldiers were formally dismissed from the army upon arrival in the Netherlands in 1951, thereby losing their status, work and income. Their stay in the Netherlands was seen as temporary and they were housed in isolated camps, mostly in rural areas. A special service – the ‘Commissariaat Ambonezenzorg’ – was created within the Ministry of Social Work to care for these temporary guests.

The educational level of the Moluccans was low and knowledge of the Dutch language virtually absent (Bartels 1989). These were unfavourable conditions for any kind of adjustment to Dutch society. Furthermore, the Moluccans themselves had the firm intention to return to an independent Moluccan state. Add to this a government policy that intended to keep the group intact with a view to return to the Moluccas. However, the desired return never materialised, which led to the long-lasting ‘temporary’ existence of an isolated group in exile under ambivalent governmental policies. It was only in 1978, after a series of violent occupations and hijackings by Moluccan youths in the mid-1970s, that the Dutch government’s policy objectives were explicitly changed: the permanent residence of this group in Dutch society was to be accepted. Relations between Moluccans and the state were to be revised, rehabilitation for Moluccans would be provided and an active policy for the structural and socio-cultural emancipation of the group in Dutch society was proposed and accepted. The policy paper on the future of the Moluccans (Ministerie van Binnenlandse Zaken 1978) turned out to be the forerunner of the Ethnic Minorities Policy (Ministerie van Binnenlandse Zaken 1980, 1983).

An ‘unwilling immigration country’⁷ that needs (guest)workers:⁸ 1960–1980

By the end of the 1950s, the country’s postwar economic reconstruction was so successful that labour reserves decreased significantly and, in labour-intensive industries (metallurgy, food and textile industries and mining), it was difficult to find sufficient workers. Initially, foreign workers arrived ‘spontaneously’ or were directly recruited by employers but, from 1961, a state-organised official recruitment drive started to fill vacancies, mainly with un- or low-skilled workers. First came Italians, then Spaniards, Portuguese, Greeks and Yugoslavs; still later came Turks, Moroccans, Tunisians and Algerians. Between 1961 and 1975, some 85,000 migrant workers were officially recruited until the drive was ended

in 1974. However, many more came. By 1975 there were about 170,000 legally resident citizens from the recruitment countries in the Netherlands, the great majority being workers.

The first oil crisis of 1973 led to the recruitment drive ending but this did not mean decreasing immigration. Immigration from Italy, Spain, Portugal, Greece and Yugoslavia halted and return migration for these groups was substantial. This, in combination with a significant naturalisation, led to a gradual decrease of these 'foreign populations' from the mid-1970s. However, the Turkish and North African workers reacted quite differently: where possible, these workers took their families to the Netherlands and, in five years, their population doubled to 121,000 Turks and 73,000 Moroccans by 1980.

So how was this immigration of workers perceived and what policy frames can be recognised (Entzinger 1975; Penninx 1979)? Policy was dominated by the belief that foreign workers' engagement was only temporary – which is why they were popularly called '*gastarbeiders*' (guestworkers). Initially (1960–1967) they were seen as a buffer for industrial sectors being restructured and for general fluctuations in economic activity. The government was willing to cooperate in satisfying industry's need for manpower, as long as the best interest of Dutch society (housing, public health, employment) was not in danger (Staay 1967, 1973). In the interests of efficiency and to avoid abuses, official recruitment agreements were drawn up with countries of origin. At the same time, the Ministry for Social Affairs and Employment set up a tripartite system for the approval for recruitment in which employers had to prove that no one was available on the labour market to fill the vacancies and trade unions had to give their consent.

The new Aliens Act of 1965 laid down a general legal framework that could be applied as flexibly or strictly as desired by means of Aliens' Regulations – which could easily be amended – and of internal circulars laying down administrative guidelines. In this way, the Act could readily be applied in accordance with the demands of the labour market. Responsibility for foreigners' social welfare was devolved to the lower levels of government (Praag 1973), as was finding accommodation for them in the tight housing market. Private initiatives at local or regional levels were encouraged – especially those by churches (the initial migrants being Catholic Italians and Spaniards) – and Foreign Workers Assistance units were widely set up. By subsidising these units, the government was able to transfer important responsibilities to them.

As a result of the brief economic recession in 1966/7 – which did not cause a substantial return of guestworkers – the concept of the foreign worker acting as a buffer against fluctuations in economic activity receded but the temporary nature of 'guestwork' remained a basic policy premise. 'The Netherlands is not an immigration country' was the crucial sentence in the Memorandum on Foreign Workers of 1970, the first official document of the Ministry for Social Affairs and Employment on the subject (Ministerie van Sociale Zaken en Werkgelegenheid 1970). At the same time, there was a growing awareness that a significant number of foreign workers were staying for increasingly lengthy periods. The government answered by exclusively highlighting the part played by foreigners as buffers in

the restructuring of the Dutch economy. It maintained that 'guestwork' would become redundant when the restructuring process was complete. The concept of 'temporary employment during the restructuring process' had two logical implications for the government's policies. Firstly, there had to be greater control over immigration and employment and, secondly, the temporary nature of 'guestwork' should be stressed where possible.

Greater control over migration was exercised particularly through a work-permit policy. The Work Permits Act of 1969 ruled out spontaneous recruitment in principle while a tightening of residence-permit procedures led to the requirement for foreigners to obtain a temporary residence visa *before* being admitted to the Netherlands. Visas could only be applied for in the country of origin. During the boom years of recruitment (1969–1971), however, the stricter regulation of their admission proved to have little effect on the actual inflow of recruited workers. The increasing demand for labour made foreign workers indispensable until the economic crisis of 1973.

Encouraging the idea of temporariness in terms of policy instruments had long been nonexistent. The discussion did get an impulse from the General Employers' Association, which laid down a number of basic principles on temporariness and rotation in 1969 (AWV 1969). They proposed a selective and limited employment of a non-permanent nature for individual foreigners; their stay would be restricted to two or three years. A rotation system would prevent the permanent settlement of foreigners, while employers would be able to recruit fresh labour. The costs associated with such matters as family reunification and the integration of foreign children would then be avoided. Similar ideas were sounded out by policy-makers at a somewhat later stage which, in 1972, led to the expectation that a two-year regulation would be proposed by the government. However, resistance to policies of this kind was so great that these proposals were not even tabled in parliament.

The period between the 1970 Memorandum on Foreign Workers as a draft policy document of the Ministry for Social Affairs and Employment and its finalisation as a policy document in 1974 (Ministerie van Sociale Zaken en Werkgelegenheid 1974) was a turbulent period in several ways. Firstly, the years 1970 and 1971 were the absolute peak years of recruitment, followed by a period of recession and the first oil crisis of 1973 and the factual halt of the recruitment drive in 1974. Secondly, the societal debate on guestworkers was broadened. One important criticism was directed particularly towards the narrowly nationalistic, one-sided economic character of the Memorandum of 1970 and the absence of any reference to a migration-for-development perspective for countries of origin. Another complaint voiced by welfare organisations was that too little attention was paid to the social consequences of labour immigration in the Netherlands. Finally, in the period between the draft Memorandum of 1970 and the final document of 1974, a new centre-left coalition led by the Labour Party had replaced the coalition of religious parties.

The Memorandum of Reply in 1974 (Ministerie van Sociale Zaken en Werkgelegenheid 1974) by the Den Uyl Cabinet was a new policy document in that it introduced fresh topics such as the relationship between labour migration and

economic development in the countries of origin and the long-term economic and social consequences of labour migration in the Netherlands, as well as concrete policy areas such as housing and education. There was more balance in the sense that more facets of the problem were explored and more ministries had been involved in the writing of this final document. At the same time, nevertheless, it is fair to conclude that there was little substantive change in the basic premises underlying policy: the Netherlands was not an immigration country and the employment of foreign workers was therefore a temporary phenomenon. Increasing recognition was given to the fact that foreign workers tended to be employed in certain types of work – i.e. poorly paid and generally unpleasant and heavy work. Despite this recognition, however, the Memorandum of Reply continued to maintain that foreign workers could be dispensed with in the long run: it referred to the need for ‘specific labour-saving’ investments in order to do away with the need for unskilled labour.

As a follow-up to earlier discussions about a possible two-year regulation, the Memorandum of Reply proposed the payment of a return premium (reference being made to a sum of 5,000 guilders, i.e. some 2,273 euros) to every foreigner who had worked in the Netherlands for two or three years, in order to encourage their remigration and the rotation principle. Such a departure premium would also have the policy advantage of clearly distinguishing ‘temporary’ from ‘long-standing’ migrants. This proposal – which soon became popularly known as the ‘*rot-op-premie*’ (piss-off premium) – came in for sharp criticism and its implementation proved politically unfeasible.

In November 1975, in another effort to control the immigration of workers, the Minister of Social Affairs submitted a proposal for a law titled ‘Provisions governing the employment of foreign workers’ (Foreign Workers Act, TK 1975–1976 13 682, 1–4). The proposal obliged an employer to obtain an employment permit – valid only for the named foreigner – before he could engage a foreign worker. This made the latter tied to and dependent on ‘his’ employer. Furthermore, the bill envisaged the imposition of limits by the government on the number of foreigners who could be employed by a company. The new law would mean that, after a foreigner’s contract had expired, work could only be obtained with employers who had fewer foreigners on their staff than their limit.

The proposal met with strong resistance by employers, trade unions and lawyers, although an amended version was, nevertheless, approved by the Lower House in 1976. The most significant change by amendment was that foreigners who had worked in the Netherlands legally for three years (as opposed to the original five) would fall outside the scope of the Act. Given the small number of foreign workers who would currently be subject to the Act, the bill became an impotent instrument. Use could, however, be made of the legislation if recruitment were to be resumed. The law came into force in 1979 – more than five years after the classical guestworker period had ended.

From the foregoing it is clear that guestworkers were the category that dominated migration flows and policies in the period 1960–1980 though they were not the only newcomers in that period. Colonial immigration from Suriname⁹ was an

important second category of newcomers who – like the repatriates before – were not seen as immigrants. Until its independence in 1975, Suriname was part of the Dutch Kingdom. The inhabitants of Suriname were called ‘*Overzeese Rijksgenoten*’ (overseas fellow countrymen); they were Dutch citizens and migration was free. Immigration from Suriname to the continental Kingdom of the Netherlands gained some weight in the 1960s (partly as a consequence of the recruitment of workers) but became significant in the years before the independence of Suriname (1973–1975). The country’s independence in November 1975 would mean that those who were there would in principle get Surinamese nationality and would fall under the immigration regime for foreigners in the Netherlands.¹⁰ This was an important reason for many to move to the Netherlands before November 1975. In 1975 alone, some 40,000 moved to the Netherlands, followed by a second wave in 1979–1980, prior to the expiration of the transitional agreement on the settlement of mutual subjects (for five years after Suriname’s independence, its inhabitants could opt for Dutch nationality). By 1980, the population of Surinamese origin in the Netherlands was about 180,000.

As for reception and integration policies for Surinamese in the 1970s, there was a strong resemblance with those for repatriates from the Dutch Indies, which were about receiving fellow citizens in the mother country. The Ministry of Culture, Recreation and Social Work (formerly just Social Work) coordinated a housing policy of dispersal (to relieve the big cities) and special measures for integration in the labour market and education.

Accepting immigrant minorities in a nonimmigration country: ethnic-minorities policy 1980–1994

In the 1970s, when sizeable immigration from Suriname took place and the Mediterranean guestworker populations grew quickly through family immigration, the ‘tension between norm (that the Netherlands should not be an immigration country) and fact (that there were significant immigrant populations)’ increased (Entzinger 1975: 327). The ‘fiction of temporary stay’ was deeply ingrained in admission policies, in laws and regulations governing the legal position of (alien) immigrants and in reception policies. Reception facilities were meagre and organised for certain groups of immigrants, apart from the regular social services. The Netherlands was not only an immigration country against its will (Entzinger 1985: 67), it was also an ‘unwilling immigration country’ (Amersfoort and Surie 1987; Groenendijk 1981).

At the end of the 1970s the political discussion on immigrants changed. The hijackings of trains and the occupations of buildings by groups of young Moluccans in the mid-1970s had a dramatic impact on Dutch society but also triggered a new policy vision: the fiction of temporality was declared outdated and the future of this group within Dutch society became a central topic in a new policy document on Moluccans in 1978 (Ministerie van Binnenlandse Zaken 1978). The report *Ethnic Minorities* by the Scientific Council for Government Policy (1979) formed the impetus for politics to apply the same kind of reasoning for other

immigrant groups. This led to the announcement of a new 'overall ethnic minorities policy' in 1980, the *Draft Minorities Bill* in 1981 and the final *Minorities Bill* in 1983 (Ministerie van Binnenlandse Zaken 1980, 1981, 1983). It is important to underline here that the changes did not relate to immigration policies: these should be restrictive, as before. The change related to integration and the position of vulnerable groups in Dutch society – (immigrant and other) groups with a low socio-economic status who were seen as socio-culturally different from the mainstream and in danger of permanent marginalisation. These groups should emancipate in the socio-economic and socio-cultural sense. It was not a policy for all immigrant groups and not all target groups of ethnic-minorities policy (EMP), such as Dutch caravan dwellers, were immigrants. The most important change for immigrant groups was that policy should be based on the expectation that current immigrants would be permanent residents in Dutch society.

In the new EMP documents, two main aims were formulated. On the one hand a tolerant, multicultural or multi-ethnic society should be created in which cultural and ethnic difference would be accepted and appreciated and ethno-cultural groups could emancipate. On the other hand, EMP was a policy of socio-economic equality: it aimed at solving the arrears of minorities' social position in Dutch society and fighting the (institutional) discrimination which leads to unequal chances and sustains these arrears.

The first aim demanded by its very nature group-specific measures but, in the new policy, this was done from the perspective of the fundamental rights of these groups in and as part of an envisaged multicultural Dutch society. Organisations of immigrants themselves were given important tasks in 'maintaining and developing their own culture and identity'. As to the content of this maintenance and the development of culture and identity, governmental agencies should not intervene but, rather, keep their distance. The main task of these agencies and their policies was to remove barriers and fight intolerance of the society or of certain groups.¹¹

To realise the second aim it was stipulated that a consistent policy of fighting arrears and promoting equal opportunities should be applied within the general policies applicable to the domains of labour market, education and housing. The accessibility of facilities and institutions, non-discriminatory treatment and equal opportunities were the key words. In governmental facilities and institutions, the new key term 'proportional representation or share' was introduced in the 1980s as a yardstick of good functioning in relation to immigrants.

The Dutch government intended to specify these general aims in a number of domains: the improvement of the social position of immigrants should be traceable in the fields of labour and income, education and housing. As to the first domain, the policy included improvement of the service of Employment Exchanges for immigrants; stimulating the participation of immigrants in training and (re-)schooling programmes; realising the proportional participation of immigrants in 'job placement' and 'employment' programmes; removing obstacles for small entrepreneurs among immigrants and providing (information) services for them; and, finally, opening up employment opportunities for immigrants within governmental services by removing formal (legal) hindrances and by striving for

the proportional representation of minority groups among government employees (including affirmative action programmes since 1986). For the private market, a softer legislation, the 'Employment Equity Act', borrowed from Canada, was discussed for quite some time and was finally introduced in 1994.

EMP also invested strongly in *educational policies* for minorities. The two goals of this plan were equal educational opportunities and the equivalence of cultures. The first goal was to be achieved by putting more emphasis on Dutch language-teaching and by intensifying contacts between immigrant parents and their children's schools. To enable them to provide such extra and special instruction in the Dutch language, extra facilities were given to schools, depending on the number of immigrant pupils, their duration of stay and their country of origin. It was particularly assumed that pupils from non-Dutch-speaking backgrounds needed extra lessons in Dutch during the first two years of their stay. The second goal, the equivalence of culture, would be achieved through two different provisions: Education in Mother-tongue and Culture (EMC) and Intercultural Education (IE). EMC teaching was set up in the Netherlands in the early 1970s to facilitate the eventual reintegration of pupils in the society of origin. In the 1980 policy plan, the goals of mother-tongue teaching were reformulated in psychological terms (Eldering 1989: 120): fostering the well-being and the ethnic awareness of children and guarding them against alienation from their parents and family, strengthening their identity etc. It was intended to contribute (indirectly) to greater achievements by these children. Intercultural Education should prepare the children of both ethnic/cultural groups and the indigenous Dutch majority to live together harmoniously in a multicultural society.

With regard to *housing*, the most important task, developed from the beginning of the 1980s, was to open up the market for rented family accommodation for immigrants on the same footing as for native-Dutch candidates. Regulations for application, urgency rules and distribution were made 'neutral' for immigrants and discriminatory rules were outlawed. These policies were the most successful in that part of the market owned by municipalities and housing corporations (which was quite sizeable in the large cities in the Netherlands).

In the *Minorities Bill* (Ministerie van Binnenlandse Zaken 1983: 107 ff) a multicultural society was envisaged in which immigrants would have the same rights and opportunities to practice and develop their own cultural and religious identity as other groups in Dutch society. Immigrants should be given room to develop their identity; Dutch society and its authorities should be open to these developments and adapt to the situation of a multicultural society.

As for the *right* to maintain and practice their culture, religion and language and to organise themselves as groups, immigrants were not been confronted with too many problems. The religiously 'pillared' and compartmentalised Dutch society had long recognised such fundamental rights, provided that the immigrants' cultural or religious norms, values and practices were not incompatible with the 'fundamental norms of our pluriform society' (Ministerie van Binnenlandse Zaken 1983: 107 ff). The existing facilities were available for the newcomers on the same conditions as for settled Dutch (religious, cultural or language) groups.

As for the *opportunities*, however, policy-makers were realistic enough to see that these newcomers would not be able to make use of these rights on an equal footing, because of their small number, their low social position, low level of education and weak degree of organisation, which is why special efforts were made, such as:

- a) strengthening immigrant or ethnic organisations by subsidising these at the local level and umbrella organisations at the national level;
- b) stimulating the participation of immigrant organisations in the formation of policy through a National Consultative Council (*Landelijk Overleg en Inspraakorgaan*) that had sub-councils for each of the different immigrant groups;
- c) facilitating religious activities for ‘new’ religions like Islam, Hinduism and Buddhism: religious chaplains in the army, prisons and hospitals were subsidised; there were religious instruction (IR) teachers in public schools and subsidies for houses of prayer (the latter were the first to be cut, after 1986); and
- d) adapting laws and regulations to facilitate particular religious practices, such as ritual slaughtering and burials according to Hindu and Islamic rites. The public call for prayer of the Imam was formally accepted on the same footing as church bell-ringing in Christian churches.

An important element of EMP for non-Dutch citizens was also a policy of strengthening their legal position. The first aspect of this referred to security of residence. A permanent permit was to be extended after five years of continuous residence in the Netherlands and, for family members, after three years. Revocation or withdrawal of a permanent permit and its subsequent expatriation was only possible in very exceptional circumstances, like long-term prison sentences. Long-term unemployment and a dependency on social security benefits were insufficient grounds for revocation.

The second aspect concerned the equal treatment of legal immigrants and the native Dutch. An inventory was made of articles and phrases in Dutch laws and regulations in which discrimination according to nationality, religion, culture and language was made (Beune and Hessels 1983). Many of these articles were thus changed or deleted.

A third way to ameliorate the juridical position of aliens (and particularly their children) was a change in the law on Dutch citizenship and procedures of naturalisation. On 1 January 1985, a new law was introduced that made it much easier for the non-Dutch spouses of Dutch nationals and for third-generation children (born to parents who, themselves, were born in the Netherlands) to become Dutch citizens. An option was made available for aliens – born in the Netherlands and reaching their majority (at the age of 18) – to become Dutch citizens. Furthermore, government policy relating to dual nationality changed: the requirement that the former nationality should be rejected was dropped in many cases. These changes led to a steep rise in naturalisations (and dual-nationality cases) in the late 1980 and 1990s.

Fourthly, aliens residing legally in the Netherlands for more than three years gained voting rights at municipal elections – implemented for the first time in 1986.

Lastly, another important element of the new minorities policies was the fight against discrimination. A number of amendments in laws were introduced to anchor the non-discrimination principle in Dutch law and to give more possibilities to prosecute discriminating persons and organisations. In Article 1 of the Constitutional Law, a new non-discrimination article was introduced forbidding, *inter alia*, discrimination according to race or religion. Some articles in the Penal Code were also adapted to facilitate the pursuit of discriminatory practices. Certain provisions in the Civil Code proved useful, too, in fighting discriminatory practices. It was also deemed necessary to make juridical procedures for complaints easier. Police and prosecutors were given instructions on how to deal effectively with cases of discrimination and the government subsidised a National Bureau for Combatting Racism which worked together with local anti-racist registration and service groups. Anti-discrimination training for government and municipal employees was introduced, and Intercultural Education facilities were created in schools.

The EMP, as outlined earlier, was not only comprehensive in its content and in the number of ministries and governmental agencies involved but was also organised differently. Where, in the past, it had been the Ministry for Social Work/CRM that was made responsible for the reception and integration of repatriates, Moluccans and Surinamese, and the Ministry for Social Affairs and Employment had made policies for guestworkers, it was now the Ministry of the Interior that was made responsible for the coordination of EMP and that received a significant special budget to build and implement the new policies. This coordination related not only to the horizontal alignment of the various activities of ministries but also to the vertical alignment of policies with cities and municipalities, including the funding of research relevant for the development and evaluation of EMP.

We saw at the beginning of this section that the complete reframing of integration policies in EMP did not imply changes in the perception of immigration. On the contrary, ‘the government’s policy aims to prevent immigration as much as possible without violating national and international obligations. This means that family reunion and the admission of political refugees will be kept outside the restrictive policy’ (Ministerie van Binnenlandse Zaken 1980: 21–22). So how did this work out in practice in this period?

Indeed, the period 1980–1994 was one of relatively lower overall immigration compared to the preceding decades. In terms of policies, however, we should distinguish three main categories: immigrant workers, the family members of immigrants and refugees and asylum-seekers.

For migrant workers, we have seen that the Foreign Workers Act was introduced in 1979 in order to control and channel labour migration. In the new economic context of the 1980s, characterised by a loss of employment in industry and the expansion of the service sector, these policies were meant to restrict the entrance of low-skilled foreign workers while facilitating the immigration of the

highly skilled (who often came from extremely industrialised countries (Böcker and Clermonts 1995). By the end of the 1980s, persistent labour shortages in particular economic sectors forced the Dutch government to deal with the demand for foreign labour in a more structured fashion. As a consequence, the Dutch Employment Organisation, together with trade unions and employers, started to manage temporary labour migration through so-called 'covenants'. These tripartite agreements permitted workers in particular economic sectors to be temporarily admitted into the country while also anticipating the availability of newly trained, qualified Dutch workers. Contrary to what might be expected, however, these agreements did not always lead to a more liberal admission policy (Lange 2004). In any case, this type of labour immigration formed a negligible part of the total immigration in this period.

The new EMP, however, had initially positive consequences for the immigration of family members (particularly of guestworkers). EMP accepted the permanency of immigrants' stay as a starting point for integration policies. In principle, this new approach made the family part of the integration process. In practice, too, family reunification (i.e. the bringing over of the spouses and children of resident foreigners) thus went unquestioned and peaked in the early 1980s. When the Ministry of Justice decided to introduce restrictions on family formation (i.e. bringing over new marriage partners), there was fierce resistance from political parties, which argued that the measure undermined the principle of equal treatment at the heart of the new minorities policy. In this regard, liberal family migration policies were part and parcel of EMP.

Refugee and asylum policies in the Netherlands have been developed, mainly *ad hoc*, following the increase in asylum-seekers during the 1980s and 1990s. From 1977 to 1987, annual quotas were established to determine the number of refugees invited to resettle in the Netherlands. However, the growing numbers of spontaneous asylum-seekers, a housing shortage and the increased costs that municipalities had to pay for social and other benefits, led to the introduction of the Regulation on the Reception of Asylum-Seekers (ROA) in 1987. The first aim of the ROA was to curtail asylum-seekers' access to independent housing and social benefits and, instead, to offer them central reception and modest sums of pocket money. Muus (1997) observed that the ROA, described as 'austere but humane', was instated not only to relieve the growing housing and financial problems of the major cities but also – and above all – to prevent the Netherlands from becoming an attractive destination country. This shift made evident how reception policies were, both in fact and in perception, a significant component in the management of asylum flows.

Due to the growing number of newly arriving asylum-seekers from 1989 onwards, the ROA became a policy of providing minimal first accommodation; yet within just a few years, it became overburdened. In 1990, for example, the Ministry of Welfare, Health and Culture, in charge of the reception of asylum-seekers, 'tried to solve the problem by means of buying or renting holiday bungalows and caravans and finding more municipalities that were prepared to accommodate asylum-seekers' (Muus 1990: 47). In 1992, the New Admission and Reception

Model for Asylum-Seekers (NTOM) was introduced. Under this system, reception centres were the responsibility of the ROA; municipalities would henceforth only bear responsibility for the reception and integration of those who had passed asylum procedures – namely status-holders and the *gedoogden* (persons with a temporary expulsion waiver). Moreover, in the early 1990s, the Ministry of Justice introduced several measures to reduce the number of asylum requests. First and foremost, measures were taken to prevent asylum-seekers from even arriving in the Netherlands by increasing the number of countries whose citizens needed a visa. Secondly, in 1994 a temporary status – referred to as a Conditional Residence Permit (VVTV) – was introduced. This new status only carried with it a relatively weak provisional residence title and provided barely any access to public facilities. Thirdly, in 1994, like other countries, the Netherlands introduced procedures to expedite certain asylum applications such as ‘manifestly unfounded applications’ – those that were filed by people coming from safe countries of origin or safe transit countries where they could have applied for asylum. What is more, people who had applied elsewhere were excluded.

Notwithstanding these restrictive measures, the number of asylum-seekers did grow significantly, both absolutely and as part of total immigration, particularly in the beginning of the 1990s. In 1994, a peak of 52,600 asylum applications was registered in the Netherlands.

Restrictive immigration and neoliberal ‘citizenship policies’ of integration: 1994–2002

Already, in the late 1980s, discontent about EMP was growing. The first strong critique was formulated in a new report by the Scientific Council for Government Policy (1989), the same institute that had promoted EMP ten years earlier. The report’s message was that too little progress had been made by EMP in the crucial domains of the labour market and education and too much attention was being given to issues of multiculturalism and (financial and other) support to ethnic organisations and to cultural aspects. It was suggested that the group approach and the prominence of cultural aspects in the policy had hindered – rather than enhanced – individual participation and the use of opportunities in the labour market and education. The advice of the Scientific Council for Government Policy (1989: 99) was thus to make more efforts in the key areas of labour and education and to do so with more compulsory measures. The message was that obligations of migrants should be more balanced with the extended rights and policies should focus less on cultural rights and facilities.

Other elements of criticism were later added. For one, Frits Bolkestein (1991), the then Liberal Party leader and head of the political opposition in the Dutch parliament, suggested in a public speech in 1991 that Islam formed a threat to liberal democracy. He also intimated that Islam was a hindrance to the integration of immigrants and that immigrant integration should be handled ‘with more courage’.

Policy did not change immediately in response to the critiques but the seeds for a different framing of integration were sown, to grow later. The distinct change in policy focus was found in the policy document *Contourennota* (Ministerie van Binnenlandse Zaken 1994). In this document a renewed integration policy was adopted, of which the keywords were ‘good citizenship’ and ‘self-responsibility’. It argued that citizenship entails not only rights but also duties and that each citizen must be active and responsible for him- or herself. In accordance with the advice of the 1989 report of the Scientific Council for Government Policy, this new ‘integration policy’ confirmed three main deviations from EMP: a shift away from target groups to individuals who are in a disadvantaged position, a strong focus on socio-economic incorporation through labour market and education measures and a shift away from cultural and multicultural policies as well as from recognition and support for immigrant organisations.

The social-democrat victory in the national elections of 1994 led to the so-called Purple Coalition: the Labour Party (PvdA) together with the conservative liberals (VVD) and left-wing liberals (D66). The focus on the economic integration of individual immigrants recommended by the 1989 Scientific Council report fitted very well in the general policy line of the government, whose motto was ‘work, work and, once again, work’. In this general approach, measures specifically targeted at migrants or ethnic minorities were abandoned.

A new policy instrument that fitted well in the new philosophy was that of civic integration courses.¹² This instrument was developed at the local level in a number of Dutch cities in the early 1990s. On these reception courses, newcomers were given a toolkit consisting of Dutch-language training and information about the functioning of important institutions in Dutch society. Local policy-makers felt the urge to provide such a toolkit to all newcomers who needed it. This locally developed instrument for integration was taken over by national authorities in the second half of the 1990s and developed as a national reception policy in the 1998 WIN Law (*Wet Inburgering Nederland* or Law on Civic Integration).

Another way of transforming policies was by framing many of the integration facilities in area-based (rather than group-based) policies. In 1994, the Ministry of Home Affairs began to formulate a policy for ‘deprived areas’ in major Dutch cities. Ethnic-minority populations were strongly represented in these areas and holistic programmes that integrated measures on housing, economic issues and socio-cultural dimensions were developed. This policy was referred to as the *Grotestedenbeleid* (Urban Policy) from 1994 on. In 1998, a new Minister for Urban Policies and Integration (within the Ministry of Home Affairs) was made responsible for integration policies.

Finally, the new ideas of ‘good citizenship’ and ‘self-responsibility’ were not only expressed in the mandatory integration courses but also in the change of naturalisation policies in the second half of the 1990s. The lenient naturalisation practices under EMP that accepted dual nationality (and had transformed a large majority of foreign immigrants of the 1960s to 1990s into Dutch citizens) were inverted: naturalisation was reframed as the final result

of an integration (*inburgering*) trajectory to be earned by immigrants and dual nationality was no longer to be accepted. The formal confirmation of this process of reframing the relation between migration, integration and naturalisation took place in the next phase of hyper-politicisation: the New Nationality Law of 2003 re-introduced the requirement to give up a former nationality, introduced strict tests on knowledge of the Dutch language and society and strongly promoted the symbolic and ceremonial value of naturalisation. It thus formed one of the building stones of the Ministerie van Justitie's *Integration Policy New Style* of 2003.

When it came to immigration policies, the framing (of restrictiveness) did not essentially alter much in the period 1994 to 2003. However, there were two important changes to note. The first related to family migration. The shift in the framing of integration policy from a group-oriented approach to one focusing on individual integration caused a turn away from the principles of protecting family unity. Family migration started to be seen as a problem for the integration of individuals. As presented in the media and stated in many public debates, a broad majority within parliament believed that, due to a lack of knowledge and skills, those newcomers who immigrated in the framework of family formation or reunification would, if not fail to integrate, at least delay the integration process. This reasoning justified restrictive family migration policies (Walsum 2004). As a consequence, in the 1990s and 2000s, more-restrictive family migration measures were introduced with little debate.

The second change related to *practices of policies* to reduce irregular immigration from the early 1990s. The Linkage Law proposal was intended to make not only all social security benefits but also rights and access to secondary or higher education, housing, rent subsidy, handicapped facilities and health care for an immigrant contingent on his or her legal residence status. Practitioners in these fields were supposed to check legal residence before serving foreign clients. Driving this act was the assumption that an exclusion of access to public services would help to discourage irregular migration. The Linkage Act proposal generated widespread protest from doctors, teachers, legal experts, prominent politicians and representatives from a broad range of public, semi-private and private organisations. Representatives of local governments also campaigned against the law and seemed to steer a course towards non-enforcement. In general terms, the new law was claimed to be unnecessary, immoral and unworkable. This opposition produced a number of substantial alterations to the proposed bill. For instance, professionals were not forced to report irregular immigrants to the Aliens Department, restrictions concerning education for children were lifted and, whereas irregular immigrants would initially have only been entitled to medical care in 'acute and threatening situations', this specification was eventually superseded by the prospect of requiring 'imperative medical treatment'. The Linkage Law (*Koppelingswet*) came into force in 1998. It was presented as the centrepiece of an 'integrated immigration policy' (Pluymen 2004: 76).

Hyper-politicisation: socio-cultural integration demands as a condition for (restrictive and selective) immigration: 2002–2018

A series of events around the turn of the millennium triggered a new shift in the public and political discourse on immigration and integration issues that would lead later to a revision of policy towards assimilationism (Vasta 2006). The social and the cultural dimensions of integration were even more central than before and were viewed through the normative lens of what were supposed to be Dutch norms and values. The search was no longer for ‘compatibilities’, but for ‘commonalities’ that would help to preserve national norms and values, thereby restoring and enhancing the social cohesion of society (Entzinger 2003). One of the initial catalysts in this new framing of immigration and integration was a newspaper article by Scheffer (2000) that spurred a new national debate. The article stated that multicultural society in the Netherlands could be dismissed as either a ‘tragedy’ or a ‘disaster’.¹³ Integration policy was declared a failure; moreover, a call was made for a more assimilationist policy that would revive Dutch history, norms and values. Islam and the integration of Muslim immigrants were identified as being especially problematic.

At the same time, Dutch politics witnessed the rise of Pim Fortuyn, a populist politician who profiled himself through harsh statements on criminality, direct democracy, immigration and integration. He pleaded for ‘zero migration’, argued that ‘the Netherlands was full’ and called for ‘a cold war against Islam’.¹⁴ To these arguments – which were not completely new – he added two elements: the accusation that the political elite had enabled the failure of integration in the past by ‘hiding the real problems behind a curtain of political correct speech’ and the contention that the victim of all this was the common – and, at that, native – Dutch voter.

Fortuyn’s populist campaign exploited this discourse very successfully. His party won a great victory in the March 2002 local elections in Rotterdam, the Netherlands’ second largest city. Only a few weeks later, Fortuyn was murdered – just before the national elections of May 2002 in which the newly established LPF party (*Lijst Pim Fortuyn*) won a landslide victory, winning 26 of the 150 parliamentary seats and thus entering parliament as second largest party. This success radically changed political discourse on immigration and integration; other parties adapted their ways of speaking about the issues (Penninx 2006).

Another sequence of notable events followed. Firstly, a series of violent acts committed by immigrants drew wide media attention. Secondly, several events emerged around the issues of so-called fundamentalist mosques and radical Imams. Finally, a major climax came when the Dutch filmmaker Theo van Gogh was murdered by a Dutch-Moroccan youngster who was affiliated with a radical Islamist network in the Netherlands.

These events had two significant effects. First, they contributed to the image of failure of the country’s integration policy. Parliament thus established a

Parliamentary Inquiry Committee on the Integration Policy, made up of MPs from all parties in parliament, in order to examine ‘why policy had thus far resulted in such limited successes’. When the Committee concluded that integration had actually been relatively successful (Blok Commission 2004), this judgement was widely dismissed as naïve. A new political correctness seemed to have emerged that would taboo positive statements on integration policy and on multiculturalism.¹⁵ Secondly, these events reinforced a new mode of policy discourse, described by Prins (2002) as ‘hyperrealism’ – a shift from the 1990s ‘realist’ style of discourse demanding a ‘tough’ approach to integration that should turn immigrants into full citizens, to a type of discourse in which ‘being tough’ became a goal in itself, regardless of its potentially problematic effects.

Thus, from 2002 onwards, a new policy and a new policy style became visible. The first element of this shift was the renewed institutional embedding of policies in the first Balkenende Cabinet in 2002: integration policies were moved from the Ministry of Home Affairs (in which they had been located since 1980, the beginning of EMP) to the Ministry of Justice, under a new special Minister for Aliens’ Affairs and Integration. It signaled the subordination of integration to immigration policies.¹⁶ The new *Integration Policy New Style*, formulated in a letter by the new minister (Ministerie van Justitie 2003), continued to follow the leading concepts of ‘citizenship’ and ‘self-responsibility’ of the 1990s¹⁷ but the emphasis had shifted strongly from the socio-economic aspects of integration to the cultural adaptation of immigrants to Dutch society. Integration policy was thus narrowed considerably, mainly down to civic integration courses.

These courses – and the WIN Law of 1998 – had to be transformed into ‘a new style’, according to Minister Rita Verdonk.¹⁸ To begin with, civic integration courses were not only mandatory but also had to be passed within a certain period (three and a half years); passing was a condition for the obtention of a permanent residence permit (and, for asylum-seekers, a definitive residence permit (after a temporary one). In the implementation of these courses, a new distribution of responsibilities among their stakeholders was proposed (and formalised in the new WIN Law that came into force in 2007). Firstly, the migrant coming to the Netherlands was expected to find and fund the course him- or herself. Only if s/he eventually passed the exam would s/he be entitled to a refund of up to 70 per cent of the cost of the course. Secondly, the responsibilities of local authorities were changed: although they still had to monitor newcomers and their efforts to follow courses, the authorities’ organisational and financial resources to promote such a process were minimised. Thirdly, civic integration courses were to be privatised: while, since 1998, a nationwide network of state-sponsored Regional Educational Centres (ROCs) had developed which offered civic integration courses, now anyone could offer such programmes. This led to the rapid dissolution of the existing infrastructure of ROCs and to a market with many low-quality and inexperienced new educators – and to a chaotic field for the migrant, who had to make this choice him- or herself (see evaluations done in subsequent years: Algemene Rekenkamer 2017; Significant 2010).

The Minister for Alien Affairs and Integration, Rita Verdonk, also tried to expand the target population of the new reception policy: civic integration courses should be mandatory for all immigrants between the ages of 16 and 65, regardless of the amount of time they had spent in the Netherlands and of whether they were foreigners or naturalised Dutch. However, the Minister lost this battle on legal grounds. From the final version of the law that was ultimately passed at the very end of the cabinet's legislative term, in July 2006, the obligation to follow and pass civic integration courses was removed for Dutch citizens – native or naturalised.

The star measure in this new policy was the WIB Law (Law on Civic Integration Courses Abroad) of 2006, which introduced a pre-migration test for new migrants who wanted to move to the Netherlands, particularly family migrants. Since 2006, newcomers have to pass an exam in their country of origin that proves their Dutch language skills and basic knowledge of Dutch culture and society before a provisional visa to enter the Netherlands is given. Once admitted to the Netherlands, migrants must attend – and successfully complete – civic integration courses in order to be granted both temporary and permanent permit renewals. In this law, integration policy had become clearly linked, instrumental even, to immigration policy. It facilitated the selection of migrants and restricted new flows, particularly those of family reunion and marriage migration.

The four years of this New Style policy were different not only in content but also, markedly, in the style of policy-making and implementation. The process of policy-making – in a strongly politicised context – was predominantly led by the Minister and political parties in parliament. At the same time, this policy-making was very selective in the topics it chose: in the first place, as we have seen, mandatory civic integration courses, both before arrival and after, as well as the restrictive admission of new immigrants and forced return of failed asylum-seekers and illegal immigrants.

As for immigration policy, the (very restrictive) policy of the New Style was, firstly, visible in the additional conditions for immigration described earlier: the mandatory tests that (certain categories of) aspiring immigrants had to pass before they would receive their first provisional visa to enter the Netherlands and the strongly increased costs, for aspiring immigrants, of visas, (temporary) permits and mandatory courses. Secondly, there was the stricter application of policies set earlier. In this latter category fall, among other things, implementation of the Linkage Act (combatting illegal residence) and the application of asylum procedures and return policy for refused asylum-seekers and other irregular migrants.

As for labour migration, restrictive policies continued, expressed, in this period, the most concretely in the postponement of free access to the labour market for the citizens of the new EU accession states from Central and Eastern Europe in 2004 and 2007: a transitional period of five years was established in which, for example, Poles, Romanians and Bulgarians could freely move to the Netherlands but still needed a work permit to take up a regular job.

As for family migration, the discourse introduced in the 1990s that family migration was a potential threat for integration became more dominant than ever before – the WIB Law of 2006, which required the pre-migration examination of the non-Dutch family members of residents who wanted to immigrate, was the embodiment of this discourse.

As for asylum migration policies, two sets of measures were relevant in this phase. In the first place, measures continued to be taken which aimed to reduce the number of asylum applications and the duration of asylum procedures. These measures were taken so far that they aroused concerns not only from refugee advocacy groups and academics within the Netherlands but also from the United Nations High Commissioner for Refugees (UNHCR) and Human Rights Watch (HRW). Secondly, there was the problematic non-return of failed asylum-seekers to their country of origin. In February 2004, the Minister for Immigration and Integration proposed to expel up to 26,000 ‘failed asylum-seekers’ over the following three years – a proposal that was accepted by the Dutch parliament but which also generated the opposition of local authorities and grassroots organisations.

The strong anti-immigration climate and the concrete restrictive measures were obviously effective during the Balkenende I, II and III Cabinets (2002–2007): all four immigration categories (labour, study, asylum and family immigration) decreased compared to the previous period. For the years 2003–2006, a negative net migration (more people left the country than arrived) was registered for the first time since the 1960s (it turned out to be temporary, as we will see later).

I have been somewhat elaborate here about what happened to immigration and integration policies between 2002 and 2007 because a new framing was established in which immigration and integration policies became linked in a special way and a structure was created of pre- and post-migration civic integration courses of an assimilative nature. This framing and this structure were embodied in the new *Wet Inburgering* 2007 (Law on Civic Integration) which was essentially maintained later, in its revisions in 2013 and 2017. There were, however, periods of partial revision of these policies – depending on the political orientation of coalition cabinets. I outline briefly here some of the specific developments which occurred between 2007 and 2018.

The fourth Balkenende Cabinet (2007–2010) had shifted colour from Centre-Right to Centre-Left. The cabinet returned, to a certain extent, to ideas and structures of the late 1990s. Immigration and integration competences were again split: the first remained at the Ministry of Justice but integration was moved to the Ministry of Housing, under a special (Labour Party) Minister for Housing, Residential Areas and Integration, Ella Vogelaar. So, apart from the new now-national Civic Integration infrastructure embodied in the Civic Integration Law 2007, the local, urban social-cohesion challenge of the 1990s was brought back on the agenda: socio-economic renovation and cohesion policies for vulnerable urban residential quarters. ‘*Burgerschap*’ (citizenship) in this context was also redirected towards ‘common interests and the common future of all residents’ of the vulnerable residential quarters.

The new minister also partially relaxed the mandatory individual civic integration measures: the unilateral obligatory character was redefined and the interest of newcomers, their future participation, their learning of competences and tools for participation and interaction were stressed. However, the structure of pre- and post-migration integration courses of an assimilative nature was maintained. Moreover, the comprehensiveness of civic integration was enhanced in the so-called Deltaplan Vogelaar that aimed at the full implementation of the civic integration plans that had suffered thus far from insufficient offers of quality courses, unclear organisation and a problematic division of tasks between the stakeholders involved.

In 2010 this temporary partial relaxation of integration policies was followed by a full swing back in the centre-right minority Rutte I Cabinet that had negotiated the parliamentary support of the anti-immigrant PVV party of Geert Wilders. This 'Integration New Style Revisited' was readily identifiable in the mission statement of the new cabinet (Regeringsverklaring 2010): the government announced that it intended to 'substantially reduce immigration', particularly family migration; 'to secure integration' by increasing the level and requirements of integration courses; to increase the responsibility of the migrants by obliging immigrants to bear the costs of immigration and integration; to couple failure on integration courses with the noncontinuation of residence permits; to make naturalisation more conditional on measured qualifications, participation and integration of the candidate to be awarded; and to stop diversity and affirmative action programmes. A practical target of the government was, furthermore, to bring the costs of civic integration (estimated at about 350 million euros annually) back to zero by the year 2014. The cabinet also went back to combining immigration and integration into one ministry: the Ministry of Justice.

However, the Rutte I Cabinet fell after two years and, in 2012, the Liberal Party (VVD) and the Labour Party (PvdA) came together in a Purple Coalition of the Rutte II Cabinet. The tone on migration and integration issues in the mission statement of this new cabinet was much more moderate and the text much shorter than that of its predecessor of 2010. Nevertheless, the framing was not essentially different:

In the immigration and integration policy we opt for clear and strict requirements for newcomers, for example in the field of income and command of the Dutch language. All admissions procedures will be tightened, but the Netherlands continues to offer room for real refugees. An arrangement will be made for the group of children and young people who have been staying here for years. In this way we pursue a strict but fair immigration policy that takes into account the capacity (*draagkracht*) of our society.

(Regeringsverklaring 2012)

That the new Purple Coalition government did not, in essence, deviate from the existing policies becomes clear in the third version of the WIN Law on civic

integration of 2013 (proposed and defended by the Minister for Social Affairs and Employment of the Labour Party, Lodewijk Asscher). The stated aim of new law was ‘to reinforce the responsibility of the newcomer for his own civic integration . . . he should take the initiative . . . choose a course on the market and pay himself’. The main actors in the implementation were DUO (a state agency for loans to students and now also to immigrants to pay for their integration courses) and private educational entrepreneurs on the market who offered courses. Municipalities were only supposed to monitor and sanction new immigrants who did not live up to their obligations. The new law foresaw one central exam for all and shortened the period within which it had to be passed from 3.5 to 3 years. The sanctioning of noncompliance by fines (of 1,250 euros) was foreseen. Loans made by DUO to refugees were acquitted when the exam was passed in time.

It was during this period of the Purple Coalition (2012–2017) that all categories of immigrants (migration for labour, for study, for family reasons and for asylum) increased, particularly in 2014–2016. Most of the attention went on asylum-seekers (the ‘EU asylum crisis’) although the labour and family categories each brought more newcomers to the Netherlands in these three years than the swelling category of asylum-seekers. The ‘tightening of admission’ promised in the government statement of 2012 had obviously not been successful in restricting immigration.

In 2017, after national elections in which the Labour Party was decimated, a four-party centre-right coalition (VVD, CDA, D66 and CU) was formed in the Rutte III Cabinet. In its official statement, the new coalition committed itself to an ‘effective and humane migration and civic integration policy’ that would ensure the efficient and fast reception and civic integration of newcomers on the one hand and the fast return of those who were not allowed to stay on the other (see Regeerakkoord 2017). The cabinet also considered it important that the root causes of refugee flows be tackled, that refugees be received in accordance with international conventions and that irregular migration be counteracted.

The most concrete action of the Minister for Social Affairs and Employment, in the cabinet responsible for integration, was his efforts to make the Civic Integration Law of 2013 work. The (implementation of the) law had repeatedly been criticised in various evaluation reports (Algemene Rekenkamer 2017; Nationale Ombudsman 2018; Significant 2018). The shortcomings were many: the privatisation of the civic integration courses, making it a market commodity that was difficult to control; the expectation that the unknowledgeable newcomer should choose an appropriate course in a market that is not transparent; the sidelining of municipalities as directors and monitors of reception and integration; and the resulting low percentage of newcomers who successfully completed their integration courses within the time allotted. The Minister for Social Affairs and Employment admitted that the 2013 WIN Law had not been successful and slightly refined it in 2017. Newcomers were now obliged to learn about core Dutch values and had to sign a declaration that they would uphold them.

More fundamentally, however, the minister announced, in July 2018, that a new civic integration law would be enacted in 2021 (EK 2017–2018, 34 584,

I). Important elements of the new law would be a better control of the market in course offerings, making the civic integration trajectory more individualised through Personal Integration and Participation Plans (PIP), the improvement of the connection between integration courses and employment, and the bringing back of municipalities as directors and monitors of the civic integration of newcomers.

To sum up these developments in migration and integration policies in the period 2002–2018, we can see that the framing of immigration was stable over the whole period: as before, immigration was not wanted and should be restricted as much as possible. The seven Cabinets of this period all had the same message, albeit that the tone varied somewhat. In this light, it is remarkable that the practice of immigration varied significantly: it was effectively low, with negative net migration in 2003–2006, was back at the 2002 level in 2008 and started to grow from then on. In 2018, a net migration peak of 88,000 was reached.

Integration policy-making underwent a thorough reframing in the first period of 2002–2007: civic integration had become the main element of national policy-making – and in a very specific way. The courses that had been introduced in the late 1980s and 1990s as a toolkit offered to certain immigrants to facilitate their integration were now mandatory courses that aimed to also teach Dutch norms and values and (where possible, as in the case of family migration) to select those immigrants who were the most likely to integrate. In this new framing, the immigrants' responsibility was enlarged: not only should the immigrant accept and adapt to the norms and values of Dutch society but the financial costs of immigration in general and of integration courses specifically were also increasingly laid on his or her shoulders. This new framing became standard – i.e. it formed the starting point of both centre-right and centre-left coalitions in the period after 2007. What made centre-left coalitions distinct from those of the centre-right was that the former brought other elements of integration to the table in addition to civic integration. This difference was consistently expressed in the institutional embedding of integration policies: centre-right coalitions always brought immigration and integration together within one ministry (and under one minister), that of Justice (and Security). Centre-left coalitions (and the present coalition) wanted to keep immigration (preferably at the Ministry of Justice) separate, in principle, from integration by choosing the Ministries for Housing (2007–2010) or Social Affairs and Employment (2012–2017).

Conclusions

In this chapter we have seen how the immigration policies of the Netherlands are related to integration policies. We have examined immigration and integration policies and their changes in time at two levels: the framing and aims of policies as formulated in governmental documents and the embodiment of policies in regulations, organisations and budgets. Such an analysis leads us to distinguish five periods in the postwar Netherlands in which the relation between migration and integration was framed in different ways.

A comparative analysis of these periods shows that the framing of immigration policies, on the one hand, was relatively consistent over time: the mantra in all five periods was ‘The Netherlands is not an immigration country’ and admission policies should be restrictive and selective for foreigners (newcomers from former colonial territories were selected on their citizenship and not defined as immigrants). The results of such policies and measures of restrictiveness, however, varied significantly: since the beginning of the 1960s there were consistently positive net migration figures, with only two brief exceptions in 1966/67 and 2003–2006. This contradiction between the aims of immigration policies and their outcomes made the Netherlands an ‘unwilling immigration country’, with 23 per cent of its population having a migration background – i.e. born or having parents born abroad – in 2018.

Integration policies, on the other hand, showed major frameshifts. In the first two periods (1945–1960 and 1960–1980) there were integration and absorption policies for newcomers from (ex-)colonies who were citizens but, for all other foreign newcomers, the non-integration and assumed temporariness of stay dominated policies. In the third period (1980–1994) the Ethnic Minorities Policy brought about a fundamental frameshift: for those newcomers – whether citizens or not – who had found a place in Dutch society but in the lower strata, a policy of structural integration and socio-cultural emancipation aimed to prevent the formation of an ethnic underclass and to bring about social mobility and societal acceptance. The next period of neoliberal citizenship policies (1994–2002) redefined integration and integration policies as offering opportunities to immigrants to promote their structural integration and adaptation to Dutch society – first and foremost as a duty for the immigrant. Finally, under conditions of hyper-politicisation, integration policies were increasingly narrowed down to mandatory civic integration courses to teach immigrants how to fit into Dutch society. On these courses they would learn about the language, structure, norms and values of their new society (and subscribe to the latter).

The relation between immigration and integration policies changed in each period. In the first two periods (1945–1980) the immigration of noncitizens was defined as temporary; thus, integration should be avoided and return promoted (when former colonial citizens came into the country, however, absorption and assimilation were the course of action). In the third period (1980–1994) the integration of those who had arrived in spite of restrictive immigration policies should be enhanced in order to avoid a permanent ethnic underclass in Dutch society. This new framing of integration in the Ethnic Minorities Policy did not, in principle, change the undesirability of immigration and the restrictiveness of immigration policies. However, in practice the new framing did change the practice for certain categories of immigrant – the importance given to the completeness of families for the integration trajectory was a particularly strong argument for more lenient family migration practices in the 1980s.

Since the early 1990s, the ‘failed integration of immigrants’ argument has been used to reinforce the restrictiveness of admission policies in general – it especially reversed the argument in favour of family migration in EMP policies into one

against it in integration policies of the 1990s. New family members and particularly new marriage partners were now seen as hindrances to integration. Thus, family migration policies would become stricter in the fourth period (1994–2002).

Since 2002, a more systemic connection between immigration and integration has developed. Not only do policy memoranda explicitly address the need to restrict immigration in order not to endanger the ‘absorption capacity’ of Dutch society (Ministerie van Binnenlandse Zaken 2001) but tougher integration policies have also increasingly become a tool for restricting immigration. The new pre- and post-migration civic integration programmes described in this chapter have become a way for the Dutch government to promote the integration of newcomers as well as to discourage further immigration. In so doing, they simultaneously function as a mechanism through which to select those migrants who could prove beneficial for the Dutch economy and society.

Notes

- 1 I define the *integration process* as the two-sided settlement process of newcomers in a new society that has three dimensions in which they become (or not) an ‘accepted part of society’. The three dimensions can be studied separately: the legal/political dimension (which concerns the legal status of the migrant and access to political decision-making), the socio-economic dimension (which can be measured by equal opportunities and participation in hard sectors of work and income, housing, education and health care) and the ethnic/cultural/religious dimension – where it concerns the (non-)acceptance of world views/religion, culture and ethno-cultural identity (see Penninx and Garcés-Mascareñas 2016: 14–19). Integration *policies* aim to steer the integration processes of immigrants towards an outcome desired and formulated by politics. In the analysis of the content of integration policies it is important to look at what they aim to achieve and what is done in each of these dimensions.
- 2 For a more extensive treatment, see Penninx and Garcés-Mascareñas (2016: 11–30).
- 3 For the most comprehensive analysis of framing and frameshifts in Dutch integration policies, see Scholten (2011).
- 4 Some important historical overview studies using contemporary documents and sources for emigration in this period are: Beijer and Oudegeest (1952); Faassen (2014); Hofstede (1964); Lucassen and Lucassen (2018); Obdeijn and Schrover (2008). On immigration, see: Amersfoort (1971, 1982); Kraak *et al.* (1957); Smeets and Steijlen (2006); Surie (1971).
- 5 ‘The Dutch government was of the opinion that the Indonesian Dutch, in view of the altered conditions, should desist and orient themselves to the new state of Indonesia’ (Amersfoort 1982: 83). See also Kraak *et al.* (1957).
- 6 Important historical overview studies using contemporary documents and sources are Amersfoort (1971); Bartels (1989); Ministerie van Binnenlandse Zaken (1978); Smeets and Steijlen (2006).
- 7 The term was coined by Groenendijk (1981).
- 8 For a comprehensive account of labour migration in the Netherlands, 1945–2006, see Lange (2007).
- 9 For a detailed analysis, see Amersfoort and Surie (1987) and Amersfoort and Niekerk (2006).
- 10 The independence of Suriname was seen by many Dutch politicians as a means to stop immigration from the country. However, the approaching independence prompted a new wave of last-chance migration to the Netherlands.

- 11 For key texts on how ‘maintaining culture and identity’ should relate to ‘developing and adapting culture and identity to the new society’ see Ministerie van Binnenlandse Zaken (1981: 36 ff, 1983: 107 ff).
- 12 These courses are known in Dutch as *inburgeringscursussen*. The word ‘*inburgering*’ contains the word ‘*burger*’ (meaning ‘citizen’); however, its denotation is not that of naturalisation (i.e. becoming a national citizen) as much as that of becoming a well-informed and active participant in society. That is why I prefer to use the term ‘civic integration courses’ rather than ‘citizenship programmes’.
- 13 The meaning depends on the translation of the Dutch word ‘*drama*’ in the title of the article, ‘*Het multiculturele drama*’.
- 14 Interview published in the newspaper *De Volkskrant*, 2 November 2001.
- 15 See comments on the report of the Blok Commission in Parliament in TK (Lower House) 2003–2004, nr. 63, pp. 4093–4150 (6 April 2004).
- 16 The Balkenende I Cabinet was a short-lived coalition of Christian Democrats, Liberals and the extreme-right LPF; LPF-member Nawijn was the Minister for Alien Affairs and Integration. The Balkenende II Cabinet, a coalition in which the LPF was substituted by the progressive liberals of D66 followed in 2003. VVD-member Rita Verdonk became Minister for Aliens Affairs and Integration (until 2007).
- 17 That responsibility also had its financial aspects: all costs of admission and immigration for the state should be borne by the immigrants themselves. This principle was introduced – without much debate – following implementation of New Style integration policy. Immigrants had to pay sums of money for visas and residence permits – as well as their renewal – that were previously unheard of.
- 18 The principles of the new policies are formulated and developed in the policy documents the *Hoofdlijnenakkoord Balkenende II* of 16 May 2003 (TK 2002–2003, 03 28637, No. 19) and the *Contourennota Herziening van het Inburgeringsstelsel* (TK 2003–2004, 29543, No. 1).

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7 The ‘housebroken’ far-right parties and the showdown in Danish migration and integration policies

Shahamak Rezaei and Marco Goli

Introduction

Therefore, I say to the Danish People’s Party (DP): No matter how many efforts you make – in my eyes – housebroken, you never will become.

(Prime Minister Poul Nyrup Rasmussen, Opening debate in the Danish Parliament, 7 October 1999)

Migration and integration policies in Denmark have been linked not only with one another but also, increasingly, with many other policy areas. The conflict on whether migration management and integration policies have been a success seems to be settled. These policies are widely considered to be failures as far as migrants of and descendants from non-Western countries – notably Muslim immigrants – are concerned. Nevertheless, the debate continues between competing political and societal actors, all seeking support from ‘objective’ observations – i.e. statistical ‘evidence’. On the other hand, there is no doubt that the dominant interpretation (of the results of previous migration management and integration policies) has influenced a wide range of policy areas. This is specifically the case with regard to reforms in the field of labour-market, social and welfare policies and education. These policy areas have undergone tremendous, even fundamental, changes which, in academic and political circles, are usually addressed as the institutionalisation of a dominant ‘neoliberal’ discourse (Torfing 2003). The two most obvious impacts of the development of migration and integration policies on development in other areas are election outcomes and the move from a universal to a particular welfare state:

- *Election outcomes* – changes in public opinion have been decisive with regard to who, among the competing political parties and coalitions, has actually succeeded in taking over governmental power. Typically, migration management and integration policy has been one of the very top issues in political debates prior to national elections for decades. On the other hand, the voters’ evaluation of the outcomes of the practices and priorities of parties in government within migration management and integration has been decisive on the issue of whether or not to let them continue to run the country.

- *From universal to particular welfare state* – the ‘objective facts’ and subjective attitudes have contributed to pushing fundamental changes through in migration management policies themselves. Paradoxically, these changes quite often had consequences for natives, too, of which reforms in social citizenship (i.e. conditions that are to be met in order to be entitled to and eligible for certain social benefits and rights – reform of the cash aid system being the most discussed and contested) are only one. With Denmark being a universal welfare state *par excellence* over many years, a number of policy reforms, specifically within the field of welfare policy – i.e. the redistribution of wealth and social rights – have been introduced, with the status and attitudes of migrants from non-Western countries being the implicit and recently quite outspoken legitimation when arguing that the ‘sustainability of the universal welfare state’ is at stake. This is despite the fact that the principles on which the ‘universal’ welfare state is built and developed exclude a focus on ethnicity, religious or national background as criteria for inclusion. On the other hand, the proclaimed goals and widely shared premises, when arguing for the necessity of such policy changes, have been a reduction in both the number and the rights of migrants from non-Western countries.

Reforms in labour-market, social and welfare policies are not the only manifest indications of how a (supposed) failure in migration management and integration policies has contributed to societal changes in recent years. Many other areas have been influential, including cultural policies, national-identity discourses, crime management, housing and reforms in the education system etc. It seems that the right-wing parties have managed to bring about answers to what are publicly and increasingly perceived as major challenges to both current and future society. Mainstream parties had not been able to sufficiently address the challenges but, over the last few decades, have been remarkably successful at adopting definitions and solutions to the problem that have been introduced by ‘so-called’ *radical-wing* parties.

The aim of this chapter is to provide an understanding of how perspectives on migration and integration which, a few decades ago, were considered to be ‘radically right’, are a today mainstream policy in Denmark. First, we explain the categories in use in the Danish debate on migration management and integration policy. Second, we elaborate on the historical responses to challenges of immigration and integration. A description of the current results of integration policies follows, where we focus exclusively on non-Western migrants and their descendants, particularly on their records within certain spheres of citizenship. This description will be followed by elaborations on the impact of EU enlargement and the similarities and differences between two periods – the early 1970s, when the first non-Western migrants came to Denmark and this last decade, when labour from Eastern European member-countries of the EU found their way to Denmark. This discussion will be followed by an elaboration on the very recent changes in the Danish policy within migration management and integration. The concluding part will present future perspectives on Danish migration management

and integration and why the radical right's framing of the challenges and solutions seems to be durable.

Core definitions of categories

In order to grasp the complexities of integration and migration issues in the Danish context and their overwhelming impact on other areas of policy, it is essential to start by clarifying the definitions of categories established in public debates, academic research and political discourses. According to the 'Integration Barometer' (Udlændinge-og Integrationsministeriet 2019) we usually use the following categories of migrant in Denmark:

- *migrants from Western countries*, which includes migrants and their descendants from Nordic countries, EU countries, Switzerland, Canada, the USA, Australia and New Zealand,
- *migrants from non-Western countries*, which includes migrants and their descendants from all other countries.

Apart from this, statistical definitions also shed light on / operationalise the content and connotation of the following core concepts:

- *An immigrant* is a person *born outside Denmark*, with neither parent being both a Danish citizen *and* born in Denmark.
- *A descendant* is a person who is *born in Denmark*, with neither parent being both a Danish citizen *and* born in Denmark.

In Danish migration research, a core distinction has been established between migration policy and integration policy. Migration policy is defined as politics and legislation (and processes and outcomes) that relate to the actual process of immigration to the country. Integration policy, on the other hand, is understood as policy [processes and political outcomes, legislation or lack of the same] that concerns residents from countries other than the Nordic, EU and North America, i.e. persons from the so-called third countries. Here, third countries are defined as countries with social, economic and cultural conditions that are very different from our own, as immigrants from the Nordic countries, the EU and from North America are largely expected to manage themselves (Goli 2002; Bøgelund Nielsen 1984). The purpose of migration policy is to either tighten or liberalise rules on travel and residence permits for foreign nationals, while the purpose of integration policy in Denmark is to do something special for those who have difficulty in the integration process, in order to prevent them from developing into a minority group which could be, at worst, in opposition to society (Bøgelund Nielsen 1984).

The history of immigration and immigration law

On 1 January 2018, Denmark had 5,781,000 inhabitants, a figure which included approximately 592,000 immigrants and 179,000 descendants of immigrants.

Among them, about two-thirds were immigrants and descendants from non-Western countries, who thus constituted 8.6 per cent of the population. About 60 per cent of them had their origins in the following nine countries: Turkey (12.6 per cent – 60,000 persons), Syria (8.2–40,978 persons), Iraq (6.5–32,494 persons), Lebanon (5.4), Pakistan (5.4), Bosnia and Herzegovina (4.6), Somalia (4.3), Iran (4.2) and Afghanistan (3.7 per cent) (Udlændinge-og Integrationsministeriet 2018). Among those from Western countries, the number of immigrants was much higher than for their descendants. Their net immigration increased dramatically in the years 2007–2017, with the largest flow coming from Romania. Together, immigrants and their descendants constituted slightly more than 13 per cent of the residents of Denmark in 2018. This is a tremendous demographic change for a society which, until the late 1960s, was ethnically quite homogeneous. As late as 1980, the country had only 3 per cent of immigrants and their descendants among its population (Udlændinge-og Integrationsministeriet 2019). It is crucial to understand how this change was brought about and why many in Denmark do not wish this development to continue.

The beginning of its transition from a fairly homogenous Denmark to the contemporary multi-ethnic state it is now is explained partly by the Danish industry's need for labour in the 1960s and partly by refugee flows in subsequent decades. In 1967, the first foreign workers – known as guestworkers – arrived from Turkey, Pakistan and (the former) Yugoslavia. The catalyst and main external cause of the guestworkers' arrival in Denmark was the temporary economic downturn in Germany after a long period of growth and increasing needs (Hjarnø 1983). This temporary downturn meant that Turkish guestworkers, in particular, spontaneously ventured north. The internal factor which legitimised the import of foreign labour to Denmark was the boom in the Danish economy, which lasted until 1973 and which brought infra structural changes, a rapidly growing universal welfare state, the expansion and proliferation of long term education and shifts in the attitude of the new generation to the labour market (Albæk *et al.* 1992). It was widely believed that the increased demand for labour in certain parts of the industry could not be met by the domestic workforce alone (Würtz Sørensen 1988b). The lack of domestic labour was significant, especially in the manufacturing industry and in unskilled and low-paid work. If the industry's need for labour was not covered in the short and long term, labour shortages were likely to give employees incentives to demand wage increases, leading to supply-and-demand-driven inflation, with a subsequent deterioration in competitiveness (Albæk *et al.* 1992).

Six years later, in November 1973, due to the rise in unemployment, the government, trade unions and employers' organisations agreed to immediately stop the immigration of guestworkers. However, the flow of refugees (from Vietnam, Chile and, later, Iran, Afghanistan, Lebanon, Somalia, Iraq, Syria etc.), together with the internationally guaranteed right to family reunion, contributed to the growing number of refugees and migrants in Denmark.

The first Migration Act in Denmark was introduced in 1983. It was described by some as the world's most liberal immigration law and one of its most humanitarian asylum policies. Critics who, back then, were labelled as radical right

(almost racist) by dominant mainstream parties, pointed out that it was too easy to enter the country. In the following years, the immigration and asylum policy was tightened – the first time in 1992 – and reformed several times after 2002, when the liberal-conservative government, together with the Danish People’s Party, tightened the rules on family reunification.

The history of policy results, migration management and integration policy

With regard to demographic and socio-economic composition, there are certain interesting differences when comparing native Danes, on the one hand, and the population of immigrants and descendants, particularly non-Western immigrants and their descendants on the other. The latter have an age distribution that differs significantly from the rest of the population. There is a much larger proportion of children and young people. Only 7 per cent of the non-Western immigrants are more than 65 years old compared to 21 per cent of the native Danes. Among their descendants, there is an even bigger proportion of children and young people – 80 per cent of them are under the age of 25. This implies an overwhelming share of children and young people among the non-Western immigrants and their descendants (Udlændinge-og Integrationsministeriet 2018). The group of immigrants – of both Western and non-Western origin – is mainly composed of persons of working age, i.e. 16 to 64 years – 82.9 per cent of immigrants of Western origin and 85.3 per cent of non-Western origin are aged 16–64.

Participation in the education system

A look at the most recent data on immigrants’ and their descendants’ participation in the Danish education system reveals that 79 per cent of 16- to 19-year-olds of non-Western origin are in education. For the same age group of Danish origin the figure is slightly below 83 per cent. Of the female 16- to 19-year-old descendants of non-Western origin, 69.5 per cent are studying at college or are in vocational or higher education – a figure which is slightly higher than the corresponding proportion for women of Danish origin (65.4 per cent). This means that, in the near future, the Danish labour market will receive many applications for skilled positions from non-Western migrants and their descendants (Tal og Fakta 2019).

Labour-market attachment

There are currently 3.6 million persons in Denmark in the occupationally active age range – i.e. individuals between the ages of 16 and 64 years. On average, 7 out of 10 people (72.8 per cent) are employed. This corresponds to about 2.6 million

people. The employment rate among male and female non-Western immigrants aged 25 to 64 years is 58 per cent and, for corresponding female non-Western immigrants, only 47 per cent in 2016. The difference between the employment rate for 25–64-year-old native women and immigrant women of non-Western origin was 30 per cent in 2016, which was perceived as disastrous. The most significant differences in the employment rate are found among women aged 50–59, where the difference between native women and immigrant women of non-Western origin is 39 per cent. The corresponding difference between native men and immigrant men of non-Western origin in the same age range is 34 per cent. The smallest gap in the employment rate between persons of Danish and those of non-Western origin, respectively, is observed among men aged 16–24 which, all other things being equal, should be considered good news for future development.

Welfare

Non-Western immigrants and their descendants are over-represented among the recipients of unemployment ‘cash aid’ (those with insufficient employment records to get unemployment benefits) – 19 per cent are non-Western immigrants. Male and female immigrants from Syria, Somalia, Lebanon and Iraq have the highest rates of persons receiving cash aid – for the women in this category, seven out of ten are on public support in general.

Self-employment

Immigrants – and especially non-Western males – are significantly over-represented among the self-employed. Non-Western immigrants are also over-represented at the bottom of the job hierarchy (‘other employees’) and under-represented at the top of the job hierarchy (‘senior executives and employees at the highest level’ and ‘middle-level wage earners’). For Western immigrants, the picture is slightly different. They are also over-represented at the bottom of the job hierarchy but, unlike non-Western immigrants, have almost the same percentage of positions at the top of the job hierarchy as the Danes.

Citizenship

With regards to citizenship, the data (Udlændinge-Og integrationsministeriet 2019) reveal that around 35 per cent of immigrants and their descendants have Danish citizenship, with the descendants of migrants of non-Western origin demonstrating the highest rate (73.4 per cent). Immigrants of Western origin do not seem eager to apply for Danish citizenship, as only 13 per cent have it.

Expenditure

According to a recent estimation, non-Western immigrants and their descendants cost Danish society 4 billion euros in 2016. The calculations include some 719,000 people's imprints on government finances, in terms of what this group contributes to the community in the form of tax revenue and what they cost the state in spending on, for example, transfer income, education, the judicial system and health care (Funding 2019). Criticising the calculation, a member of the Danish Social-Liberal Party stated:

We are a bit critical of the calculation because a lot of immigrants and their descendants are children and young people. Children and young people are, by definition, a cost but, if they do well in the education system, they will later become a benefit.

(Waarsøe and Funding 2019: 1, Authors' translation)

Public opinion, the position of trade unions and political developments

Since the very beginning – the late 1960s and early 1970s – both the integration and migration problems, challenges or, as they recently have been framed, threats, implicitly (and over recent years increasingly outspoken) refer, quite often exclusively, to the category of immigrants and descendants from non-Western countries. Similarly, public opinion and mainstream discourses depart from and continuously highlight that this category and, to be more accurate, a particular substratum of this category – i.e. immigrants and descendants from Muslim countries – not only face the greatest integration challenges in terms of unemployment but also oppose Danish discourses of integration, which have shifted from integration in the labour market as the criterion for success, to cultural integration or assimilation and societal cohesion. They are portrayed as those who set up 'parallel societies', in competition with and even hostile to the norms of mainstream Western, Nordic society.

Initially, back in the 1960s, it was widely believed that there was no planned large-scale import of labour. The widespread perception at the time was that the guestworkers had appeared more or less spontaneously on the Danish business landscape and that they would disappear again as soon as the industry no longer needed them (Würtz Sørensen 1988d). However, they stayed and they grew in number. In order to find out how and why, we have to look at the attitudes of the stakeholders involved.

For the trade unions, the guestworkers were uninvited/unwelcomed. However, from the perspective of employers and the government, they were considered to be highly welcome guests (Hjarnø 1983; Würtz Sørensen 1988c). As far as the general population's attitudes towards foreign workers were concerned, opinion polls back then showed clearly that, regardless of the economic situation, the Danish population had not at any time been predominantly positive in relation to the import of foreign labour. Their concerns in many ways resembled attitudes today (Würtz Sørensen 1988a; Togeby 1996, 1997) (Figure 7.1).

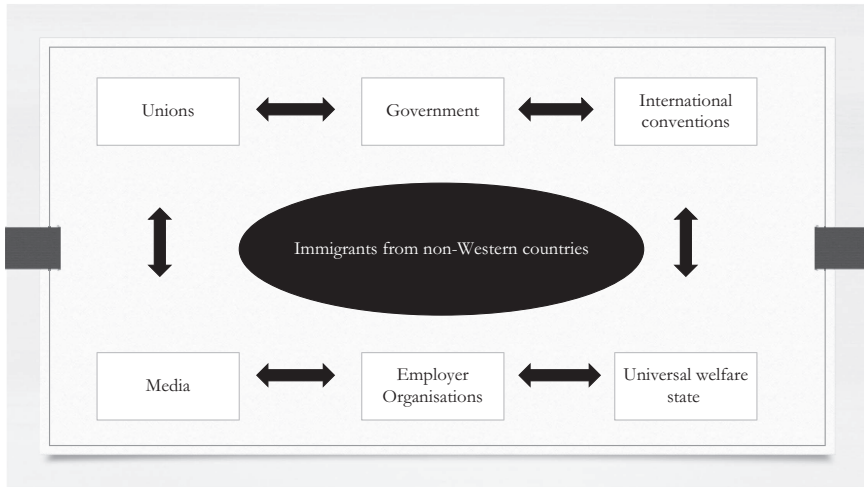


Figure 7.1 The positioning of the import of labour from abroad in the early 1970s

Source: developed on the basis of Goli (2002)

There was a variety of arguments for and against the import of foreign labour. Employer organisations' arguments for importing labour were:

- a better utilisation of the capital stock of labour-intensive companies,
- an increase in production,
- a reduction in wage levels with consequent greater competitiveness, and
- foreign workers would not compete with Danish workers, as foreigners would have to go home or be fired as soon as the demand for their labour ceased.

Speculation on the consequences of the liberal migration regime and, later, the humanitarian asylum policies for social and cultural cohesion in Denmark is not a new phenomenon. There had already been concern in the early 1970s that the immigration of foreign labour would have an impact on future society, not least in terms of demographic challenges. For example, Kaj Westergaard wrote: 'Denmark is an extremely homogeneous country without ethnic or religious minority groups of importance' (cited in Hjarnø 1983: 13). Some of the problems that had already arisen in the early stages were explained by reference to culture, where the Danes met 'new neighbors with miserable housing conditions and with quite deviant – and far more demanding – lives, including in particular poor wages and bad labour conditions in general' (Hjarnø 1983: 15). So which externalities are linked to the use of foreign labour? Westergaard presented (Hjarnø 1983: 16) a cost-benefit analysis. The costs included increased investment in jobs in the public sector, housing costs, education and social rights, and the export of income and savings. The benefits mentioned were the excess capital of the capital stock, the reduction of inflationary pressure on wages and prices, direct and indirect taxes, the elimination of

acute bottlenecks in production (immigrants were single, young and mobile males) and the fact that foreign workers increased the proportion of the active population and filled gaps in production. The latter could, according to Westergaard (Hjarnø 1983) generate a domino reaction – i.e. the cultivation of Danish labour. However, the interests of the employers, the foreign labour and the government converged, while the interests of the Danish trade unions were the complete opposite.

The dilemma of the trade unions

Already in 1967, the National Umbrella Union's Chairman stated that it was necessary to ensure that foreign labour did not erode domestic workers' wage-bargaining position. The trade union's attitude at the beginning of this period was characterised by a dilemma between three concerns, respectively for domestic workers (native Danes) and their members; for solidarity with foreign comrades; and for national economic growth and competitiveness. These concerns were mutually incompatible. The dilemma was reinforced by the fact that the import of unskilled foreign labour particularly out-competed the unskilled among the domestic labour forces – i.e. the weakest among Danish workers. Next, the trade unions had both implicit and explicit co-responsibility for the improvement of Danish industry's competitiveness, as industry, the government and the employer organisation argued on numerous occasions. Traces the history of the trade union's dilemma back to 1905 and 1907 – to two international congresses held in Amsterdam and Stuttgart respectively. Here, social-democratic parties were confronted with proposals to oppose any kind of importation of contract workers, among other things, by demanding control over labour imports, wages and working hours, demands for payment for travel, acceptable housing conditions, the training of immigrant workers and, finally, ensuring that foreign workers were not recruited if domestic labour were available (Hjarnø 1983). The so-called *Polakker-Lov* (Polish Act on the Use of Foreign Workers of 1908) was an expression of this endeavour: prior to this law, claims were made especially from the Social Democracy, but also by the Catholic Church and by employers. The employers' interest in protecting the Polish immigrants was to avoid that Denmark gets a bad reputation causing difficulties in recruiting necessary people (Nelleman 1973).

The trade unions, therefore, had to learn to master the art of balancing and reconciling the interests of domestic workers, the concern for the national competitiveness and the long-praised tradition of solidarity with the international working class. Opposing 'the massive deprivation among, and exploitation of foreign/guest workers', reported repeatedly in the press (Würtz Sørensen 1988a) came to be the key word and strategy in the trade unions' efforts to curb the influx of foreign labour – in the report 'Same Terms' (Andersen 1970) these arguments were formally formulated.

Same terms (*Samme Vilkår*)

The trade unions had already managed to make provisions that foreign workers should be registered, that they should be contributing members of a sickness

and unemployment fund and that employers should be obliged to pay wages in accordance with the level agreed upon through collective agreements. Würtz Sørensen argues (1988d) that, in the middle of the 1970s, the trade unions were in favour of a temporary halt, and they managed to convince the public through massive campaigns and activism. Gallup and Observa, two leading quantitative research institutes, showed in surveys studies in 1969 and 1970 that a majority of the population opposed the continued import of foreign workers and 80 per cent believed that foreign workers should be subjected to the 'Same Terms' (Andersen 1970) – i.e. to equal treatment.

The trade union's slogan 'Same Terms' was then supported by concrete proposals for solving problems regarding the foreign workers' wage, housing, employment, occupational and leisure conditions and contracts with their employers. By the end of 1973 and as a consequence of the international oil crisis and the following recession, the great majority of guestworkers were fired, in accordance with the theoretical propositions of the 'dual market theory' (Rezaei 2004), which indicated that the last to be hired would be the first fired; they were equal in almost every way with domestic workers but had lost their competitiveness, which mainly was limited to their being cheaper for the employers (they did not require the same wage) and to their being satisfied with working conditions which were much below the standard. Their competitive advantage was eroded systematically through 'Same Terms'. In the following years they changed their status from guest- and foreign workers and immigrants to 'ethnic minorities' and the construction of ethnicity, cultural differences and multiculturalism began to develop.

The construction of ethnicity in Denmark

Designations such as 'foreigner', 'foreign/guestworker' or 'immigrant' were common concepts in political and public debate and common denominations in parliamentary debates right up to the 1990s. Academic research on the issues of both migration and integration in Denmark which, according to Schierup (1993) has, due to its emancipatory and critical approach, always been involved as a stakeholder and not just a neutral observer or provider of objectively reliable data, was already, from the beginning, somewhat occupied with the construction of 'ethnicity' and the term 'ethnic minorities'.

Over the following years, particularly in the 1990s, the concept of ethnicity and ethnic categorisation became popularised in Denmark, with a stigmatising and social labelling bias. In public and political debate as well as in academic research the concept of ethnicity, most usually with a negative connotation, refers exclusively to migrants and descendants of non-Western origins. It is, in Denmark as well as in other Scandinavian countries, appropriate to address and approach individuals with, *inter alia*, a Turkish, Pakistani or Somali background, as members of ethnic minorities but it would be inappropriate, even surprising, to address and approach in the same manner a person, for instance, from EU countries such as Poland, Spain, France etc. – in other words, practically anyone who is a white-blond 'ethnic'. The latter have national backgrounds while the first group are

supposed to have ethnic backgrounds. ‘Ethnic’ in the Danish context means deviant and a challenge, whereas ‘non-ethnic’ implies ‘similar to us’, therefore not a cultural challenge.

EU enlargement

Migrant inflow

The number of ‘non-ethnics’ has grown rapidly in recent years. In 2011, 52,979 individuals received a residence permit on various grounds in Denmark – the lowest number over the last ten years. The number of residence permits issued peaked in 2015 at 84,693. It is noteworthy that the group of refugees who have been granted asylum in Denmark, despite the much greater political and public attention, represents a quite tiny proportion of the total immigration to the country. Refugees and family reunion together make up less than 3.5 per cent of all types of immigrant who went to Denmark in 2018. In comparison, just over half of the people who received a residence permit in Denmark in the same year were holders of an EU-country passport.

In 2018, 139,854 individuals from EU countries other than the Nordic ones resided in Denmark (Videbæk and Gyldenkærne 2019). Earlier, the number was 99,809 people, which corresponds to an increase of about 40 per cent in four years. Looking at the development of net immigration by origin from 2007 to 2017, national statistical data reveal that the net immigration of people of Western origin has been increasing dramatically; the total net immigration in 2017 was 25,000 individuals, divided into almost 12,000 non-Westerns, 11,300 Westerns and around 1,500 Danes. The net immigration from non-Western countries fell from just under 25,300 in 2015 to just under 12,000 in 2017, mainly due to the decline in the number of refugees and family-reunion migrants going to Denmark. The largest immigration country in 2017 was Romania, with a total net immigration of just over 2,000.

An identical game, played differently

A quite similar, in fact almost identical, scenario, although with a few still dominant differences, has been observed since the eastward enlargement of the EU (Figure 7.2).

In public opinion, migrants from EU countries are not very different to native Danes with regard to cultural norms. Their social identity is not portrayed as deviant in any way. Quite the contrary, they have a positive image in public opinion. Denmark being a member of the EU, no official or semi-official persons (from unions, NGOs etc.) or political parties in the country are allowed to mount moral-panic campaigns against migrants from Poland or Romania. Due to their supposed considerable similarities with regard to cultural preferences, migrants from EU countries are expected to adopt to Danish norms quite quickly, too.

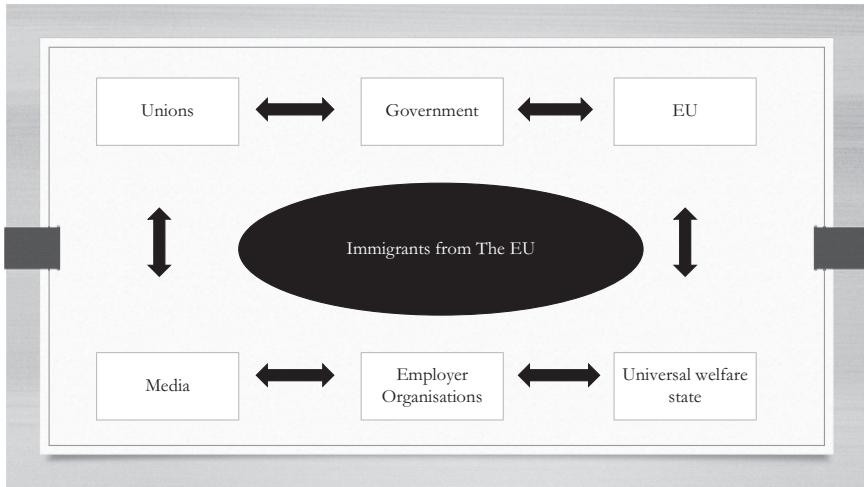


Figure 7.2 The positioning of the import of labour from abroad in 2019 – An identical game, played differently

Source: developed on the basis of Goli (2002)

Monika, from Poland, is a good example. She went to Denmark from Poland for the first time following the eastward enlargement of the EU in 2004. Back then, Monika picked berries and cut trees in a small town in the Zealand region of Denmark. Illustrating why labour from Eastern European EU member countries seek to migrate west (to Denmark), Monika stated, in appreciation of the Danish labour market culture, ‘Here in Denmark I can talk and drink coffee with my boss. In Poland you just have to work, work and work, and there is a big difference between employees and bosses’ (Videnbæk and Gyldenkærne 2019).

Unlike many migrants from non-Western countries who migrate to Denmark under the family reunion act and all refugees who, by definition, do not go to Denmark with the particular aim of seeking a job, EU migrants’ primary motivation for travelling to Denmark is to work. Many of them do not even wish to stay in Denmark if they do not find a job – which is in itself unusual, as they typically have a contract with an employer in their own home country or with an employer in Denmark, prior to arrival. The free movement of EU citizens, an established framework in which every issue related to the residence and work and rights of EU members should be addressed, indicates that, as an EU citizen, an individual has the right to seek work in another EU country and to work without a permit: to stay there while they work, to stay there even when their employment contract ends and to be treated equally with the country’s own citizens with regard to access to work, working conditions and all other social rights and tax benefits.

For the first five years, Monika travelled back to Poland when there was no work; however, she then landed a permanent job with a local firm. She decided to stay:

I am happy to work with Danes, and I would like to stay here, because I love this country. . . . It is important to us that it is stable here. And that one does not need to worry. . . . Another advantage is the culture of the labour market. EU migrants are easy to integrate linguistically, as well as with regard to culture and norms.

The same attitude is expressed by ‘Dansk Byggeri’, a Danish organisation which represents companies in the building and construction sector (Videbæk and Gyldenkærne 2019).

There is also widespread recognition of EU migrants’ contribution to the Danish economy, as stated by Steen Nielsen, head of labour market policy for Danish Industry in 2018:

In fact, a very large part of the job progress and growth we have had in Denmark in recent years is because we have received more foreign employees.

‘It does not take long, on arrival in Denmark, for a person from Poland to integrate into Danish norms and contribute to the Danish labor market’, says director Lars Storr-Hansen (Videbæk and Gyldenkærne 2019). Both Danish construction and Danish industry express satisfaction with and welcome (EU) workers who wish to stay permanently. The reason?

This means that Danish companies can grow big and strong. . . . Many companies are very dependent on their foreign employees and they would have difficulty coping with challenges and increasing demand without those worker.
(Videbæk and Gyldenkærne 2019)

As mentioned before, issues concerning EU citizens are addressed within well-established EU law and represent mutual benefits – a principal of reciprocity, as the same goes for Danes who might wish to settle or work in other EU countries. However, this is not the only difference. What is probably even more important, at least with regard to public discourse on migrants and integration, is the question of their cultural integration. EU migrants do not represent any significant ‘otherness’, cultural deviance, cultural challenges or clashes of art. They do not demand the protection of their collective cultural rights, as has been reported in many cases with regard to ‘non-Western migrants and their descendants’, a category which, when addressing cultural differences, exclusively refers to migrants and their descendant with a Muslim background. Another aspect that should be mentioned is that EU migrants and their descendants do not deviate from everyday norms of behaviour. It is probably unpleasant to mention, although still very crucial, that migrants from EU countries, unlike non-Western migrants and their descendants, are not

visible minorities. By the same reasoning, EU migrants do not experience or invoke tribal stigmatisation, which can be a devastating experience for many non-Western migrants and their descendants, who might feel that their belonging to the national community, despite having been born in the host country, is implicitly and occasionally explicitly questioned based purely on their physical appearance. They represent ‘the stranger’ (Wolff 1950). The status of a stranger shapes the everyday life experiences of belonging to the national community and the demarcation of ‘us’ and ‘the others’. When approaching a person who does not look ‘Danish’ – for instance, someone whose phenotype is African or Middle Eastern – there are still Danes who speak English to them or ask them if they speak Danish. They cannot know that the person was born in the country. When approaching a person from Poland, Romania or Ukraine, they start speaking Danish to them, sometimes only to find out that they have only been in the country a single day (Goli 2002).

The migration paradigm shift and the elections of 2019

By 1 March 2019, three months prior to the national elections, a new act was put in operation – ‘The Paradigm Shift in Danish Integration Policy’ (Ingvorsen 2019) – which contains major institutional and discursive revisions of the Aliens Act, the Integration Act and municipal and regional electoral law. The new act covers policies within the field of integration as well as migration management, particularly the elements of migration that concern refugees and migrants from non-Western countries. The act is, in many ways, the culmination of an ongoing showdown with the dominant premise from which Danish migration and integration policies have departed over the years. Included in the new act are three provisions:

- 1 Residence permits for refugees, in future, will only be temporary. The residence permit for refugees and family reunion will be withdrawn or exempted where possible, unless it is in direct conflict with Denmark’s international obligations. Refugees must be returned to their home countries whenever possible. In the future, it will also be possible to set a limit on the number of family reunions. In such cases, the limit can be set from month to month.
- 2 The name of the ‘integration benefit’ that refugees have received has changed to that of ‘self-support’ or ‘repatriation’ – i.e. deportation. If an individual has legally resided in the kingdom (Denmark, the Faroe Islands or Greenland) for a total of at least nine years within the previous ten years and met the employment requirement, he or she can get cash or educational assistance if needed. Integration benefit is a substitute for those who do not meet the requirement to be entitled to ‘cash assistance’ – i.e. persons who have stayed in the kingdom for a short time can get integration benefit. The term ‘return assistance’ or repatriation aid is chosen to emphasise that residence permits are temporary. With the term ‘self-support’, the act seeks to ensure that refugees take responsibility for their own integration. At the same time, the benefit is reduced by 250 euros a month (which is a considerable amount/share of money for individuals at the absolute lowest end of the income hierarchy).

- 3 The legal residence period required before a foreigner may vote or be elected to local government has been extended from three to four years.

The so-called Paradigm Shift was an absolute requirement of the Danish People's Party prior to negotiations on the budget act with the government. Explaining why the act is called a 'paradigm shift', PM Peter Skaarup, one of the most prominent members of the Danish People's Party, stated: 'This means that we turn the whole policy in this area upside down from today, from being about integration, to being about repatriation'. The Paradigm Shift was supported by the Social Democrats, the party that came to power after the June 2019 election. During the election campaign, the leader of the Social Democrats stated repeatedly that she would give up the wish to become the prime minister of Denmark if she was unable to tighten the migration and integration policies. Emphasising and celebrating the contribution of the Danish People's Party to the tremendous tightening of the migration and integrations policies prior to the June election, Martin Henriksen, a prominent member of the party, listed 144 austerity measures in the policies. These include:

- border control,
- the limitation of freedom of belief for the purpose of affecting political Islam,
- the prohibition of wearing the *burka* in public spaces,
- an emergency brake that would allow asylum-seekers to be rejected at the border,
- the criminalisation of homeless/Roma camps,
- the encouragement of voluntary return/repatriation,
- annual calculations of immigration costs,
- the restriction of the number of English-language students at business academies,
- the introduction of the need to demonstrate at least 225 hours of paid work as a requirement for receiving cash aid,
- the introduction of a limit on total cash aid from governmental offices and agencies,
- the abolition of access for refugees to include residence time in the country of origin when calculating national pensions,
- a stronger monitoring and supervision of Muslim free schools; and
- the abolition of the Green Card scheme etc. (Henriksen 2019).

After the power takeover, no considerable reforms of migration and integration policies have been introduced by the Social Democrats. However, there is no doubt that discourses that were considered 'radical right' are today established as mainstream.

Further steps to the right

While the DP has become a mainstream party involved in policy-making within all areas, two new parties – the New Right and Hard Line – focus almost exclusively on migration and integration. The public and the media perceive them as being

at the very far right end of the political scale as they do not find policy reforms like the Paradigm Shift and 144 austerity measures either substantial or efficient enough to safeguard the future cohesion of society. During the June 2019 elections, the New Right introduced a set of ‘non-negotiables’ under the heading ‘A fair migration policy’. The main principles of this policy include the requirements that asylum be stopped completely, that foreigners must support themselves, that integration must be a personal responsibility and not a public task, that criminal aliens should be deported after the first sentence, that becoming a Danish national should require assimilation and, finally, that international conventions that stand in the way should be terminated.

The other party, Hard Line – even more radical – take it further to the right (Stram Kurs 2019). Their agenda is an uncompromised and complete showdown with migration and integration from (explicitly emphasised) Muslim countries. The party considers ‘Muslim migrants and their descendants’ as a ‘non-integratable’ population and has portrayed them actively throughout their campaign as not only culturally incompatible and deviant but hostile to Western/Danish culture. They actively question Muslim migrants’ substantial loyalty to the nation-state and Western and Danish traditions, lifestyle, values, priorities etc. and see them as a growing demographic threat to the very existence of the nation. Muslim migrants are portrayed by Hard Line as invaders, a ticking time bomb. Throughout the recent elections, the party pushed for a complete showdown through some very confrontational street-level campaigns¹² that repeatedly put them on the front pages of all the media.

Hard Line’s party policies are categorised under two pillars – the Identity Pillar and the Libertarian Pillar. ‘Identity politics’ focuses, according to the party, on Danes as an ethnic, cultural, religious, linguistic and normative community. Policies departing from this pillar relate to actions that will maintain and improve national homogeneity. The key terms are ‘community affiliation’ and ‘ethno-nationalistic cohesion’. The vast majority of residents in Denmark, again according to the party, must be Danes who ethnically, linguistically, religiously, culturally and normatively profess the same or related values:

- Hard Line does not recognise that Denmark must process applications for asylum from any person who is not a native citizen from one of Denmark’s neighbouring countries.
- Denmark must withdraw from international conventions governing refugees.
- Denmark must expel any non-Western person who is not a Danish citizen. No ‘non-Western’ persons’ temporary residence permit should be renewed.
- foreigners who have been granted Danish citizenship by law must have the citizenship reviewed and, as a rule, cancelled (Stram Kurs 2019).

Conclusions: how did we get this far and what can we expect?

A wide range of circumstances and factors will potentially contribute to the fundamental shift or the showdown in Danish migration and integration policies in

years to come. First of all, the entire cognitive framework in and premises by which migration and integration causes and effects are evaluated, addressed and framed, not only by far-right parties but also by the mainstream parties – including the party that took over government power, the Social Democrats – have changed radically. Besides, considerable segments of native voters who somehow have the subjective feeling of being ignored by mainstream parties, have found their voices. The median voter has moved towards the right of the political scale.

With regard to the national identity and identification question – ‘What actually makes up a Dane?’ – we have just taken the very first steps towards an even more fundamental shift from inclusive nation-building, where integration and multiculturalism were considered as both the goal and the means, to an exclusive nation-building project in which only two options seem to be available: assimilation or segregation/deportation. The latter means a change from individually subjective choice- and will-based incorporation in the national community towards a collective objective ethnicity-based definition of nationhood.

The ethnic and ethno-cultural diversity which, during the 1990s, was the cornerstone of recognition, inclusive citizenship and ‘multiculturalism’ is now almost completely absent in public and political debate and discourse. It is replaced by the quite widely politically supported requirement of assimilation. Among economic causes that will push migrants from non-Western countries, specifically Muslims, to the margins, the role of the free movement of labour within the enlarged EU cannot be overestimated. EU enlargement has provided the Danish economy with the necessary and much more skilled labour from other EU countries. The free movement of new labour from the East is by nature regulated by the size of supply and demand curves – i.e. following economic rather than political or humanitarian rationales. The labour force from the ‘new’ EU countries seems to be much more attractive than those which Denmark used to get from non-Western countries, alongside a wide range of criteria, among which should not be ignored the importance of quite compatible cultural elements, including religion and religious affiliation, fundamental norms of behaviour and principles such as gender equality, democratic affiliation etc. Besides, the majority of new immigrants from the EU are not visible minorities, making ‘the (might be) stranger’ unrecognisable in the passage of everyday life (Goffman 1963).

A considerable share of the Danish population seem to feel that the universal welfare state has been burdened by non-Western immigrants and their descendants, that the national identity has been challenged and that values completely different from and, sometimes, opposite to their own have been introduced and have challenged social cohesion.

Even though the June 2019 national elections brought ‘the reds’ – the Social Democrats – into power and saw the end of ‘the blues’ or liberal-conservative government, it would be a mistake to consider this as a step to the left. The issue is, rather, whether the far-right parties themselves would carry these new priorities into Danish institutions or whether these policies would be adopted even more obviously and systematically by mainstream parties in power. Today’s Social Democratic Party (the new government) is, with regard to its policies towards

migration and integration, completely different to what it was two to three decades or even five years ago. They have adopted a wide range of ‘Danish People Party’ standpoints, rhetoric and policies.

No matter whether red or blue, the governments of today and of tomorrow should be expected to act in accordance with and to further institutionalise dominant previously named radical-right discourses by demonstrating substantial shifts:

- 1 *from a reactive to a pro-active policy*: it is in charge; it is able to control the flow of migration from non-Western countries;
- 2 *from humanism to utilitarianism*: it can reallocate the resources from helping non-Western migrants residing in Denmark to refugees in their own or neighbouring countries and regions;
- 3 *from universality to particularity*: it can bind the social rights of individuals to social duties towards the community and the state;
- 4 *from globalism to nationalism*: it can demonstrate greater concern for the nation’s own children, youth and the elderly – i.e. the natives – than for the equivalent citizens of other countries; and, finally;
- 5 *from principled politics to realistic/pragmatic politics*: it can sacrifice party principles whenever needed and argue in favour of the most practical solutions.

These circumstances are here to stay, making further moves towards the right end of the political scale unavoidable. Nevertheless, it is obviously not a move towards ‘the right’ as we defined it traditionally. In order to comprehend what is happening, we should probably invent a new concept that would encompass the core features of the new phenomenon. We would call it the ‘Rational Right’. The concept, to be further investigated, refers to a political joint venture between parties and movements which mutually disassociate themselves from each other’s conflicting ideologies but which, despite this, bring parties and movements together under a new umbrella, where discourses of neoliberalism, competition state, efficiency, concern for social cohesion and national interest, pragmatic policy and practicality and, finally, reciprocity with regard to the nation-state’s obligations towards nationals of other countries, are the core pillars.

Notes

- 1 See <https://nyeborgerlige.dk/politik/udlaendingepolitik/>
- 2 See <https://stramkurs.dk/Stram Kurs>

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8 Spain

Multiple-governance and integration policies in diverse socio-demographic contexts

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Introduction

This chapter maps out the main structural and policy frameworks which govern the integration of immigrants in Spain. It offers a clear example of a practical approach and of ‘multiple diversity’, in which two frameworks interact. The first of these is an old, unresolved framework, arising from democratic transition and based on Kymlicka’s (1995) term ‘plurinational’. The second is a new framework due to immigration and described as ‘polyethnic’. Spain is also situated at the geographical border of Europe, allowing important flows of migrants from the south keen to enter the Schengen space. The multilevel governance of integration influences the distribution of competence; the fact that multiple integration policy approaches can coexist, with their own intergovernmental tensions, makes Spain an exceptional *rara avis*. In this sense, the country has become a laboratory for integration in complex institutional settings (Zapata-Barrero 2010). Understanding how these flows have shaped Spanish society and how the different levels of administration have incorporated this phenomenon into their governance agenda is key to understand contemporary Spain (Zapata-Barrero 2012b).

The aim in this chapter is to identify the main drivers that may help us to understand these social and structural transformations in Spanish society over the last 30 years. The first part concentrates on reviewing flows and stocks in order to provide a clear overview of who the migrant population in Spain are and how they become part of Spanish society. The policies related to migrant flows – as part of border control – are under the ordinance of central government; however, integration policies are under different levels of administration, mainly local (autonomous communities or municipalities). The second part analyses how public administration has developed a set of instruments and actions to deal with these migratory dynamics. Our focus is on integration and inclusion policies from a multilevel perspective. Apart from examining the instruments promoted by central government, we examine the role of Catalonia, the first autonomous community to develop integration tools – and at the local level – even a year before the central government did in 1993.

The overall purpose of this chapter is to emphasise the paradigmatic case of Spain as a multilevel scenario in which integration policies have also been introduced in diverse socio-demographic contexts.

The demographic factor

The extraordinary intensity of international immigration in Spain throughout the twenty-first century and its no-less-spectacular decline during the economic crisis are perhaps among the best examples of the complex relationship between a demographic phenomenon, the economic context and legislation. In order to assess this interaction, we keep three elements in mind:

- the evolution of flows;
- the characteristics of the immigrant population and its integration into the labour force; and
- spatial distribution.

Demographic flows: from boom to bust

Between 1996 and 2017, 10 million arrivals from other countries were registered in Spain, the high point being in 2007, with a figure of 958,000, after which the numbers dropped to a little over half that estimate (64 per cent) in 2013 owing to the economic crisis. After this, they slowly started to rise again to reach 637,000 arrivals in 2017 – similar to the level recorded for 2004 (Cebolla-Boado and Pinyol-Jiménez 2019). Indeed, in the twenty-first century, until the onset of the economic crisis, Spain was one of the countries which received the most immigrants from abroad, second only to the United States (Widmaier and Dumont 2011). What caused this migratory boom? Several reasons come together in the explanation: economic factors (a flourishing economy with a labour market based on unskilled workers), demographic influences (a notable rise in levels of educational attainment, especially in generations of women, as well as a remarkable increase in life expectancy) and political dynamics (weakness of the welfare state and hence an absence of measures for reconciling family and working life, thereby inducing a large-scale externalisation of reproductive work in the market – particularly domestic tasks and care of children and the aged).

Observing how this situation developed, it is not difficult to see how, first, legal measures and, second, economic evolution have marked patterns of growth and decline. Among the former, some initiatives stand out, especially the impact of the extraordinary regularisation measures of 2000, 2001 and 2005. Announcement of these measures not only brought to light workers who were already living in the country and who now registered as if they had only just arrived but also, in some cases, resulted in the much-maligned ‘pull factor’. Nevertheless, there are other noteworthy measures, outstanding amongst which is the Schengen Visa. The anticipated announcement of a demand for visas from Ecuador in 2001, Colombia in 2003 and Bolivia in 2007, not only ended up with a downturn in migratory

flows but also had two striking results: the flows were moved forward during the year in question and there was a change in structure by sex and age thereafter as a consequence of family reunification. A third legal factor with major – although less evident – repercussions in the evolution of international immigration in Spain is the advantageous policy giving priority in access to nationality to people coming from Latin America, with a requirement of just two years' continuous legal residence compared with the 10-year period stipulated for immigrants from other origins (Domingo and Ortega-Rivera 2015). This policy partly explains why the migratory boom consisted of large numbers of people from Latin America, with over 3 million arrivals. The fact that this coincided with the pan-ethnic discourse of Spanish nationalism after the Partido Popular (PP – People's Party) led by José María Aznar came to power and favoured an ethnically based replacement of Moroccan immigrants. One of the inadvertent results of this 'selection by origin' (Joppke 2005) has been the thwarting of hopes for upwards social mobility among Moroccan immigrants (Domingo 2018).

Fluctuating numbers of immigrants from European countries are mainly the result of EU enlargement. Hence landmarks were established with the first arrival of immigrants from Poland in 2004 and later, in 2007, from Romania and Bulgaria, as shown by the sharp rises in Figure 8.1.

As for the falling numbers of immigrants in relation to the economic crisis, observers tend to agree that the measures taken to facilitate the return of immigrants to their respective countries were ineffective (Cachón Rodríguez 2012). The vast majority of the 2.4 million returnees or re-migrants between 2008 and 2013, the peak years of the crisis, did so independently of the return programmes

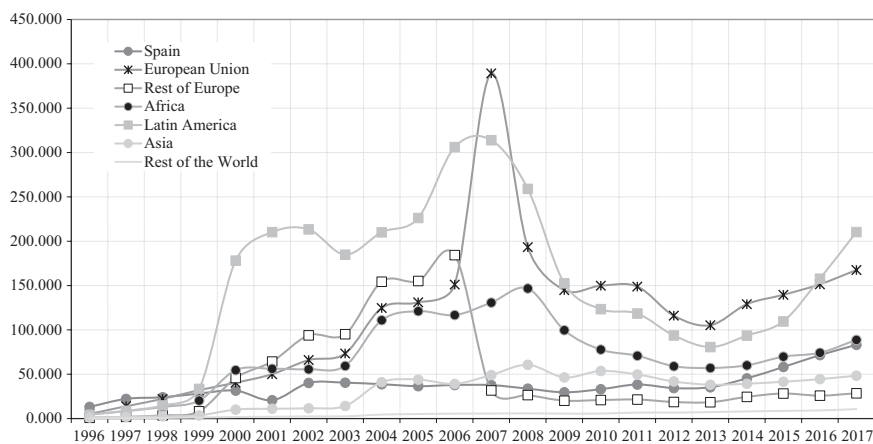


Figure 8.1 Arrivals in Spain from abroad showing nationality by general continental origins, 1996–2017

Source: Authors, based on Residence Variation Statistics, 1996–2017 (INE – Spanish National Statistical Institute)

(ILO 2009). Note that, with all this background, policing pressures in the first few months after the Spanish government recognised the situation of crisis, combined with the rhetoric which came with austerity policies, were fuelling resentment among the Spanish population when immigrants were often presented not only as competitors for public services and in the job market but also as fraudsters. Measures like that adopted by the Spanish government in 2012 suppressing the right to free health care for undocumented immigrants – but not applied by governments in some autonomous regions like Catalonia or the Basque Country – or cuts in unemployment benefits (which were supported by the regional governments), using as an excuse the alleged fraud committed by unemployed foreign workers, fanned the flames of xenophobic discourse. A final interaction between the economic crisis and the legal system with regard to migratory flows took the form of increasing numbers of immigrants who applied for Spanish citizenship even while planning to emigrate, but now with the security that nationalisation offered for a possible return to Spain, mobility in or re-migration to the countries of the Schengen Area or moving to other EU countries.

The recovery of immigrant flows after 2014 mainly features people coming from Latin America and the EU. The composition of the group from Latin America, however, points to the importance of expulsion (i.e. a push factor) rather than pull factors. Countries with the greatest presence in these rising numbers of immigrants are Venezuela (owing to the serious political and economic crisis), Honduras, El Salvador and Guatemala (with increasingly high levels of citizen insecurity and the progressive closure of the border with the United States), as well as older countries of origin like Argentina (due to the expulsion caused by the Macri government's neoliberal policies). The forced nature of some of these migratory movements also explains the rising numbers of applicants for asylum in Spain among these immigrants.

Employability of the immigrant population in Spain: dualisation

Despite the predominance of immigrants from countries of Latin America, one of the characteristics of Spain's immigrant population is its heterogeneity, even among those who have come from this continent. On 1 January 2018 the foreign-born population residing in Spain numbered 6.4 million or 13.7 per cent of the total population. The first ten places in Figure 8.2, showing immigrant origins, are occupied by countries from four continents, which are as different as Morocco (almost 826,000 people), Romania (around 593,000) and Ecuador (404,000). The differences among the groups between immigrants born in the counties of origins and those who are citizens thereof are very conspicuous due to the fact that preferential access to Spanish citizenship was given to immigrants from Latin America. Hence, if the difference between the number of people from Morocco and those with Moroccan citizenship is only 55,151 people, the figure for Ecuador rises to 269,139; the disparity is even more extreme in the cases of the Romanian or Chinese populations, among which those who keep their original nationality are more numerous than those actually born in those countries.

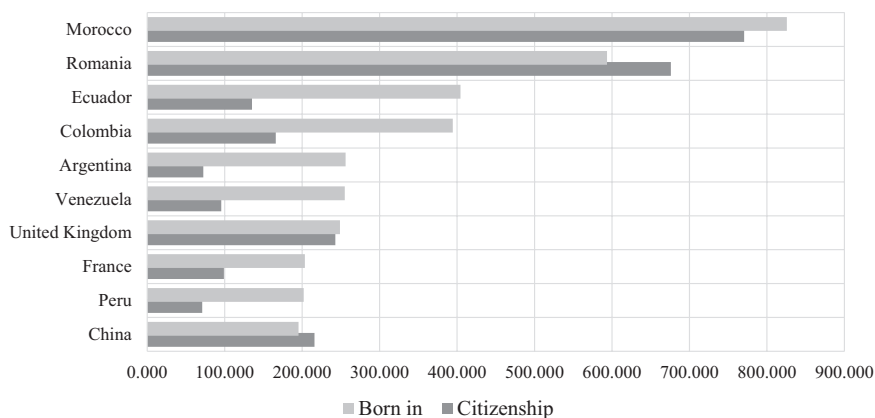


Figure 8.2 Main national origins of the immigrant population residing in Spain, 2018

Source: Authors, using Official Population Figures, 2018 (INE – Spanish National Statistical Institute)

As suggested in the earlier discussion of the causes of the migratory boom, incorporation into the workplace of these groups of immigrants occurs in a dualised job market. If, at the beginning of this polarisation, during a time of economic growth, employment integration acted in a complementary way, similarly favouring the job prospects of young people and university-educated Spanish women – as happened elsewhere in other countries of the south of the EU (Domingo and Gil 2007) – it also accelerated market deregulation in such a way that, after the onset of the crisis, it exacerbated the differences between people of varying national origins. A second characteristic of this labour integration process was the feminisation of the workforce, spurred by the demand in the service sector owing to the externalisation of child care and domestic work, as mentioned earlier, and this was mainly met by female immigrants from Latin America.

In contrast to Spaniards, the foreign-born population is mostly concentrated in the secondary sector, in jobs with minimal educational requirements and low salaries. The specialisation into certain job niches brings about acute occupational segregation – not only *vis-à-vis* the autochthonous population but also among workers of different origins – together with marked over-qualification. This division of labour might be described as what some American authors call ‘segmented assimilation’ (Portes and Zhou 1993), although the original concept referred specifically to the so-called second generation and hence not so much to the immigrants themselves but to their descendants. Assimilation into the job market where the demand is mainly for unskilled labour – using large numbers of workers with a nonlegal status and hence engaged in undeclared work – helped to bring about a situation in which the progress made by immigrants is conditioned by earlier prejudices held by the Spanish population about people of different origins. What frequently occurs is assimilation by downward social mobility, and the economic

crisis only heightened the probability of this downward movement. Given that it is not long since the immigrants arrived, it is difficult to corroborate this trend for their descendants, although some school results give the impression that the inequality will be reproduced (Bayona and Domingo 2018).

The effects of the economic crisis deserve separate consideration (Figure 8.3). As we have noted, this affected flows, with a drastic drop in the numbers of arrivals and a concomitant rise in departures. However, as far as the population is concerned, there are three main consequences which need to be taken into account, as they have had a considerable impact on integration policies with regard to the available resources, especially at the local level, the illegal status of immigrants and unemployment, and, increasingly, household vulnerability. In the case of the first effect, one of the earliest austerity measures adopted after the economic recession had finally been recognised in May 2012 was the cutting of EU integration funding which the government had been distributing among the municipal coffers. Since local administration was the most directly involved in applying integration policies, the effects of the cut were even more adverse. This was due to the associated suspension of contracts, in particular among intercultural mediators who were working to avoid community conflicts, many of whom were of immigrant origin. Besides, when the real estate bubble burst, municipal debt rose because local administrators had seen speculation on this market as an easy way of boosting the budget. Just at the time when investment in integration policies was the most necessary because of the economic situation and also growing second generations, this investment either stopped or dropped to alarmingly low levels, depending on the policies and financial capacity of each municipality. The

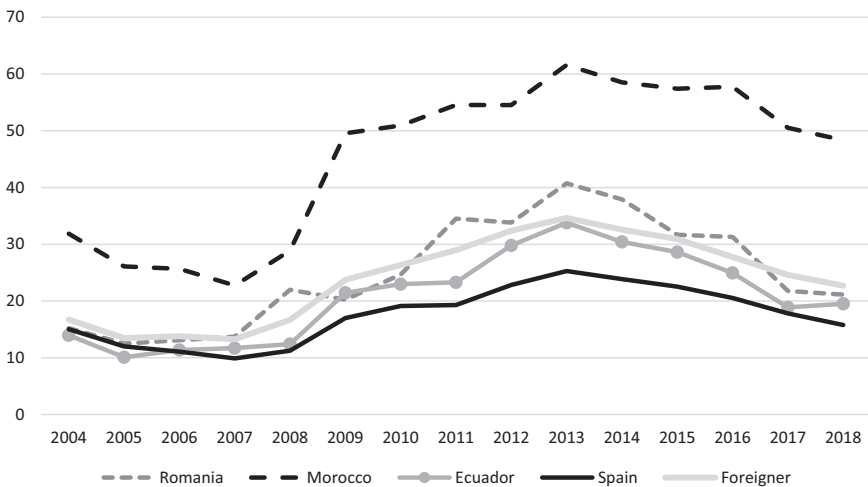


Figure 8.3 Evolution of unemployment by birthplace, Spain, 2004–2018

Source: Authors, using the Labour Force Survey, 2Q2018 (INE – Spanish National Statistical Institute)

Spanish government took advantage of the economic crisis to recentralise powers that had been devolved to the autonomous regions, which then led to new tensions between central and local administration at both regional and municipal levels. Immigration was one of the bones of contention.

Second, the crisis had a perverse, unforeseen effect on the system of continuous regularisation which, in force since 2006, was known as '*El Arraigo*' or 'social attachment', a process consisting of the authorisation for foreigners in an irregular situation to live and work in Spain for a year (with the possibility of subsequent renewal in the form of a residence permit) – since it was linked with job offers. When the possibility of finding work was all but ruled out as an effect of the crisis, the individual (but generalised) transitory state of what had been an irregular situation during the boom years turned into an almost permanent structural element of the recession. This meant increasing numbers of people who were suddenly relegated to an irregular status because the loss of jobs for immigrants whose papers were in order could lead to the loss of the associated permit and hence to being condemned once more to an illegal status. Social and humanitarian *Arraigo*, entailing family links living on the municipality as well as a longer period of residence and close involvement with the community in question, then became the main way of achieving a legal status and, accordingly, was much more common than the earlier resort of joining the workforce (Sabater and Domingo 2012).

Third and finally, the impact on unemployment must also be taken into account. When the real estate bubble burst, the first sector to be hit by the crisis was the construction industry and its offshoots, a mostly male domain in which many foreign-born immigrants were employed. Meanwhile, a large percentage of women working in the service sector or as domestics were better able to resist the onslaught of the crisis, although they paid the price of having to accept precarious jobs or going back to work in the informal economy. Accordingly, unemployment levels rose more among men than among women who, on earlier occasions, were the first to be forced out of the labour market (Domingo and Sabater 2013). Hence, if, in 2007, male unemployment among foreign-born immigrants was estimated at 13.6 per cent (three points higher than the figure for Spanish workers), by 2013 it had grown to 35.3 per cent – which was well above the high figure of 24.3 per cent for Spanish-born workers (Figure 8.3). The effect among women who, before the crisis, were on record as being economically active (i.e. Latin American women) was very different to that among women who were not (mainly African). At a time when their male partners were losing their jobs, more and more women were registering as jobless, so their unemployment figures rose sharply in what has been called the 'addition effect'. Consequently, at the worst moment, 40.7 per cent of Ecuadorian women were registered as unemployed, while the percentage of unemployed Moroccan women hit an all-time high of 61.6 per cent (Figure 8.3).

Unemployment levels began to fall after 2014 but not equally for all origins. Not only did they continue to show a considerable difference from the figures for the autochthonous population but, in some groups such as unemployed Moroccan men, although the figures improved – dropping from 49.4 per cent in 2013

to 30.4 in 2018, or 19 percentage points – they were still a long way from the figures for immigrants born in Ecuador, which went from 46.8 to 19 per cent, a drop of 27.8 percentage points, or for Romanians, whose levels of unemployment fell by 27.4 percentage points from 43.6 to 16.2 (Figure 8.3). When viewed from the standpoint of family vulnerability, these unemployment levels in populations like those of Moroccan origin (who, as we have noted, still constitute the largest group of foreign-born nationals resident in Spain today), estimated at 30.4 per cent for men and 48.3 for women in 2018, give rise to totally anomalous situations (Figure 8.3). Figure 8.4 gives an approximate illustration of the problem: in 18.3 per cent of homes in which at least one Moroccan-born person resides, all the economically active members of the household are unemployed.

Spatial distribution: diversity and vulnerability

The offers on the job and housing markets explain the spatial distribution of Spain's immigrant population. One of the main characteristics of this distribution is its dispersal over the territory for the whole immigrant population, although some groups, based on national origins and type of employment, tend to be more concentrated than others in different parts of the country. By autonomous region (see Table 8.1), and in absolute numbers, Catalonia stands out, with more than 1.38 million newcomers, followed by Madrid with almost 1.22 million and a long way ahead of other regions like the Autonomous Community of Valencia, with 815,000 and Andalusia with 788,000. Relatively speaking, however, the Balearic Islands, with 22 per cent of the population consisting of immigrants stand out, together with Madrid with 18.5 per cent and Catalonia with 18.2 (Table 8.1). This spatial distribution means, first, a change in comparison with Spain's internal migratory movements in the 1960s so that while, in Madrid and Catalonia,

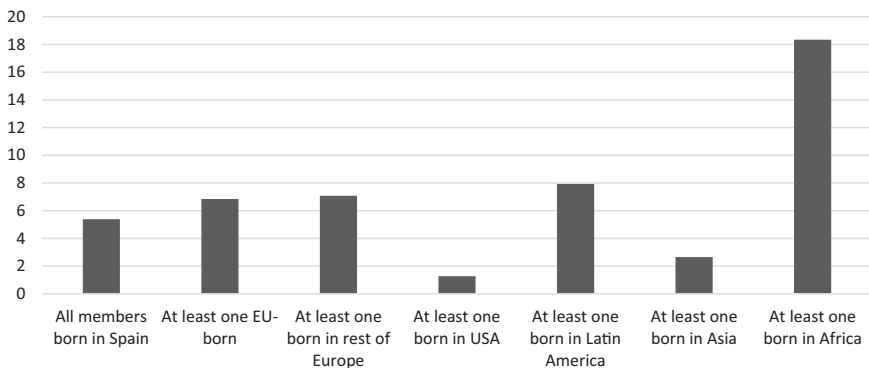


Figure 8.4 Percentage of households where all adults are unemployed, by large continental groups, Spain, 2018

Source: Authors, using the Labour Force Survey, 2Q2018 (INE – Spanish National Statistical Institute)

Table 8.1 Total population and foreign-born population by autonomous region, Spain, 2018

	<i>Total Population</i>	<i>Foreign-Born</i>	<i>%</i>
Andalusia	8,384,408	788,101	9.4
Aragon	1,308,728	167,858	12.8
Asturias	1,028,244	75,465	7.3
Balearic Islands	1,128,908	250,794	22.2
Canary Islands	2,127,685	395,033	18.6
Cantabria	580,229	49,111	8.5
Castile and Leon	2,409,164	179,657	7.5
Castile-La Mancha	2,026,807	198,081	9.8
Catalonia	7,600,065	1,380,590	18.2
Autonomous Region of Valencia	4,963,703	815,551	16.4
Extremadura	1,072,863	44,507	4.1
Galicia	2,701,743	221,963	8.2
Madrid	6,578,079	1,219,347	18.5
Murcia	1,478,509	226,621	15.3
Navarre	647,554	92,298	14.3
Basque Country	2,199,088	206,530	9.4
La Rioja	315,675	43,912	13.9
Ceuta	85,144	11,046	13.0
Melilla	86,384	20,439	23.7
Spain	46,722,980	6,386,904	13.7

Source: Authors, Spanish Population Register, 2018 (National Institute of Statistics)

international migration has replaced earlier migrations from elsewhere in Spain, in the Basque Country this demographic history has been interrupted and, at the other end of the scale, Andalusia came to be a net exporter of workers in the twentieth century. This pattern will somehow become noticeable in attempts to make sense of the phenomenon – i.e. when justifying policies applied at the level of the autonomous regions. Consequently, while continuity prevails in regions which formerly received more immigrants – especially Catalonia, a land of immigrants – in the case of Andalusia, the situation of new immigrants will be compared with the migratory experience (especially in Europe) of generations of Andalusians who left their homeland in the 1960s. Moreover, the composition of immigrants by origin, sex and age will vary substantially in each autonomous region, thus presenting different challenges in the various integration projects.

At the municipal scale, in absolute numbers, the big cities unsurprisingly concentrate the greatest numbers of foreign-born immigrants. Heading this list are Madrid, with 679,000 foreign-born residents, Barcelona with 392,000 and Valencia with 135,000 according to the Spanish Population Register (INE 2018). In relative terms, however, the picture is very different: leaving aside very small towns, the largest concentrations are found in tourist towns throughout the territory and especially along the Mediterranean coast: Llíber in Alicante (where 68.9 per cent of the population is foreign-born), Benhavis in Malaga (64.1) and Adeje

in Santa Cruz de Tenerife (52.3) (INE 2018) are good examples of clusters mainly consisting of retired European immigrants and their compatriots who accompany them, or people – usually of British origin – attracted by the job possibilities they generate. In these towns of the Alicante region, Andalusia and the Canary Islands, one finds not only the highest percentages of such immigrants but also much more pronounced segregation in these so-called golden ghettos than that found in neighbourhoods of Spain's big cities.

The institutional and structural framework

Immigration has never been a competence defined in the constitutional framework or in any other constitutional law delimiting governance and policy management. Instead, immigration emerged as an administrative and technical issue in the 1990s and as a political and social issue in 2000 (Arango 2000). Spain is developing its competence on immigration pragmatically, by taking the policy instruments in its administrative and policy structure and constructing its legal and regulatory instruments while respecting its already decentralised division (Zapata-Barrero 2012a).

At the beginning of the 2000s, immigration as a topic had entered the Spanish political and social agenda. This 'politicization of immigration' (Zapata-Barrero 2003) evidences how migration has become a factual certainty in a country with a traditional emigration history. This implied that the main concerns of the Spanish migration policy were resolved and that these concerns perhaps remain unchanged for the different Spanish governments and administrations (Cebolla-Boado and Pinyol-Jiménez 2014). Instruments to manage economic migration, collaboration with third countries (non-UE) and fighting irregular migration flows (mainly via maritime borders) have progressively become crucial topics into the Spanish labour market – have been acquiring relevance over the years, but in an ambivalent process in which different actions and instruments have been developed, although lacking a theoretical and shared framework about what integration means (Cebolla-Boado and González-Ferrer 2013).

From national administration to local authorities, integration has become a crucial and wide discussion in which the rights of the migrant population (including those in an irregular situation), the management of cultural and religious diversity, opportunities and anti-discrimination measures have been argued with different intensities. The absence of a structured model as in other European countries (Favell 1998) has been seen, nevertheless, as an opportunity to focus on maintaining social cohesion in a multiply diverse scenario (Zapata-Barrero 2013). Defining the boundaries of a public philosophy of integration means understanding narratives, instruments and actions developed to manage diversity and to guarantee social cohesion and conviviality (*convivencia* as *living together*) in a decentralised Spain (Ferrero-Turrión and Pinyol-Jiménez 2009). It has been argued that, in the absence of traditions, Spain has followed a practical philosophy (Zapata-Barrero 2012b) – i.e. a way of managing diversity which is based not on established and preconceived ideas, projected by its own social construction, such as

French republicanism or British multiculturalism but, rather, on questions and answers generated by the practice of diversity governance (Carrera 2005, 2006).

The Organic Law 4/2000 of 11 January 2000 on the rights and freedoms of foreign nationals in Spain and their social integration¹ is the main legal migration framework in Spain. It regulates the rights, obligations and liberties of foreign citizens, including:

- the right to family reunification and legal guarantees;
- the conditions for entry into Spanish territory, authorisations to remain, temporary residence (including residence on the basis of family reunification, labour or social reasons, humanitarian reasons or other exceptional circumstances) and permanent residence;
- the specific regimes such as those of students, stateless persons, persons without identity documents, refugees and unaccompanied minors; and
- work permits and the annual quota of foreign workers.

In addition, this law regulates offences in the area of foreigners' affairs, the regime of sanctions and coordination of public authorities, the performance of the Labour Inspectorate aimed at controlling working conditions and combating irregular employment and labour exploitation, and the support of public powers for immigrant associations, groups and organisations in support of immigration.

Competence in integration issues is complex in Spain. Integration is a cross-cutting topic affecting several areas in which different levels of administration (national, regional and local) participate but in which there is a lack of multilevel governance mechanisms for collaboration. While matters relating to nationality, immigration, foreign nationals and the right to asylum are exclusive to the state, integration policies (employment, education, housing, health, social services etc.) are mainly devolved to the autonomous communities (in some policies, with full responsibility for legislating and implementing but, in others, just for implementing). Almost all communities have, in recent years, implemented their own immigration and integration policies and plans. Moreover, the local authorities have a competence that affects integration policies; in fact, there are several municipalities which have their own local integration plan or a number of ongoing initiatives in this area. NGOs additionally play a role, providing services or collaborating with the different administrations (Morales *et al.* 2009).

Lastly, to understand integration policies in Spain, the exceptionality of the Spanish Municipal Population Register (*padrón*) should be noted. Each town council is in charge of the creation, management and maintenance of its population register, containing personal data regulated by the law. The system of continuous and computerised management of municipal population registers was introduced in 1996; starting in 1998, population figures have been obtained (up to the first of January each year) which are declared official by the Council of Ministers (at the end of the year). In Spain, residents are entitled to public services by being on the municipal population register. Registration, or *empadronamiento*, is mandatory for all residents (on a permanent or a temporary basis) in the municipality,

regardless of their legal status. On registering, all residents (nationals, immigrants and irregular migrants alike) receive a card that entitles them to full health coverage and access to education for their children. Even irregular immigrants who do not have a health card are treated in hospitals without being reported to the police. Political participation is also related to the *padrón*, as it is the register that provides data for the electoral census.

Due to its exceptionality in the European scenario, the *padrón* has been controversial, especially regarding irregular migrants. In 2003, for instance, a bill by the then-conservative majority in parliament authorised the police to use information contained in the municipal registers to detect ‘unauthorised’ immigrants; however, this was met with widespread protest and there is no evidence that the plan was ever implemented. Furthermore, a legal reform passed in 2000 extended welfare benefits – health and education and, occasionally, other social benefits such as a basic income for vulnerable families – to irregular migrants. In 2012, the government adopted a legislative decree amending the law so that the health card was correlated to legal residence and affiliation in the social security programme, thus limiting health care for irregular immigrants to minors below the age of 18, pregnant women or people in emergency situations. Several regional governments – such as those of Catalonia, Navarre, Andalusia and the Basque Country – in charge of health services, announced their refusal to comply, as did several medical associations. In 2015, the central government withdrew the decree and, in 2018, a new decree (Royal Legislative Decree 7/2018 of 27 July on universal access to the national health system) restoring universal access to health services was approved. In any case, this exceptional feature of the Spanish system was seldom questioned and has long been a widely accepted extension of registration to residents, including irregular migrants.

The rule of the *padrón* could explain why, in Spain, the national, regional and local authorities have all emphasised the residence criteria as crucial in talks about integration and social cohesion. Residence is beyond origin and legal status and is conceived as the sum of real residence with the purpose of permanent settlement. This criterion appears in almost all local and autonomous community integration programmes.

Building a common approach to integration? The role of central administration

Migrants’ integration was not a part of any normative and political framework until the mid- 1990s. Until its accession to the European Community in 1986, Spain had neither an immigration policy nor an immigration law. In 1985, as a precondition for EC membership, the first Spanish immigration law was enacted: it was more a ‘requested’ law to meet EC standards than a real need (Pinyol-Jiménez 2007). The first law on Rights and Freedoms of Foreigners in Spain was passed in 1985 and was mainly focused on managing migration flows, while the first mention of migrant social integration in a parliamentary debate happened in 1991. It was in 1994 that the first Action Plan for Migrants’ Integration was

approved. It aimed, among other objectives, to guarantee access to social services and benefits for the migrant population, to facilitate naturalisation processes for foreigners born in Spain and to acknowledge the role of native tongues for migrant children. In 2000, the Spanish Plan emphasised the importance of migrants' integration, since which time the migratory law has been called 'on the rights and freedoms of foreigners in Spain and their social integration'. Also, in 2000, the *Foro para la Integración Social de los Inmigrantes* (Forum for the Social Integration of Migrants) was created as a consultative organism – composed of persons belonging to local and autonomous administrations, representatives of central government and representatives of immigration associations – to canalise discussions and reflections on integration issues.

In 2004, the creation of the Secretariat of State for Immigration and Emigration under the Ministry of Labour, with a General Direction on Integration, established a new approach to this topic, as responsibility for migration policies moved from the Home Affairs Ministry to Labour Affairs. Furthermore, in 2007, the Spanish government approved the first Strategic Plan on Citizenship and Integration (*PECI-Plan Estratégico de Ciudadanía e Integración*) as a roadmap to guide public administrations in dealing with integration issues. The PECI 2007–2010² was based on three main principles: equality and non-discrimination, citizenship and interculturality. The first equates the rights and obligations of the immigrant population to those of the autochthonous population within the framework of basic constitutional values; the second entails recognition of the full civic, social, economic, cultural and political participation of migrants and the latest aims to promote interaction between people of different origins or cultures, in a framework of respect for cultural diversity (Ferrero-Turrión and Pinyol-Jiménez 2009).

In parallel, the Support Fund for the Reception and Integration of Immigrants and their Educational Support was created in 2005. Its aim was to channel supplementary funding to regions and municipalities with rapidly growing populations to support their provision of services to native and foreign residents in areas such as health care and education. The fund, which allocated assistance to autonomous communities to finance integration initiatives led by local authorities (it reached a peak of 200 million euros in 2007 and 2008) was created by the social democratic government; it ended in 2012 under the centre-right government.

Up to the present day, the fund has never been reinstated, although social entities and subnational administrations have continuously requested its restoration. Certainly, the effects of the economic crisis and the cutting of funds were clear signs of the government's priorities and main concerns as, during the former, all national financial support to regions and local authorities to deal with migrants' integration was cut back, although resources were allocated to return programmes which never met expectations (Parella *et al.* 2014).

The first plan was followed by a second PECI 2011–2014³ which also emphasised the need to guarantee the full exercise of migrants' civil, social, economic, political and cultural rights. The plans also sought to ensure access to public services for the migrant population, along with the adaptation of public policies, particularly in education, employment, social services, health and housing, in order

to meet the new needs of migrants in Spain and to combat discrimination and xenophobia. The PECE II was approved under the centre-left government but was poorly implemented under the centre-right, which did not replace it with a new plan after 2014.

In 2017, the European Commission against Racism and Intolerance (ECRI) regretted that there lacked a national integration strategy in Spain after the end of PECE II in 2014 (ECRI 2018). At the same time, the ECRI Report (2018) pointed to the lack of data and indicators to evaluate the outcome of these integration plans. The absence of a coherent system of integration indicators made it very difficult to assess the migrants' situation and to monitor the results and impacts of integration policies and instruments. Currently, the Spanish government is preparing a third PECE.

Both previous PECE have had little impact in the different administrations and in public debate. It is difficult, due to the lack of clear impact indicators, to know the extent to which these plans have reconfigured the actions of the central administration regarding migrants' integration, how much and in what way this integration has occurred and to what extent the plans have permeated the different social organisations, beyond those that have been directly involved. If the new PECE aims to become a roadmap rather than a general orientation framework, it must of necessity include a coherent system of integration indicators in areas such as education, employment, health and housing, and must evaluate and improve the impact of integration policies and instruments on such areas.

The meso level: exploring the 'Catalan' way of integration

Catalonia was traditionally a region of immigration, with important flows, mainly from southern regions of Spain, occurring during the 1960s, leading Catalan social entities (and, later, politicians) to consider the question of integration well before the issue was tackled at the Spanish level (Zapata-Barrero 2009). Considering its own culture, language and history, narratives on self-government, competence and identity have been present in the public debate in Catalonia which also had an impact on discussions of migrants' integration at the public and political levels (Franco-Guillén and Zapata-Barrero 2014). Civic residence was understood as a crucial part of Catalan society, regardless of nationality or place of birth.⁴ Different instruments promoted by the Catalan government have highlighted the important and positive contribution of migration to Catalonia and recognised its impact on the process of nation-building there.

The first Interdepartmental Plan on Immigration was approved by the Catalan government in 1993⁵ to promote the integration of immigrants in Catalonia and to facilitate their personal and social development, according to a framework of rights and obligations. This plan was a pioneer initiative in Spain and part of a process in which autonomous communities were progressively acquiring skill in areas such as education, health and social services; as such, the role of regional and, especially, local authorities in the integration of immigrants became clear (Pinyol-Jiménez 2013).

In 2000, the Catalan government approved the second Interdepartmental Plan on Immigration, 2001–2004, managed by the newly created Secretariat for Immigration. The plan stated the importance of migration into Catalonia, and the role of positive ‘living together’ in strengthening social cohesion; it also recognised a Catalan identity based on a shared culture and language. Both elements configured the so-called Catalan way of integration, which tries to balance a respect for diversity with a sense of belonging to Catalan society and acquiring the Catalan language.

The 2005–2008 Plan on Citizenship and Immigration emphasised the citizenship concept by stating that residence was the only condition needed to be defined as a citizen and was thus the target of public policies. The plan was foreseen for all (resident) citizens without concern for their national origin, and integration was understood as a two-way process. The plan highlighted that the Catalan language and identity were the backbone of social cohesion, and that the latter had been enriched by newcomers, making all residents in Catalonia stronger, richer and of greater plurality.

Following this plan, in 2008 the Catalan government approved the National Agreement on Immigration (*Pacte Nacional de la Immigració*) – also known as an ‘agreement to live together’. As opposed to earlier plans, this one searched for political and social consensus: the consultation process involved more than 1,500 people and the agreement was endorsed by all but one political party in the Catalan parliament and by more than 70 associations from civil society. A renewed plan was approved for the 2009–2012 period and, in 2014, the new Citizenship and Migration Plan: Horizon 2016’ was ratified which focused on three main areas: immigration policies⁶ mainly focused on migrants’ accession to labour market, policies to encourage equal opportunities, and policies designed to foster integration and settlement in a common public culture. Currently, in 2019, the Catalan government is working on a new intercultural plan.

Note that, since the 2008 agreement, the Catalan government has emphasised the idea of a ‘common public culture’, an interesting premise to link migration policies with nation-building, as took place for other national minorities in other Western countries (Zapata-Barrero 2009). From the beginning, the governmental narrative in Catalonia highlighted the need for instruments and policies to unite diverse groups through a shared sense of national identity. This notion implies encouraging participation in public life, making Catalan the common public language, living together among a plurality of beliefs and ensuring equal opportunities between men and women and, finally, incorporating *inter alia* the gender perspective.⁷

To summarise the main trends of this policy process, the ‘Catalan way of integration’ understands diversity as a positive contribution to Catalan society, emphasises the Catalan language as a key element of social cohesion and a strategic instrument to ensure equal opportunities, promotes a ‘living together’ model based on residence to ensure equal rights and duties, pays attention to youth (education) to ensure social mobility and endorses a common public culture of integration. More recently, issues such as fighting discrimination and hate speech have

also become priorities. In 2019, before the general, local and European elections, all parties in the Catalan parliament and several social entities approved an agreement for living together and for avoiding the use of migration as a political tool in electoral campaigns. Parties have committed to defending democratic values, encouraging respect for diversity and avoiding the portrayal of migration as a threat to social cohesion.

Zooming in on the final trends in the definition of integration policies in Spain: the role of local authorities

While the overall picture of municipal policy efforts in Spain is highly complex, most cities with migrant populations have defined, designed and implemented a set of integration and diversity instruments with which to plug the gaps left by an undeveloped or inexistent national integration framework. At the local level, the main work focus has been on reception, education, employment, civic citizenship and social participation. It is worth mentioning that, despite the economic crisis and its impact on local budgets, cities (and regions) have generally endeavoured to provide public services to local residents, thus contributing to the fostering of social cohesion. However, beyond public service provision and welcome policies to facilitate integration, local authorities now face new challenges.

Regarding civic participation, foreign nationals can only vote at the local level if they are EU residents or nationals from countries with which Spain has signed bilateral agreements. This limitation goes counter to the integration notion promoted by most local authorities – which promote equal access to rights, duties and opportunities for both nationals and foreigners. Aside from the right to vote, municipalities have engaged migrant populations in local politics by promoting forums or regional and local advisory committees. The active participation of the immigrant population in local neighbourhood associations and in schools (through parents' associations), trade unions and professional associations as well as cultural, leisure and sports associations, is considered a priority. As a result, most social agents, immigrant associations and local governments tend to promote migrants' engagement in the local community as a way to ensure a harmonious neighbourhood and inclusive citizenship beyond mere (and limited by law) political participation.

In recent years, the different municipalities have also developed anti-discrimination measures and awareness-raising actions to fight xenophobia. Several regional and local authorities have defined bodies or policies to combat racism and xenophobia, most of which involve information campaigns, advocacy, awareness-raising and training programmes for both public and private agents. In their role as cooperating organisations, NGOs also deploy actions in this area.

Recently, the refugee question has also been introduced onto local agendas. The war in Syria and the humanitarian crisis created by the influx of displaced people have had a tremendous impact on a Spanish society unaccustomed to refugee and asylum issues. Several cities have traditionally had reception services and actions for refugees but, since 2015, more Spanish cities have spoken of their willingness

to attend to and receive asylum-seekers and refugees. The asylum system in Spain is highly centralised and refugees' care is provided by different national centres and several NGOs directly appointed for the purpose. Cities such as Barcelona and Madrid took the initiative to create a network of 'safe cities' to encourage people to assist refugees and asylum-seekers.⁸ Although, until today, the asylum system has remained unchanged and the role of cities dismissed despite their compromise and good will, the local authorities have become a clear voice asking for solidarity and respect for human rights for displaced people.

Finally, the appearance in 2019 of a new far-right party in Spain on several municipal councils could affect the development of integration measures in various regions and municipalities, although is too early to evaluate its impact.

The multiplicity of actions developed at the local level complicates assessment of the role played by local authorities in terms of migrant integration, although its importance is unquestionable. Most cities with a foreign population have developed strategic plans for migrant integration, inclusion and citizenship, but the lack of shared indicators and evaluation grids disguises a general assessment of integration policies. In Spain, 20 municipalities are part of the RECI (Spanish Network of Intercultural Cities) which is related to the Intercultural Cities programme of the Council of Europe: through the ICC Index a limited assessment of these cities' performance in terms of intercultural development could be undertaken. In spite of existing policy, academic and public debates on multiculturalism and interculturalism are recent in Spain and take place basically at the local level, with the leadership of Barcelona (Zapata-Barrero 2017).

Most cities have worked with a focus on citizenship, understanding it not as a question of national identity but of urban residence in a territory (Ferrero-Turrión and Pinyol-Jiménez 2009). Without being overconfident nor masking any current problems, this might explain why, with the considerable influx of migrants in a short period of time and without both a common approach to integration and enough resources, 'living together' in Spain has worked well enough.

Final remarks

Over a short period of time, Spain has had to confront new and different migration flows, to implement new responses and to look for new instruments and tools. During the earlier years of the twenty-first century, the main instruments were sketched out while, in recent years, integration has become the real challenge for Spanish society. Managing migration also implies the management of identities (Zapata-Barrero 2013) and, like other EU countries, Spain seeks to manage diversity and plurality without losing a common framework of identification and belonging.

The Spanish approach to integration was born in a specific and complex context: Spain is a country with its own cultural and regional diversity, of which migration has now become a part. Interestingly, as discussing internal diversity has been always a conflictual issue in Spanish politics, integration philosophies to deal with migration have been weaker than in other EU countries. The assimilation approach,

understood as a person abandoning her/his identity to adopt local norms and values, was present in most of the Spanish public instruments but in a weaker way, than, for instance, the French case. At the same time, as in the multiculturalism approach, the recognition of diversity is very much present in today's Spain. This mixture of approaches has been seen via different instruments and public actions, most of them inspired by the intercultural approach at both national, regional and local levels. Note, however, that, despite the use of interculturalism as a public approach, public policies and instruments in Spain regarding integration could hardly be described as intercultural. Even now it seems evident that the existence of a philosophy (or philosophies) of integration in Spain is a debate located more in the academic sphere than in the political or social scenario (Ferrero-Turrión and Pinyol-Jiménez 2009).

Furthermore, in Spain, the lack of evidence-based data complicates assumptions about the impacts, outcomes and results of integration policies developed at all administration levels. Similarly, there are several areas in which integration topics should be redefined and multilevel governance better defined. The current set of bodies and instruments for the promotion of multilevel cooperation are far from working properly. As most integration policies are handled by regional governments and local authorities, the role of central government could be both to define a set of principles or guidelines which would promote and guarantee a homogeneous approach to integration in Spain, and to support other administrations in developing policies and instruments to fit it. The role of regional and local authorities should be strengthened, better coordinated and better funded. These administrations are key regarding integration policies, as they are designed to deal with the incorporation of a new and diverse citizenship in order not to simply avoid a negative impact in the maintenance of social cohesion and also to use their benefits and contributions to local development.

In Spain, the debates on migration, citizenship and national community are still open; however, they are indispensable to in-depth discussion. Talking about what kind of society the Spanish one is and will be will define the boundaries of the public philosophy of integration. Within this framework, the instruments, policies and actions required to manage plurality and diversity should be identified in order to guarantee social cohesion and peacefully living together in a decentralised Spain.

Finally, this chapter has provided some evidence that the Spanish case confirms the multilevel governance's argument that migration policies at the admissions level and in the hands of central government, and integration policies under the decision-making of sub-state administration, are two arenas that mostly work independently and without structures ensuring cooperation and coordination. It is at this point that most of the tensions arise in Spain. The concrete case of local registration is just one illustration of the tensions between two policy narratives that often collapse and make explicit the fact that local claims for integration work better for decentralisation processes.

Notes

- 1 Organic Law (LO) 4/2000 has been modified by LO 8/2000, LO 14/2003, LO 2/2009, LO 10/2011 and RDL 16/2012; see www.boe.es/buscar/act.php?id=BOE-A-2000-544&p=20180904&tn=6. Regarding foreign residents, this LO is also complemented

by the Royal Decree 240/2007 of 16 February 2007 on the entry, free movement and residence in Spain of citizens of the EU and EEA member-states. Asylum is regulated by Law 12/2009 of 30 October 2009 governing the right of asylum and subsidiary protection. Rules on citizenship are set out in the Civil Code.

- 2 See http://extranjerios.mtramiss.gob.es/es/Programas_Integracion/Plan_estrategico/pdf/PECIDEF180407.pdf
- 3 See http://extranjerios.mtramiss.gob.es/es/Programas_Integracion/Plan_estrategico2011/pdf/PECI-2011-2014.pdf
- 4 In the 1980s, the-then Catalan president coined the axiom: 'Is Catalan everybody who lives and works in Catalonia *and wants to be*'?
- 5 See http://treballiaferssocials.gencat.cat/ca/ambits_tematicos/immigracio/politiques_i_plans_dactuacio/antecedents/
- 6 As in most EU countries, issues regarding migration policies in terms of accession to the territory, border control, permits etc. are a national competence.
- 7 See http://treballiaferssocials.gencat.cat/web/.content/03ambits_tematicos/05immigracio_refugi/03politiquesplansactuacio/continguts/Document_final_PNI_angles.pdf
- 8 See, for instance, Barcelona's initiative of *Ciutat Refugi* or City of Refuge (<http://ciutatrefugi.barcelona/>).

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9 Immigration and integration policies in the absence of immigrants

A case study of Poland

Marek Okólski and Dominik Wach

Introduction. Immigration to Poland and the integration of immigrants from the perspective of migration transition

Poland is currently a country of basic paradoxes as far as the most recent migration trends are concerned. It is very likely that the foreign citizens who, in 2017 or 2018, became its temporary or permanent residents largely outnumbered those Polish citizens who left their country of origin for residence elsewhere. Nevertheless, the country is generally and correctly considered to be an area of net emigration.

As far as the inflow of people to Poland is concerned, in recent years – especially between 2013 and 2018 – the country saw a sharply growing number of foreign citizens who had been granted a residence permit. Eurostat reports that, in 2017, Poland – out of all the EU countries – issued the largest number of first residence permits to citizens of non-EU countries (683,200 or 21.8 per cent of the EU total), substantially more than such established immigration countries as Germany and the United Kingdom, not to mention France, Italy and Spain (Eurostat 2018). According to official Polish statistics, in 2018 the number of temporary residence permits – by far the largest component of all residence permits in Poland – was almost five times greater than in 2007 (GUS 2018a). The increase in 2007–2013, however, was a mere 39 per cent compared to 254 per cent in 2013–2018, which suggests that the massive inflow of foreigners in the latter period was a completely new phenomenon.

Despite such spectacular change, it would be premature to categorise Poland as an immigration country.¹ This is because the majority of residence permits issued to migrants are granted for a period not exceeding one year. In contrast, the numbers of immigrants, *sensu stricto* and in accordance with the definition of ‘immigrant’ recommended and followed by Eurostat – i.e. a person arriving in a country for residence longer than one year (see Note 1) – are relatively low and do not show a consistent rising trend. In addition, a predominant share of immigrants are Polish citizens, mostly returning migrants. For instance, in 2017, as many as 209,400 immigrants arrived in Poland, of whom 132,800 were Polish citizens and only 76,600 were foreigners (Eurostat 2019).² Note, too, that the stock of foreign residents in Poland is growing at very slow pace and is still low – in fact,

in relative terms (i.e. as a share of the total resident population) one of the lowest in the EU.³ The marginal presence of foreign citizens in Poland has resulted in a virtual invisibility in the public sphere of the process of immigrant integration and a somewhat insignificant incidence of integration failure, the more so since – at least until very recently – a large share of the foreigners who had settled in Poland had either been graduates from Polish academic institutions or had entered a Polish family through intermarriage.

This situation results, among a few other major causes, from the fact that, until 1989, Poland as a potential place of residence was not only unattractive to foreign citizens but also practically inaccessible due to severe administrative restrictions. When, in terms of the inflow of foreign citizens, the opportunities available to them increased and the political and economic situation became more favourable, immigration was effectively hampered by the lack of earlier-established migrant networks.

This was in contrast to the situation of Poles who, earlier, had ventured to emigrate and were able to set up their ethnic communities abroad. Since the last two decades of the twentieth century, when the freedom to travel to foreign countries was established, several million Polish citizens became internationally mobile; however, until 2004 – the year of Poland's accession to the European Union – the majority of their movements were temporary. Poland's membership of the EU, entrance into the Schengen Area and access to the labour markets of a gradually growing number of European Economic Area countries radically changed that migration pattern. The outflow related to long-term residence in foreign countries has increasingly exceeded short-term circular movements. Moreover, despite the fact that, currently, the flow of emigrants is considerably lower than during the peak years (2005–2007), it continues to be higher than the flow of immigrants, according to various estimates. The total number of Poles who emigrated between 2004 and 2017 and were still resident in other countries in 2018 is nearly 2 million (around 5 per cent of the total population, both in 2004 and 2018).⁴ Therefore, from any perspective, it is legitimate to perceive Poland as a country of emigration – in fact, one of the top European sending countries.

To sum up, a seemingly paradoxical migration situation in recent years consists in two opposing major tendencies of high intensity: net (long-term) emigration and net temporary (mostly short-term) inflows.⁵ This brings to mind the postwar history of several Western European countries which, initially and for more than two decades, experienced a large-scale inflow of temporary migrants – mainly the so-called guestworkers – that later transformed into long-term immigration, thus changing the migration status of these countries from one of net *emigration* to one of net *immigration*. Analogically, one might hypothesise that, in Poland, the current inflow of foreigners – chiefly temporary labour – may in the next couple of decades take the form of predominantly long-term immigration and ultimately bring about a positive migration balance. An additional premise reinforcing such a hypothesis is the evolution, described earlier, of the outflows of Polish citizens over the last three decades. The major host countries first witnessed the mostly temporary migration of Poles, which then gradually and finally became mostly long term.

A hypothesis assuming a shift in Poland's migration balance from negative to positive in the predictable future seems consistent with the theory of migration transition. The theory in its updated⁶ and most elaborate form, authored by Hein de Haas (2010), posits that migration transition comprises of a series of relevant transitions and implies the existence of 'patterned, non-linear regularities between the absolute and relative (*vis-à-vis* other regions or countries) levels of human development and the occurrence and relative importance of particular forms of (generally short-distance) internal and (generally long-distance) international immigration and emigration' (2010: 22). One of these transitions assumes a turnabout in international migration from a negative to a positive balance. Migration transition in a much narrower 'international' meaning was first analysed by Jean-Claude Chesnais (1986), who argued that this phenomenon is specific to European countries and has its origins in a demographic transition and modernisation unique to Europe. He observed, however, that particular countries and regions of the continent differ in the timing and intensity of their migration transition; while Western European countries were the first to enter this process and experience its relatively low intensity, in the countries of Eastern Europe the transition came relatively late but was more intense.

Felice Dassetto (1990) identified a specific migration cycle which seems to aptly supplement the concept of European migration transition. As he argued, along with growing immigration, in a time sequence characterised by complex interactions between arriving foreigners, the native population and host-country institutions, migrants tend to gradually adapt and settle in the country. Initially, migrants are predominantly temporary workers who are largely marginalised and only loosely connected to the receiving society. Later, with the growing inflow of workers' family members, there begins the settlement process and migrants' participation in education and public services. This stage of the cycle involves multifarious attempts by immigrants to adapt to the receiving society but it is not free of social tensions. It is only at the third and final stage that the immigrants become well-rooted in the neighbourhood and their inclusion and integration take place. It is conceivable, therefore, that for integration to become a social phenomenon requires a certain 'critical mass' of settled immigrants in the host country and, of course, a certain amount of time since the onset of systematic inflows of migrants. Therefore, there are good reasons, both empirical and theoretical, to expect the increasing immigration and solidifying of migrant ethnic communities in Poland. Ultimately, in the not-too-distant future, Poland may well join the group of net immigration countries which, at present, constitute an overwhelming majority in the EU (and EEA, plus Switzerland, as a whole). This presents a great challenge to Polish society and to policy-makers in particular who, until very recently, were above all preoccupied with the *emigration* of Poles.

In this chapter we first characterise and reflect on recent trends concerning the inflows of foreign citizens to Poland, highlighting their forms, intensity, pace and national composition. In this way, we can identify the major challenges faced by Poland, both now and in the years to come. Next, we attempt to describe and systematise the main directions taken by and contents of Polish immigration and

migrant integration policies since the latter were first initiated. In so doing, we examine the extent to which migration-related policies addressed the respective challenges and their accuracy and effectiveness. Finally, we present selected ‘good practices’ developed thus far in the area of immigration and integration policies.

The flows and categories of foreign residents in Poland as a ‘subject’ of public policy⁷

In order to understand how Poland, as a ‘traditional’ emigration country, currently hosts the largest number – among all EU countries – of newly arriving foreign (be they only temporary) residents, we have to look back to the period when ideologically motivated barriers to the inflow (and, above all, the outflow) of migrants were lifted. The turning point in this respect seems to be the start of political and economic transition around 1990.

At that time, according to administrative registers, approximately 20,000 foreign citizens were resident in Poland (0.5 persons per 1,000 inhabitants), a great majority of them originating from former communist countries (mainly the USSR) and married to a Polish citizen.⁸ Annually Poland admitted a mere 1,000–2,000 immigrants, a majority of them ethnic Poles. Inflows of migrant workers and asylum-seekers were virtually nonexistent. Even short visits by foreign tourists were relatively rare and citizens of ex-communist countries and Westerners of Polish descent prevailed among the visitors.

The situation started to change rapidly in 1989. People all around Eastern Europe were granted the freedom to travel abroad. Already, in that year, the inflow of visitors from the region to Poland increased by 40 per cent to around 9 million. In 1990 this figure doubled and, by 1991, reached 37 million. By the end of the decade, Poland had recorded nearly 90 million visits of foreigners, mostly the citizens of the ex-German Democratic Republic, the ex-Soviet Union, Romania and Bulgaria. Such a tremendously strong inflow from other post-communist countries was spurred on and facilitated by the existence of bilateral agreements on the visa-free movement of persons – agreements which were previously concluded between the Soviet satellite countries but which remained ineffective in practice until 1989. Although, initially, the great majority of foreigners visited Poland for just a few days, most of them did so for reasons other than tourism, company business or a brief family reunion. ‘False tourists’, as they were usually referred to in the specialised literature, came to earn money and improve their livelihood in the home countries by engaging in petty trade on flea markets in numerous Polish towns. They also took on odd jobs or did whatever else was profitable. Over the course of time, these visits, especially those of Ukrainian migrants, recurred and became longer in duration and increasingly ‘regular’ work- or settlement-oriented. It has been argued (Okólski 2006) that ‘false tourism’, especially in the form of the circulation of petty traders (who decreased in number from the late 1990s), turned out to be the vehicle for a variety of foreigner movements into Poland, including immigration.

Indeed, between 1989 and the early years of the twenty-first century, the country saw arrivals of foreign citizens representing a wide range of strategies and forms of migration virtually never before observed in Poland. Apart from the slowly subsiding wave of short-term circular travellers from the former communist countries, the largest group of incoming foreigners consisted of people granted permits for temporary residence (from 3–11 months' duration). Many of them were work-permit holders. Nevertheless, the annual numbers of arrivals, though consistently increasing, remained relatively small at between 10,000 and less than 30,000 persons. Immigration (conceived as an arrival for permanent residence), after a sudden rise to 5,000 persons in 1991, grew slowly to reach 9,500 in 2004; it continued to mostly include Polish citizens who did not figure as residents on the administrative registers. To be sure, the number of incoming foreigners granted permits to settle was also growing but remained very low (between 2,000 and 3,000 a year).

In addition to foreigners who benefited from work permits, the other temporary residents included students and a large (though difficult to estimate) number of persons who engaged in irregular employment. With regard to foreign students, their enrollment rose from around 1,000 in the early 1990s to 1,700 in the academic year 2000/2001 and to 3,600 in 2006/2007. The stock of these students in the latter year approached 12,000.

Poland also became a transit country for various groups of undocumented migrants who, as a rule, headed for Germany or another Western European country. Some were asylum-seekers, usually assisted by networks of smugglers, although the majority were economic migrants from Eastern European countries who, after entering Poland from the east or the south, which was easy and perfectly legal, ventured the illegal crossing of the German-Polish border. As far as the arrival of asylum-seekers is concerned, it had all begun already in 1990, two years before the ratification by Poland of the 1951 Geneva Convention on refugees. Between 1991 and 1995, Poland recorded a few hundred application per year; between 1996 and 1999 the respective numbers were between 3,000 and 3,500 but, from then on, a steady rise of applications was observed, culminating in around 8,000 in 2004.

Migrants going to Poland after 1990 represented a large and growing variety of home countries. Those who obtained work permits were clustered in three major groups; the first (and by far the largest) included three countries of the ex-Soviet Union (Ukraine, Russia and Belarus), the second, five Western countries (Germany, the United Kingdom, France, the USA and Italy), and the third, five Asian countries (Vietnam, China, Turkey, India and South Korea). Around the year 2000, permits granted to citizens of these 13 countries accounted for more than 70 per cent of the total, with Ukrainians having the largest share (13.5 per cent of the total). The majority of irregular workers, predominantly from Ukraine, developed a specific pattern of short-term pendular movements (usually adhering to an up-to-three-month legal sojourn in Poland, in accordance with the pre-1990 bilateral agreement on visa-free travel, discussed earlier), while migrants from more remote countries, such as Vietnam or Armenia, became clandestine residents, often for

several years. The national composition of transit migrants gradually changed; in the early 1990s, Romanians and Bulgarians were the clear leaders; later came the citizens of Somalia, Armenia, Vietnam, Iran, Iraq and China and, in the second half of that decade, the citizens of Afghanistan, Sri Lanka, Pakistan and India (in addition to Vietnamese and Iraqis). With regards to asylum-seekers, they could be divided into two distinct groups – one comprised of people fleeing turmoil or civil war in their countries of origin, notably refugees from Bosnia, Armenia, Albania, Afghanistan and, from 2000 onwards, Chechnya, whereas another group was made up of ‘false refugees’ – those who, after being apprehended during illegal transit through Poland, applied for refugee status. Initially Romanians constituted the largest nationality in this group but, from the mid-1990s on, migrants from Asia and the Middle East took the lead. The migratory inflows also included growing numbers of returning Polish citizens whose emigration in earlier years had not been recorded, and ethnic Poles from Kazakhstan and several other successor countries of the ex-Soviet Union.

It is worth mentioning that the process of settlement of non-Polish immigrants was on a small scale and at a slow pace. A major pathway leading to settlement in the 1990s was that of mixed (binational) marriages, concluded usually between Polish males and foreign women, among whom citizens of Ukraine, Belarus, Russia, Vietnam and Armenia predominated (between 1990 and 2000, the number of these unions increased to 11,600).⁹ Nevertheless, the population census carried out in December 2002 revealed a surprisingly low number of foreigners – 62,900 – who lived in Poland as long-term (over 12 months) or permanent (with no time limit) residents. This was about three times more than in 1990 but still much less than 1 per cent of the total population.

All in all, such a newly acquired and, indeed, impressive diversity of inflows to Poland notwithstanding, we can conclude that, around 2004, the year of Poland’s accession to the EU, the in-migration of foreign citizens was still relatively very low. It is true that the country did not offer attractive opportunities to immigrants, either in terms of demand for labour or the level of social security. The situation changed substantially after 2004 when, over a very short period, approximately 2 million relatively young Poles left their country to seek employment in other EU countries, the influx of new cohorts to the domestic supply of labour shrank and, on top of that, the economy started to bloom. Year by year, in various parts of the country and in some sectors of its economy, and with growing strength, there emerged labour deficits. In order to cope with these deficits, the government introduced, on 1 August 2007, a new form of inflow of foreign workers. The citizens of three countries, Belarus, Russia and Ukraine, became eligible for entry and employment in Poland without applying for a work permit. Upon a company’s declaration of intention to employ a given foreigner (submitted to the local labour authorities), he or she was allowed to stay and work in the country for up to three months within a six-month period. As this regulation turned out to be somewhat ineffective,¹⁰ an amended version entered into force on 1 February 2008; the duration of stay and work of a foreigner was extended to up to six months within a 12-month period. During the first 12 months that this regulation was in force, as

many as 163,000 ‘declarations of employment’ were recorded. Additionally, in 2009, the citizens of Moldova entered the category of eligible foreign workers, joined, in 2010, by citizens of Georgia and, in 2014, citizens of Armenia. The outcome of all this was a rapid and spectacular increase in employment declarations. Although, until 2011, the number of declarations did not exceed 200,000, by 2014 it approached 400,000 and, in 2015, 800,000. In 2016, approximately 1.3 million declarations were recorded and, in 2017, 1.8 million. It is estimated that the latter number of declarations resulted in the actual employment of as many as 1.1 million foreigners.

Apart from the fast-growing presence of migrant workers on the Polish labour market, facilitated by the new employment declarations procedure, work permits issued to foreign citizens also increased significantly. Their number was still very low in 2008 (18,000); however, from 2009 this number increased and reached 36,600 in 2010 and 65,800 in 2015. The years 2016 and 2017 saw a vehement acceleration in the process and the respective figures reached 127,400 and 235,600.

Note that many thousands more foreign citizens are also present in Poland’s economy, either self-employed or employees who, according to the law, do not need any permission to work in Poland. The latter pertains in particular to the citizens of EU countries and representatives of certain professions (e.g. scientists) or residence status (e.g. students). However, these estimates conceal statistics for foreign workers who remain in an irregular situation and whose number – believed to be relatively high – cannot be precisely determined. In effect, Poland, currently officially a net emigration country, may be hosting more foreign workers than the number of Polish citizens actually working abroad.

Apart from migration for work, some other types of inflow also displayed a tendency to increase. For instance, new admissions of foreign students rose from around 3,000 in 2004 to more than 20,000 in 2017, while the stock of foreign students went from 13,000 to 74,000. In the academic year 2017/2018, citizens of foreign countries accounted for 5.6 per cent of all persons studying in Polish universities. Less impressive and, in fact, highly erratic was the inflow of asylum-seekers. Between 2004 and 2017, foreigners submitted 128,500 applications for some kind of protection (on average 9,000 per year); the peak period was 2012–2016 although, in 2017, the number of applications declined dramatically. It is worth noting that a majority of administrative procedures related to those applications had to be discontinued due to the ‘disappearance’ of the asylum-seeker. The strategy followed by persons who had recently requested international protection in Poland did not differ from that of their predecessors in the 1990s. For most of them, Poland was a short stop and a transit country on a journey to Western Europe.

With the distinct exception of the inflow of asylum-seekers, Ukrainians were the largest and increasing category of nationals. They dominated the numbers of incoming long-term residents (23 per cent in 2017), of foreigners granted first residence permit (87 per cent in 2016), of those to whom employment declarations were issued (94 per cent in 2017), of work-permit holders (82 per cent in

2017) and of foreign students (52 per cent in 2017). The inflows of persons from most other countries also increased in absolute numbers but to a lesser degree than that from Ukraine. In effect, it seems appropriate to speak about the ‘Ukrainisation’ of recent immigration to Poland. Having pointed out this phenomenon, it is worth highlighting a newly emerging trend related to the situation in the Polish labour market: its increasing demand for foreign workers. This trend was initiated in 2016 and accelerated in 2017 – in other words, 2017 saw a dramatic rise in the number of work permits granted to citizens of countries which, in the past had not played a significant role in the inflow of foreign labour. For example, the number of permits for citizens of Azerbaijan increased by 592 per cent, of Nepal by 484 per cent, of Bangladesh by 235 per cent and of India by 122 per cent.

By the end of 2017 as many as 325,000 foreign citizens possessed a residence permit, of whom nearly 25 per cent were entitled to stay in Poland indefinitely and 75 per cent had temporary residence status. The actual stock of documented immigrants was even larger, because work-permit holders whose entry visa was valid did not need a residence permit and were not included in these statistics. Bearing in mind that, at the time of the population census in 2002, approximately 74,000 foreigners (and around 95,000 in 2011) possessed a residence permit, we can see that not only did inflows of foreign citizens increase substantially but the stock of foreign residents also became much larger. Moreover, many symptoms indicate a slowly growing trend towards the settlement in Poland of migrating foreign citizens. All this notwithstanding, we have to admit, as we argued in the introductory part of this chapter, that Poland, with slightly less than 1 per cent of foreign residents out of the total population, is still among the EU countries with the lowest shares of such residents.

This description of the evolution of migration to Poland over the last three decades brings us to the following conclusions. During the past 30 years or so of the development of a democratic society and a market economy the country, though trying to catch up with the West, still lags behind other countries in many respects – including, among others, its attractiveness to international migrants. Since 1989 and, for a large part of the period from then to the present day, the most sizeable (and quite massive, at that) groups of foreigners entered Poland either because the country was a convenient transit area on their way to a Western destination or because it was relatively easy (and inexpensive) to circulate and engage in various profitable activities such as petty trade or short-term employment in the shadow economy. Thus, at least during the early decades of the transition, this presented a clear challenge to the Polish government as far as the protection and control of state borders were concerned and the prevention of the irregular residence and employment of foreign visitors. As we pointed out earlier, already by the early 1990s Poland was experiencing many other kinds of migratory movement but these involved relatively small numbers of foreigners. In fact, we could say that these inflows smoothed the way for future, more numerous, migrations and only occasionally resulted in the setting up of small migrant communities all over the country.

Immigration in the period that began with Poland's accession to the EU, through developments in its labour market and the economy in general, was somehow inversely related to the emigration of Polish citizens. The economy grew rapidly, unemployment declined and, eventually, an unsatisfied demand for labour became evident in some sectors of the economy and certain regions which had suffered particularly from a massive outflow of Poles. In response, the period 2014–2017 especially saw the arrival in Poland of large and growing numbers of migrant workers, many of whom ceased to be seasonal or short-term labour. Ultimately, compared to other EU countries, Poland became one of the largest migrant-worker receiving economies. Within a very short time-span, the migration-related focus of the government shifted from a preoccupation with the emigration of Polish citizens and the control of irregular foreigners entering and staying in the country to a concern to fill the gaps in the labour market by bringing in adequate numbers of migrants with the required skills and, ultimately, successfully integrating masses of arriving foreigners. The next part of this chapter is devoted to ways in which the Polish government faced the challenges this posed.

Poland's policies in real life, in light of international commitments and specific Polish challenges: evolution and the present state

In the years after the Second World War, Poland, like other former 'Eastern Bloc' states, carried out a different migration policy to most Western European countries. Migration to and from democratic countries was almost entirely blocked. Migration within the 'Eastern Bloc' was also limited, despite bilateral agreements between communist countries. Between 1945 and 1989, Polish migration policy can be described as having been very restrictive. Its aim was to strictly control and limit all migration flows (Okólski 2010). Low numbers of immigrants and a specific approach focused mostly on minimising migration led to a situation where institutions and regulations managing migration were hardly necessary (Stola 2010).

The fall of the Iron Curtain in 1989 led to the democratisation of state institutions and policies. It was also a breakthrough moment in immigration policy because relatively liberal entry rules for former 'Eastern Bloc' states' citizens caused a rapid inflow of foreigners, mostly from neighbouring former Soviet countries. The fear of an uncontrolled inflow of foreigners and the challenges of the political, social and economic transition at the time played a crucial role in the government's approach to immigration policy. Not surprisingly, given the temporary character of immigration, security and border management became its priorities (Duszczyk and Lesińska 2010). This gave rise to the argument that immigration and the integration of foreigners were not the government's priority in times of political, social and economic transition (Łodziński 1997). Even after Poland joined the European Union in 2004 and the country became more attractive to foreigners from neighbouring non-EU states, politicians and public opinion focused more on the economic migration of Poles to the so-called old EU

countries than on the immigration of foreigners into Poland and their integration (Duszczuk and Góra 2012).

It is also important to mention that Poland did not develop a clear institutional structure responsible for migration policy. From the early 1990s, the Ministry of Internal Affairs (now the Ministry of Internal Affairs and Administration) played a central role in shaping immigration policy; however, the task was carried out by inter-ministerial teams and commissions without clear and consistent objectives or division of responsibilities. The Ministry of Labour and Social Policy (now the Ministry of Family, Labour and Social Policy) became responsible for foreigners' employment and integration although, in practice, the lack of a clear hierarchy and cooperation between inter-ministerial bodies caused chaos and ministries conducted their tasks independently (Lesińska *et al.* 2010). The Polish parliament did not play an active role in shaping immigration and migrant integration policies. Nor was the contribution of the President of Poland significant, at least until late 2014, when a taskforce devoted to migration and migration policy was created to discuss the effects of the influx of foreigners to Poland and their integration and employment (see KPRP 2015). As a result of this initiative, various representatives of Polish public, social and economic life took part in a debate titled 'Poland's migration policy in view of demographic challenges' and discussed activities which could contribute to a better integration of foreigners settling in Poland. With reference to demographic issues, it is important to mention the activities of the Government Population Council – an advisory body of the President of the Council of Ministers (the Prime Minister) – responsible for submitting an annual report on the demographic situation of Poland and for, among other things, examining current migratory trends and suggesting government activities in the area of migration policy.

As far as migration management in 'real life' is concerned, the responsibilities of government agencies are highly dispersed and poorly coordinated. The institutions dealing with administrative proceedings in the area of migrant residency status are the Office for Foreigners in the area of asylum applications, the Refugee Board as an appeal body in the area of asylum procedures and the Voivodship Offices¹¹ in the area of residency not related to asylum. Moreover, the responsibility for conducting proceedings regarding permission to stay for humanitarian reasons and entry/exit procedures are entrusted to the Border Guards. On the other hand, the implementation of migrant integration programmes is commissioned out to local government agencies – Family Support Centres and Social Offices – and nongovernmental organisations.

Although Polish immigration and integration policies are often seen as closely connected and the latter is sometimes perceived as a part of the former (KPRP 2015), these policies address different problems. Immigration policy regulates entry/exit rules and procedures and the legality of foreigners' stay and employment; it also prevents and combats illegal phenomena related to migration. Moreover, asylum policy is often considered as a part of immigration policy. On the other hand, integration policy deals with the issues related to mutual relations between the host society and foreigners, including their socio-economic, cultural,

legal and political integration. In the case of Poland, the policy presented in the next section was often treated, especially at the beginning of its evolution, as a supplement to immigration policy and was not explicit. Nonetheless, the evolution of both policies after 1989 was far from linear. To highlight the differences in the development of immigration and integration policies, they are presented separately in the next section.

Poland's immigration policy

The evolution of immigration policy has been aptly outlined by Lesińska *et al.* (2011) by means of its periodisation. The authors distinguished three phases: 'institutionalisation' (1989–2001), 'Europeanisation' (2001–2004) and 'stabilisation' (after 2004). A similar but updated periodisation – divided into four phases – was proposed by Łodziński and Szonert (2016). The first phase (1989–1997) was related to the democratisation of the country. The second (1998–2004) was characterised by the gradual harmonisation of migration-related Polish laws and regulations with those at the European Union level. The third phase (2005–2015) was described as a period of maturation of immigration policy, with stable regulations, whereas the fourth and final phase (after 2015) was considered transitory and was marked by the migration and refugee crisis. In view of both these periodisations, the evolution of immigration policy was somewhat slow and resulted equally strongly from Poland's international commitments and the situations it had to face at particular moments.

Apart from slight differences in the time division adopted in the periodisations referred to earlier, the first decade after the onset of political transition of 1989 could be characterised as the implementation of new laws regulating different fields of migration. Poland had to implement many acts of law and international agreements – with, *inter alia* the UN 1951 Refugee Convention signed in 1991, bilateral agreements on readmission and visa-free regimes with some Schengen Zone countries or the 1997 Act on Aliens as the most important ones (Duszczuk and Lesińska 2010). As mentioned earlier, the priority for the Polish authorities at that time was to control the situation at the borders. Poland, as a transit country on the migratory route from east to west was exposed to massive illegal immigration and this is why strengthening and protecting borders was the most important task within the field of migration (Okólski 2010).

Only after Poland had mastered this complicated situation at the borders and implemented the necessary laws regulating entry procedures could the process of unifying Polish law with European standards begin. Accession to the European Union became the top priority and the main driver of legal changes in the area of migration-related policies. As Kicingier and Koryś noticed, this situation 'led to a paradox: attempting to create migration policy before there was a real need for it, in terms of immigrant numbers' (2011: 347). Due to the low numbers of foreigners migrating to and settling in Poland, Polish immigration policy mostly took shape in response to pressure from the European Union, not because of the state administration's need to have and implement that kind of

policy. The 2001 amendment to the Act on Aliens and the 2003 Act on Granting Protection to Aliens within the Territory of the Republic of Poland can serve as examples. Both acts led to the implementation into Polish law of regulations already known in the European Union, although immigration policy was still not a political issue in Poland. Polish immigration policy was quite a reactive one and depended on international obligations and external factors. The specific, mostly temporary, character of immigration to Poland and the very low number of asylum-seekers meant that the regulations in force did not correspond with the actual needs of that time. Moreover, during negotiations with the EU, the priority for the Polish authorities was the free movement of workers and access to the EU labour markets for Polish citizens – not potential immigration to Poland.

On 1 May 2004 Poland became a European Union member-country and entered a period described as a time of mature immigration policy with stable regulations. Declining unemployment, a significant outflow of people from Poland in the first years after accession to other EU countries and a new, strict visa regime for third-country nationals caused workforce shortages in some sectors of the Polish economy. To manage the new situation, Poland opened its labour market to migrants (Babakova 2018; Duszczyk *et al.* 2018). Regulations regarding labour immigration, which had existed since 1989, were rather restrictive and often led to the illegal employment of foreigners – mostly from Ukraine and other post-Soviet states – who had entered Poland thanks to non-visa or short-term visa regimes (Kicingier and Koryś 2011). In response to growing labour shortages, the first seasonal migrant-worker scheme was created in 2007. The European Neighbourhood Policy also played a significant role in liberalising entry rules in the years following (Babakova 2018). Since then, workers from countries with cultural and geographical ties to Poland became eligible for employment in Poland on preferential terms. This situation is an example of an immigration policy which is not proactive but, rather, responds to challenges arising. Another important regulation – the Act on the Polish Charter – came into power in 2008, thanks to which all citizens from the former Soviet-Union states who declared and could prove affiliation to the Polish nation could receive the Polish Charter, a document which allows foreigners access, among others, to the labour market and education on terms similar to those for Polish citizens.

The year 2012 brought a breakthrough in Poland's immigration policy. That year *Migration Policy of Poland: Its Present State and Proposed Activities*, the first strategic document regarding immigration and integration policy, was approved by the government. This document and its later implementation were important steps in the creation of a new approach to immigration policy. The government attempted to determine responsibilities and allot the respective tasks among the various ministries and institutions, and to systematically evaluate progress in the implementation of policy targets. Nevertheless, the migration policy document was widely criticised, mostly by NGOs, for being too general, not defining specific solutions to particular problems and not securing the necessary human and financial resources (HFPCz 2014; SIP 2014).

Another breakthrough in the evolution of Polish immigration policy was closely related to the migration and refugee crisis of 2015 and the following massive inflow of foreigners into European Union countries. The rapidly changing migration situation in Europe caused immigration rules and the presence of foreigners to become the most important policy concern and topic of public debate in many European countries, including Poland. For the first time in the history of democratic Poland, the subject of immigration came to the fore in political and public debate during presidential and parliamentary elections. The migration and refugee crisis became one of the main problems and topics of political dispute, even though mass migration from the Middle East and African countries did not affect Poland. Initially, when the Law and Justice party came to power in late 2015, Beata Szydło, the Prime Minister of the new right-wing government, ensured that her cabinet would honour all decisions and agreements regarding the European relocation scheme adopted by the previous centrists. The growing political and social dispute on immigration and refugees and the increasing temperature of the rhetoric changed the situation. After the terrorist attack in Brussels in March 2016, Prime Minister Szydło openly rejected any possibility of participation in relocation. Moreover, some media, including the public ones, started an Islamophobic discourse and portrayed asylum-seekers entering Europe as a threat not only to the Polish nation but also to European culture (Jaskułowski 2019). Despite a significant change in rhetoric and attitude towards European solidarity and the relocation scheme, it is worth mentioning that the previous government led by the Civic Platform Party was hesitant about whether Poland should accept asylum-seekers. As Pędzwiatr and Legut (2016) noticed, the then Prime Minister, Ewa Kopacz, and her centrist government were very passive and reactive during the development of the relocation plan.

Withdrawal from the EU relocation scheme was not the only activity designed to stop the inflow of asylum-seekers into Poland. From mid-2015, increasing numbers of alarming incidents were reported at the Polish-Belarusian border, across which most asylum-seekers were entering Poland. In many cases, foreigners arriving at the Terespol check point and declaring that they sought refuge were denied entry by officers of the Border Guard. Whereas NGOs that assist foreigners in Poland argued that many of them – mostly Chechens and Tajiks – were indeed asking for asylum, Border Guard officials rejected such allegations and claimed that a majority of them did not express the will to seek international protection (Klaus *et al.* 2018). This situation continued in subsequent years and probably became one of the main reasons for the sharp decrease in the number of applications for refugee status in Poland – from approximately 12,300 in 2015 to 4,100 in 2018 (UdSC 2019).

Another shift in immigration policy took place in October 2016, when the aforementioned strategic document *Migration Policy of Poland: Its Present State of Play and Proposed Activities* was annulled. As an argument, Jakub Skiba – Deputy Minister in the Ministry of Internal Affairs and Administration – stated that the document was out of date because of the new situation in Europe caused by the migration and refugee crisis. Skiba criticised the previous, pro-multicultural

approach, raised security considerations and emphasised terrorist threats caused – in his opinion – by the massive inflow of foreigners of the Islamic faith into Europe (Stefańska and Szulecka 2016). It took almost a year and a half before the government issued a document called *Socio-Economic Priorities of Migration Policy* – intended as the outline of a new immigration strategy. According to the document – which is still quite general in character and only briefly describes new policy goals and directions, as well as related activities – the focus of this new strategy is almost entirely the priorities of the labour market – its needs and protection. Foreigners are seen mostly as a source of human capital which can fill gaps and smooth over mismatches on the Polish labour market. Any new strategy should also ensure an increase in the return migration of foreigners and attract Polish citizens and foreigners with Polish roots to work and settle in Poland (MIiR 2018). The plan was to publish more detailed solutions in a comprehensive action plan up to mid-2018 but, by the beginning of 2019, Poland still had no elaborate immigration strategy. A shift in the priorities of immigration policy towards foreigners with Polish roots was already visible in the 2016 amendment to the Act on the Polish Charter. Thanks to the new law, Polish Charter-holders became privileged in the naturalisation procedure and could obtain access to special financial support for subsistence.

Poland's integration policy

As mentioned earlier, Polish decision-makers often perceive integration policy as an integral part of or as closely connected to immigration policy. In fact, especially at the beginning, the evolution of the former depended on the immigration policy-building process. The nature of migration into Poland – mostly short-term – had an important influence, as did access to EU financial means allotted to integration activities; the involvement of the nongovernmental sector also played a role in shaping integration policy. All these factors resulted in integration policy, although closely related to immigration policy, evolving in a slightly different way.

The beginnings of Poland's integration policy – which could be characterised as an attempt to cope with the new migration situation – were very similar to the first phase of its immigration policy evolution. Huge challenges in almost every aspect of the functioning of the country and the low number of foreigners, especially those who wished to settle in Poland, led to a situation in which integration policy was not seen as a crucial state activity. Legal changes in this field were limited to narrow groups of repatriates, asylum-seekers and foreigners being granted refugee status.

The first challenges requiring some kind of integration activity on the part of the Polish government appeared in 1990, when a group of asylum-seekers were deported from Sweden to Poland.¹² A lack of legal regulations regarding asylum and integration pushed the Polish administration to start work on this subject but, first, *ad hoc* integration activities were undertaken by local authorities and NGOs, with cooperation from the Swedish Red Cross (Florczak 2003). A similarly

reactive attitude was observable in 1994, when a group of asylum-seekers from the former Yugoslavia (mostly Bosnians) arrived in Poland. Thanks to the support of the UNHCR (the Office of the United Nations High Commissioner for Refugees) and of the Polish Humanitarian Action, two programmes – covering adaptation and integration – were prepared. The first was directed at those foreigners who did not wish to stay in Poland but preferred to return to their home country. The second was addressed to those who intended to settle in Poland, and assured support in learning the Polish language and labour-market activation. After a few months, however, most foreigners decided to terminate the programme and to leave Poland (Florczak 2003).

From the beginning, responsibility for the integration of foreigners was taken by NGOs and local authorities. The first initiative to prepare an integration programme for foreigners was undertaken in 1991 by the Catholic University of Lublin – the so-called Lublin programme, which was a local pilot integration programme offering free access to Polish language courses with elements of Polish culture, vocational and housekeeping courses and financial benefits up to 12 months for a group of 40 refugees. Unfortunately, despite reasonable forms of support, the programme failed because no one wished to participate (Florczak 2003). Another, similar, initiative was undertaken in 1996 by the Centre for Foreigners in Podkowa Leśna-Dębak. An ‘Individual Adaptation Programme’ was offered to foreigners who were granted refugee status in Poland. The main aim of the programme was to provide financial benefits, free Polish language courses and assistance in finding accommodation and employment. Activities were provided by NGOs cooperating with the Centre for Foreigners in Podkowa Leśna-Dębak and were available for 15 months (Florczak 2003). Although the Individual Adaptation Programme helped to set up a country-wide integration programme for the future, it was deemed unsuccessful, because most refugees treated it, above all, as financial help to continue their migration to richer countries in the West (Łodziński and Ząbek 2008).

These examples show that the integration policy could be characterised in its evolution as a collection of *ad hoc* measures directed to a very narrow group of foreigners – asylum-seekers and those who received refugee status in Poland. Moreover, most of the field activities were carried out not by the administration but by NGOs.

The year 2000 brought important changes in the integration policy. An amendment to the Act of Social Assistance introduced individual integration programmes (IIP), the first sustainable element of the integration policy in Poland. Within the framework of the IIP, foreigners granted refugee status could benefit from special integration support provided by the Family Support Centers (local government institutions responsible for social assistance). The IIP, lasting for 12 months, included financial benefits for subsistence and Polish language classes, specialised social counselling and health insurance (Wach 2018). Integration programmes became a core element of the integration policy but were directed only at a narrow group of foreigners. In addition, the institutions initially responsible for their implementation were not prepared to handle this task, therefore the main

responsibility for the integration of other categories of migrants still remained on the shoulders of NGOs and local administration.

As it turned out, Poland's accession to the European Union was a key factor in creating the country's integration policy. Since 2004, the European Refugee Fund (ERF)¹³ immediately became the main source of financing for NGOs and their activities with asylum-seekers and refugees. Also, the EQUAL Community Initiative Programme¹⁴ helped to finance and build initial cooperation between institutions and organisations working on the integration of foreigners. The lack of staff experienced in the integration of foreigners and the low number of subjects capable of collaborating and meeting the complex rules of project implementation limited the programme's impact but helped to establish the foundations for future integration projects (Wach 2018).

Programmes and projects undertaken between 2000 and 2008, with increasing European funds as a main source of financing integration, influenced further development. In the following years Poland, despite the low numbers of asylum-seekers entering the country – who often treated Poland only as a step on their journey westward – implemented a new type of subsidiary protection status introduced in the European Union in 2004.¹⁵ This new category of international protection, implemented into Polish law in 2008 by the amendment to the act on granting protection to foreigners within the territory of the Republic of Poland, caused changes not only to the Polish asylum system but also to its integration policy. With the 2008 amendment to the Act on Social Assistance foreigners granted not only refugee status but also subsidiary protection status could benefit from IIPs. In 2014 another amendment to the Act on Social Assistance extended the group of foreigners entitled to support in the framework of the IIP by including foreigners with temporary residency, granted to them on the basis of family reunification with refugee status or subsidiary protection holders.

The number of foreigners entitled to IIPs, however, was marginal compared to the total number of foreigners who could expect to receive such support. As in the previous period, the government decided to use European funds as the main source of finance for integration projects for foreigners other than refugees. It also entrusted these activities to NGOs (Babis 2012). From 2008, NGOs and local authorities were able to finance their projects from the new edition of the European Refugee Fund directed at refugees and asylum-seekers, as well as from the European Integration Fund (EIF) for non-EU immigrants (EIF)¹⁶ aimed at third-country nationals other than forced migrants. Thanks to new sources of financing, NGOs provided a wide spectrum of integration activities and considerably enriched the still weak integration offers. On the other hand, the Polish government exerted no real control over these activities and did not feel any pressure to improve the existing and introduce new forms of integration programmes. Furthermore, for the government, European funds were to remain as the principal source of financing for its integration policy (Pawlak and Matusz-Protasiewicz 2015).

The *Migration Policy of Poland*, adopted by the government in 2012, included some elements concerning migrant integration policy. The document examined

the already functioning instruments and programmes and highlighted the dominant role of NGOs as stakeholders responsible for the integration of foreigners. Moreover, it was proposed to increase the role of NGOs in the integration system. European funds, as before, were seen as the main source of financing integration activities. As already mentioned, the implementation of the recommendations included in the document was assigned to various government agencies.

Although *Migration Policy of Poland* included general guidelines for integration policy, the following year, 2013, the Ministry of Labour and Social Policy – responsible within the government for the integration of foreigners – presented another strategic document entitled *Polish Immigrants Integration Policy: Assumptions and Guidelines*. The document was intended to specify and operationalise those tasks of integration policy included in *Migration Policy of Poland*. It also postulated the extension of IIPs, strengthening housing and labour market support, among others; finally, however, it was not accepted by the government.

Like Poland's immigration policy, the 2015 migration and refugee crisis played an important role in shaping the country's integration policy. The crisis, which coincided with the parliamentary elections and change of government in Poland, resulted in regress rather than further development of the integration policy. The change of rhetoric in politics and the rising presence of extreme-right-wing movements in the media and the public sphere are seen by some experts as factors reinforcing Islamophobia, anti-refugee sentiment and even hate crime (see Pędziwiatr 2017; Piela and Łukjanowicz 2018). As one opinion poll showed, the fraction of Poles who opposed the acceptance of refugees in Poland almost tripled following the change of government – from 21 per cent in May 2015 to 60 per cent in June 2018 (Bożewich 2018). The rapidly worsening atmosphere and conditions became unfavourable like never before to the integration of foreigners. Moreover, as mentioned earlier, in late 2016 the new migration situation in Europe prompted the government of the Law and Justice Party to cancel the official migration policy document. Evidently, the government's interest in building an integration policy was reduced to a marginal level. The biggest threat to the system of foreigners' integration appeared with the emergence of the new Asylum, Migration and Integration Fund (AMIF)¹⁷ which replaced ERF and EIF, hitherto the main sources of financing for NGOs. The ensuing stricter national rules introduced in 2015 for granting subsidies caused problems for many organisations in obtaining financial resources. This situation negatively affected most NGOs and limited their activities (Kosowicz 2015). Soon after the Law and Justice Party came into power, any ongoing calls for subsidies were cancelled and, later, the AMIF was suspended for NGOs (Koss-Goryszewska and Pawlak 2018). This caused a situation in which, due to a shortage of funding, NGOs were compelled to limit or even terminate their programmes.

In sum, since 1989 immigration and integration policies in Poland have been almost entirely built according not to a purposeful, long-term strategy but, rather, in an *ad hoc* fashion. Both central and local levels of governance expressed little or no interest in immigration and integration policies (Łodziński and Szonert 2016). Moreover, integration policy was often treated merely as a supplement

to or a part of the country's policy on immigration. Currently, both policies are at the stage when, after almost three decades of slow but steady evolution, it is still not clear whether the central administration would like to continue on from previous developments or change the policies entirely and set new priorities. Moreover, Poland's integration policy continues to be seen only as a part of a wider and all-embracing migration policy, despite the fact that quite different factors affect its evolution and content (e.g. the impact of NGOs and local governments or specific sources of funding). It is also given a relatively low priority on the government agenda (Koss-Goryszewska and Pawlak 2018). Neglect of the issues of migrants' integration finds official justification in the relatively few foreign citizens living nowadays in Poland. The current government immigration strategy is predominantly focused on filling the gaps and shortages on the labour market by importing short-term foreign workers who are not the subject of integration programmes. Nevertheless, a lack of strategic documents and the reactive nature of migration-related policies can cause social problems in the future, as experienced already in Western European countries where, initially, most migration flows were of a temporary nature. Such an analogy seems plausible bearing in mind the sharply rising inflow of immigrants and the growing demand for migrant workers on the labour market which have recently been observed in Poland. Therefore, it would be reasonable to prepare a sound integration policy before social conflicts arise.

'Good practice' developed thanks to local integration programmes

Poland as a unitary, centralised state, has just one immigration policy, regardless of its effectiveness. Local governments cannot introduce their own, independent policy in this area. However, the situation is slightly different for Poland's migrant integration policy. As already mentioned, its only stable element – the Individual Integration Programme – is financed from the central budget but implemented at the local level. Moreover, it is directed only at a small group of migrants who have been granted refugee status or subsidiary protection. The lack of a central strategy for integrating other categories of foreigners and the insufficient scope for assistance in IIPs caused a situation whereby some local authorities, mostly in big cities, decided to take matters into their own hands. Actions emerged which could be called 'good practice' and which could be a first step in the implementation of local integration policies. The most interesting and advanced examples can be found in Gdańsk, Warsaw and Wrocław, cities which are the most active in terms of local migrant integration. In 2017 the mayors of these cities, among others, signed the *Declaration of Mayors on Cooperation between the Cities of the Union of Polish Metropolises in the Area of Migration*, a document not only calling for the exchange of experiences but also for the preparation of a local environment for the integration of foreigners seen not as 'others' but as an inseparable component of the local community. The document could be seen as an act of opposition to the government's policy towards foreigners.

Warsaw, the capital of Poland and the largest city, with the highest number of foreigners and of NGOs focusing their activities on immigrants, is an interesting example. Despite many years of experience in providing various types of integration activities, the city still has no local integration policy. The lack of such a strategic document does not mean that the local authorities are not willing to integrate foreigners. A good example of an inclusive policy is the Committee for Social Dialogue for Foreigners (Branżowa Komisja Dialogu Społecznego ds. Cudzoziemców – BKDS) established in 2012. The Committee, as a part of the Warsaw City Council's Centre of Social Communication, is a platform for the exchange of information between NGOs, social movements and local institutions working in the field of immigration and integration; it is also an advisory body to the City Council on matters related to foreigners. Thanks to its prerogatives, the Committee can have a real influence on the granting of subsidies from the city budget (Winiarska and Wojno 2018). Another important initiative is the Multi-cultural Centre, established and supported by the City Hall but run by NGOs. The aim of the centre is to provide a public space for individuals and groups from various cultures and communities, where they can feel at home and conduct intercultural dialogue. The centre also promotes an image of an open and multi-cultural Warsaw, friendly to foreigners (Gulińska and Malyugina 2015). It is also worth mentioning that Warsaw runs the greatest number of individual integration programmes of all Polish towns. Since 2004, the Warsaw Family Support Center, a local institution responsible for providing such support, participates in or runs its own projects to extend the integration offer for vulnerable foreigners. Thanks to this centre, refugees living in Warsaw have been able to participate in professional and free Polish language and vocational courses or to obtain free specialised counselling – e.g. consultations with psychologists, nurses, housing and labour-market assistants. The Warsaw Family Support Center, in coordination with the City Council's Housing Policy Bureau, also provides housing support – e.g. social housing or training spaces for the most needy refugees.

A different approach was adopted in Gdańsk. The increasing number of foreigners (mostly Ukrainians) appearing in this northern Polish city and vivid debates about migration and the refugee crisis signalled the need to start working on a local integration strategy. At the initiative of the mayor of the city, an interdisciplinary and multisector group was set up to prepare a document which should become a roadmap for foreigners' integration in Gdańsk. In 2016, Gdańsk City Council adopted the *Immigrant Integration Model*, the first document of its kind (Gdańsk City Hall 2016). Despite the still relatively low number of immigrants living in the city and the mostly declarative nature of the document, Gdańsk was the first Polish city with a written integration strategy which could help to build a comprehensive integration system for the future. These efforts were appreciated in 2018 by the Innovation in Politics Institute and Gdańsk won an 'Innovation in Policy Award' in the human-rights category (The Innovation in Politics Institute 2018).

Another interesting example of a city where an integration initiative has been undertaken at the local level is Wrocław. The project 'Wrocław on Tongues of

the World' (Wrocław na językach świata: www.wnjs.pl/en) is an innovative way to learn the Polish language during group or one-on-one meetings in the public space. Thanks to a website run by the Wrocław Integration Centre, a municipal institution, Polish volunteers have the opportunity to meet foreigners living in the city and to talk with them about everyday life, opinions and interests, and to get to know each other. It aims to give people a better understanding of their new neighbours, their culture and way of living; however, it also improves the newcomers' language skills through spontaneous conversations. The cooperation between the municipality and more than 70 public institutions, libraries, bookstores, NGOs, restaurants or cafés where the meetings take place is an important component of the project. The Wrocław Center for Social Development, another municipal unit, runs another integration project. '*Wielokulturowy Wrocław*' (Multicultural Wrocław) is an umbrella project for many multicultural activities, like training sessions, workshops, debates and exhibitions, all undertaken by various actors such as public institutions, NGOs or businesses. The main aim of the project is to promote intercultural dialogue and a common understanding despite people's differences, and to increase the social capital of the city (WCRS 2019). The examples of integration projects cited in this section fit into the 'Wrocław Strategy for Intercultural Dialogue' (*Wrocławska Strategia Dialogu Międzykulturowego* 2018) implemented in 2018. The document indicates four areas of action – education, integration, safety and cooperation and communication – whereby various stakeholders, including local government institutions, NGOs and businesses, should respond to emerging new challenges and social needs related to the growing share of foreigners living in the city. The strategy is intended to be, among others, a tool to facilitate an understanding of the tasks and competences of the various local institutions, to increase their integration ability through cooperation with other partners and to engage all possible stakeholders in intercultural dialogue.

Efforts undertaken by these cities can serve as examples of local integration policy-building. It is evident that cities are trying to respond to the specific local needs of their residents. Insufficient integration support at the national level is slowly filled by programmes and solutions inspired by local governments cooperating with nongovernmental actors and sometimes businesses – a type of activity that can often be more effective and can respond to local needs in a better way than centrally planned programmes. However, in Poland, this initiative is still in the early stages of its development.

Conclusion: 'policy-tinkering' or 'policy-making'?

Since 1989, Polish decision-makers have not been able to develop comprehensive immigration and integration policies, understood as a system of state activities designed to achieve defined goals and specific ways to solve problems which can appear in society, both short- and long-term (Knill and Tosun 2011). It is even questionable whether Polish decision-makers follow any consistent migration-related public policy framework. The whole process mostly appears to be chaotic – composed of scattered ideas and activities and rarely evaluated.

Preparation of the *Migration Policy of Poland* adopted by the government in 2012 – coordinated by an inter-ministry task force and subject to thorough debate involving a wide range of stakeholders – and its careful implementation in the following few years, could have represented a breakthrough in the approach to immigration and integration policy-making. Unfortunately, its cancellation after just three years reflects the lack of enduring migration doctrine and political consensus concerning basic national interests, and points to the enormous fragility of the strategic solutions and foundations of the system in the area of immigration and integration policies. Moreover, the dispersion of laws regulating issues related to particular elements of those policies (e.g. the visa regime, residency, participation in the labour market, education, social services, health care etc.) and the imperfect coordination at the institutional level all reinforce the view that Poland could be perceived as a country without any comprehensive vision of what its immigration and integration policy should look like. Another frequent critique is that the state has withdrawn from crucial social activities, including the integration of foreigners, and has completely ceded its obligations and prerogatives to NGOs (Jóźwiak *et al.* 2018).

This view, however, sharply contrasts with the ‘good practice’ presented earlier – conducted by the local administration – and the idea of multilevel governance, which includes governing the process of foreigners’ integration by multiple actors with a common goal (Matusz-Protasiewicz 2013). However, the lack of coordination and cooperation between central and local institutions questions the effectiveness of local initiatives from a long-term perspective. Again, this deficiency might be attributed to the inability of the government to develop a stable and comprehensive strategy regarding immigration.

In contrast, one trademark of government activities in this area which, for many years, was the implementation of European Union legal solutions concerning immigration and foreigners’ integration, can be seen as a reactive policy without taking into consideration the specific economic, demographic and historical experiences and interests of Poland. On the other hand, it should be possible to use widely conceived European experience and design solutions which will be effective in the future, when significant numbers of foreigners decide to settle in Poland. Anyway, as mentioned earlier in this chapter, Poland is already facing a new dynamic immigration situation. Although only relatively few foreign citizens become permanent residents, the numbers of migrant workers, expatriates, entrepreneurs and foreign students are increasing rapidly. It is fair to assume that this situation will probably change in the coming years and that more and more foreigners currently working in Poland will decide to settle in and ultimately bring their family members to Poland. It is doubtful, however, whether policy-makers are ready and properly equipped to cope with the ensuing challenges.

All this leads to the conclusion that policy-makers in Poland chose to respond to *ad hoc* migration-related challenges rather than to predict and prevent or mitigate them. Decision-makers still tend to focus on current economic premises and to concentrate on short-term migration as a tool to fill the gaps and shortages on the labour market. This results in very limited integration support.

In light of this, it is doubtful whether immigration and integration policies are drawn up through a process of identification of the problem, policy formulation, adoption, implementation and, finally, evaluation. In the Polish case, these policies are not designed to stimulate or induce desirable results, on the one hand, or reduce or prohibit undesirable ones on the other. It is also doubtful whether, over the last three decades, Polish decision-makers were pursuing a comprehensive, goal-oriented long-term policy. The temporary nature of the process – scattered actions, a lack of real control and of coherent and specific goals – might be called ‘policy-tinkering’ rather than ‘policy-making’. ‘Policy-tinkering’ is understood here as actions responding to short-term migration challenges and phenomena (e.g. an unexpected inflow of foreigners) or international legal obligations (e.g. the implementation of EU laws). This kind of approach limits the possibilities for achieving desired long-term goals – if they were even identified at all. Highly problematic also appear to be government policies or programmes which are meant to address problems previously faced by Western EU countries but which are frequently barely tailored to Polish needs and abilities. In addition, ‘policy-tinkering’ rarely ensures the continuity of a policy and causes many problems – i.e. chaotic management, insufficient cooperation and a lack of clear goals and responsibilities – to those stakeholders responsible for its implementation.

What is needed in Poland, instead of ‘policy-tinkering’, is ‘policy-making’ – i.e. a visionary and long-term strategy which would account for properly identified current and prospective national interests and provide the means for their accomplishment. Several prerequisites must be fulfilled in order to achieve such a fundamental change in the approach to immigration and migrant integration policies. The most important must include the development of a stable migration doctrine based on the consensus of major stakeholders (political parties and social partners), the systematic and knowledge-based monitoring of migration trends in Poland and abroad, and the inventing of an effective method of policy evaluation. As the authors of the *National Integration Evaluation Mechanism* report noticed, the absence of basic data about foreigners and their integration makes it impossible to evaluate integration policy and identify emerging difficulties and challenges (Górska *et al.* 2019). In turn, the lack of any systematic evaluation leads to a situation where even a comprehensive policy cannot be improved and fixed if needed. Moreover, mature and factual debate on immigration and integration is needed in order to develop comprehensive and effective policies. It is also important to revise current perceptions of Polish integration policy, which is often seen only as subsidiary and complementary to immigration policy. Both policies should be treated as equally important and should complement each other. Both should respond to national needs and abilities in the short and long term.

Notes

- 1 By ‘immigration country’ we understand one with a considerable inflow of foreign citizens seeking residence and a systematic excess in the number of immigrants relative to the number of emigrants. Whenever, in this chapter, we use immigration statistics, we refer to the internationally recommended meaning of immigration, followed

inter alia by those of Eurostat. According to the respective definitions, to become an immigrant (and enter the immigration statistics) a former resident of a foreign country is required to go to a given host country for an authorised residence of longer than one year. Other concepts of the international inflow of people include, above all, short-term (temporary) migration – i.e. for a period of residence of less than 12 months. Although this kind of flow does not affect population balance statistics, it is of great importance for the study of migration because, very often, temporary migration transforms into more-permanent immigration and the related present trends are indicative of future immigration.

- 2 This estimate of the flow of immigrants includes all documented migrants (both Polish returnees and foreigners) who arrived in Poland for a period of residence longer than 12 months. Such estimates are regularly published by Eurostat based on information provided by the public statistics authority of each EU member-state. Note, however, that the respective estimates published by the Central Statistical Office of Poland are considerably lower (e.g. 29,300 in 2017) as they only account for newly arrived immigrants who declare their residence at the local administration offices (such a declaration is not mandatory for all documented immigrants).
- 3 According to Eurostat (2019), on 1 January 2018 foreign citizens made up only 0.6 per cent of Poland's resident population and the foreign-born only 1.8 per cent.
- 4 Of this number more than 350,000 have been officially recognised as emigrants (due to deregistration in their place of residence in Poland) whereas, by the end of 2018, more than 2.5 million persons were *de facto* residents of a foreign country although they did not figure in the official emigration statistics (they were considered to be temporary migrants instead) because they failed to deregister from their Polish place of residence. Note that approximately 1 million 'temporary migrants' left Poland before 2004 (GUS 2018b).
- 5 These tendencies were accompanied by two important trends: a decreasing short-term outflow and an increasing (although still relatively low) long-term inflow.
- 6 The hypothesis of mobility transition put forth by Wilbur Zelinsky (1971) is generally recognised to be a pioneering work in this respect.
- 7 This part of this chapter deals with a complex, diverse and dynamic immigration-related phenomenon that occurred over the last three decades or so. It benefits from the findings of a long list of analytical works based on a multitude of data sources and research projects. Since it is not possible here to refer to even the most distinct of these works, we decided instead to resort to the only synthesis of research on contemporary immigration to Poland – the monograph *Immigration to Poland. Policy, Employment, Integration* (Górny *et al.* 2010). This monograph, and particularly its introductory chapter (Okólski 2010) includes reference to publications and data sources and discusses the complex issues of the specific Polish concepts of migration and the quality of migration statistics. In turn, the description of the most recent developments in the area of immigration was based on the most reliable source – the latest edition of the Government Population Council's report, *Sytuacja Demograficzna Polski (Demographic Situation of Poland)* (RRL 2018), especially its chapter devoted to international migration (Kołodziejczyk *et al.* 2018).
- 8 Most of these mixed marriages had their source in the exchange (very limited, in fact) of students between communist countries. It should be stressed, however, that the incidence of foreign students was rather low; for instance, the number of new admissions in Poland was fewer than 1,000 per year.
- 9 Before 1989, the most typical binational marriages were concluded between a Polish female and a foreign male, usually a citizen of a Western country (notably Germany, the USA, the United Kingdom, the Netherlands or Italy) and, as a rule, they led to the emigration of a Polish citizen. In the 1990s (and later) such a pattern radically changed and its outcome was the immigration of a foreign spouse (Górny and Kępińska 2004).

- 10 By the end of 2007, only 21,800 declarations had been submitted.
- 11 Voivodeships are regional agencies of the government, of which Poland has 16.
- 12 A group of a few hundred foreigners of African or Middle Eastern origin moved from Poland to Sweden in 1990 – without the necessary documents or with forged Swedish visas – to seek refuge. Sweden considered Poland to be a safe country where these foreigners could seek refuge and decided to transfer them back to Poland.
- 13 The European Refugee Fund (ERF) was set up for the period 2000–2013. Its goal was to support EU countries' efforts to receive refugees and to guarantee access to consistent, fair and effective asylum procedures. For more about ERF see https://ec.europa.eu/home-affairs/financing/fundings/migration-asylum-borders/refugee-fund_en (accessed 15 July 2019).
- 14 The EQUAL Community Initiative Programme was set up for the period 2000–2008 and was financed by the European Social Fund and EU Member States. The initiative focused on supporting innovative, transnational projects aimed at tackling disadvantages and discrimination in the labour market. For more about EQUAL see http://ec.europa.eu/employment_social/equal_consolidated/ (accessed 15 July 2019).
- 15 The main objective of the European Council Directive on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection, and the content of the protection granted, was to ensure that common criteria for the identification of persons genuinely in need of international protection were used, and that a minimum level of benefits was available for these persons in all member-states. See more at: <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32004L0083> (accessed 15 July 2019).
- 16 The European Fund for the Integration of Non-EU Immigrants was set up for the period 2007–2013. Its goal was to support national and EU initiatives that facilitate the integration of non-EU immigrants; see https://ec.europa.eu/home-affairs/financing/fundings/migration-asylum-borders/integration-fund_en (accessed 15 July 2019).
- 17 The Asylum, Migration and Integration Fund (AMIF) was set up for the period 2014–2020. Its main goals are the promotion of efficient management of migration flows and the implementation, strengthening and development of a common EU approach to asylum and immigration. For more about the AMIF, see https://ec.europa.eu/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund_en (accessed 15 July 2019).

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10 Immigration and integration policies in Czechia

A new immigration destination country in the EU¹

Agnieszka Zogata-Kusz

Introduction

Czechia, with its over half a million foreigners, is the Visegrad country with the highest number of immigrants (Eurostat 2019). It began setting up its immigration and integration policies in 1999, since when it has regularly issued migration-related policy documents. Czech nongovernmental organisations assisting immigrants, which were able to develop thanks to the existence of an integration policy, are among the oldest in the region and are also the most active in policy advocacy at both the national and the international level, delivering sources for evidence-based policy-making (Zogata-Kusz 2018). All this gives the impression that Czech immigration and integration policies are the result of systematic elaboration. A closer look, however, reveals that, even though many positive things have been done, the policies are not as systematic, coherent and evidence-based as one might expect. This chapter presents the immigration – integration policy nexus in Czechia through the diachronic analysis of its development, focusing on the period from 1999, when two crucial legal acts were adopted and when the government issued the principles of integration policy.

Foreigners living in Czechia constitute about 5 per cent of the total population. According to data from the Directorate of the Alien Police Service, there were approximately 564,000 foreigners with permanent (289,000) or long-term residence over 90 days (275,000) at the end of 2018 (see Figure 10.1). Clearly, the highest number of foreigners arrived from Ukraine (131,000) and Slovakia (almost 117,000). The number of foreigners has grown steadily since 1993, with only two moments of decrease: in 2000 (as a result of policy restrictions) and in 2009 (as a result of the economic crisis and policy restrictions).

Already, in the first half of the 1990s, the Czech state was regulating immigration; however, attempts at more complex policy-making in migration were only successful following the formulation of the first conceptual policy documents between 1999 and 2003.

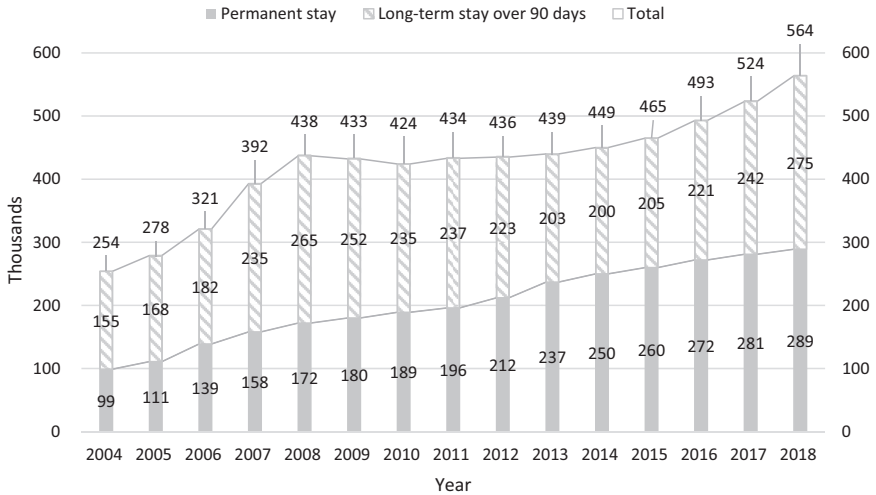


Figure 10.1 Trend in the number of foreigners in Czechia by type of residence, 2004–2018

Source: Czech Statistical Office, based on data from the Directorate of the Alien Police Service, May 2019a, www.czso.cz/csu/cizinci/cizinci-pocet-cizincu (accessed 26 July 2019)

First steps in comprehensive policy-making on immigration and integration

Between 1999 and 2003, the first steps towards more comprehensive and active policy-making in both immigration control and integration were taken. From a legal perspective, the year 1999 was crucial due to two basic legal acts which were adopted – the 1999 Act on Aliens and the 1999 Act on Asylum. To date, in their amended versions, they remain effective.² The acts rendered the rules regarding foreigners' residence more restrictive. For instance, foreigners could no longer apply for a visa or change the purpose of their residence when they were already on the territory of the Czech state. Yet for the first time, Czech law enabled foreigners to apply for permanent residence after ten years in the country on a long-term visa. In this way, the act opened up opportunities for the legal permanent settlement of foreign nationals. This, in turn, raised the issue of the need to integrate people who, in the future, may become Czech nationals. This was an important change, especially since the numbers were rapidly increasing – from around 78,000 in 1993 to almost 229,000 by 1999. Note, however, that a temporary consequence of the more restrictive rules of residence was a decrease in the number to 201,000 in 2000 (Czech Statistical Office 2019b). In relation to these new challenges, as well as European Union requirements for its future members, the government adopted the first policy document on foreigners' integration – the 1999 Principles of Foreigners Integration Concept in the Territory of the Czech

Republic; the Foreigners Integration Concept (FIC) followed a year later. The first document regarding immigration policy, in the sense of immigration control – Principles of Government Policy in the Area of the Migration of Foreigners – was issued only in 2003. In the 1999 Principles, the integration of immigrants was considered to be ‘a natural consequence of migration’. The main rule of the government’s integration policy set out in the document was the positive approach: the state took responsibility for creating the conditions for the equal participation of foreigners in society. The document highlighted, for example, the state’s support for the development of relevant NGOs, creating a realistic media image of the relations between communities and immigrant rights protection on the Czech territory. Even though the policy was understood as a basic instrument for the recognition of *personal* endeavours, the document referred to immigrant *communities* several times (Government of the Czech Republic 1999). The overall idea of integration was close to a multicultural perspective. A year later, the FIC was oriented more towards the civic integration of individuals and no longer referred to immigrant communities. It concentrated mainly on the issue of dividing competencies and responsibilities between specific ministries, which were supposed to formulate plans for foreigner integration within their areas. One of the key elements of the FIC was the model of support for NGO projects, through which ministries could carry out their partial policies. Otherwise, the document was somewhat general. The main goal of Czech integration policy was to make the status of legally long-term resident immigrants similar to that of native-Czech citizens (Government of the Czech Republic 2006).

Three years later, the government adopted the Principles of Government Policy in the Area of the Migration of Foreigners (Government of the Czech Republic 2003). The principles were, however, very general (regarding, for example, the elimination of illegal immigration, support for beneficial immigration and the need for coordination) and were criticised as being too vague to have an impact on the reality (e.g. Baršová and Barša 2005; Drbohlav *et al.* 2005). As for the integration policy, the critics highlighted that the 2000 FIC focused on the rights of foreigners but that a crucial element – their social integration – was left out. The general nature of the 2003 document on immigration meant that Czech immigration policy was limited to the simple legal regulation of the entrance and stay of foreigners on Czech territory. Although it seemed that the documents might bring about a transformation of the Czech approach to migration from a purely legal one into a more comprehensive and political one, this proved not to be the case. Nevertheless, one positive of the FIC was that it provided a foundation for the development of nongovernmental actors engaged in integration policy implementation (based on the support for projects). NGOs provided, among other things, social and legal counselling for immigrants and their families, offered courses on the Czech language and on social and cultural orientation and work with the receiving society. Already in 2003, they created the Consortium of Migrants Assisting Organisations, which currently has 18 members (see www.migracnikonsorcium).

cz). Using their experience and hard data from day-to-day work with foreigners, Consortium members engaged in policy advocacy, providing evidence and policy implementation feedback (see Zogata-Kusz 2018).

A new EU member

A key event in recent Czech history was its accession in 2004 to the European Union. In view of Czech immigration and integration policies, this translated into the division of foreign nationals into two basic categories: EU/EEA and Swiss nationals, their family members and foreigners with permanent residence made up one category, and third-country nationals (TCNs) – ‘the rest’ – comprised the second. Whereas the rights of the first group resembled those of Czech citizens and were largely regulated by EU law, those of the second group were very limited. Czech immigration and integration policies mainly affected the second group.

With regard to immigration policy, which was, to a great extent, carried out on a legislative basis, after-accession amendments brought about a few important changes. Among these were the introduction of new long-term residence permits, which meant greater legal certainty for TCNs (before, only a visa was possible), the right to family reunification for TCNs (based on the implementation of an EU regulation) or the shortening of the minimum period of stay on Czech territory from ten to five years – necessary when applying for permanent residence. In 2007, as a response to an allegedly increasing number of marriages of convenience, Czechia introduced a minimum two-year period of stay for EU nationals’ family members applying for permanent residence. The implementation of EU directives meant changes in the Act on Asylum (Dohnalová 2015).

As for integration policy, a change occurred – originally perceived as important but eventually only temporary – with the transfer of responsibility for this area from the Ministry of the Interior to the Ministry of Labour and Social Affairs for the period 2004–2008.

Two years after EU accession, a new version of the Foreigners Integration Concept was adopted which brought significant changes to the further development of Czech integration policy – due to the 2006 FIC transforming the original version of the document into a more concrete policy tool. This changed the definition of integration, underlining the bi-directionality of the process and the role of the majority. It concretised the target group of integration measures (TCNs resident on Czech territory for at least one year or permanently, persons granted asylum and the receiving majority but not EU nationals) and introduced the basic pre-conditions for effective integration that remain in force today. These were knowledge of the Czech language, the economic self-sufficiency of the foreigner, his or her orientation in Czech society (i.e. understanding how the society and its structures function), and the relations between the foreigner and members of the majority. In this way, the 2006 version completed the concept, with a concretised social integration aspect which was missing in its original version. One lesson from the past informing these changes was that integration should go beyond the simple convergence of foreigners’ rights with those of Czech nationals. It

was recognised that it should be linked to concrete requirements regarding social integration. Additionally, development in the integration policies of other countries also influenced the changes. The document, in fact, stressed the need for the further development of integration mainstreaming, which meant considering the impacts of existing or accepted measures within other policies or legal regulations on the integration of foreigners. Therefore, the 2006 FIC defined three basic rules for the formulation of all policies in relation to foreigners. These were the principles of legal certainty, fair access and increasing rights – i.e. that foreigners would gain further rights as their length of legal residence increased (Government of the Czech Republic 2006).

Acceptance of the integration mainstreaming method should affect, *inter alia*, the linkages between immigration and integration policies: immigration policy should be formulated and implemented in such a way as to consider its possible effect on the integration of foreigners. The document also mentioned the nexus between the two policies by stating that ‘One of the basic factors affecting the success of the integration process is the number of migrants on the territory of the given state. Integration policy should therefore form a part of the overall migration policy setting, to prevent negative effects on the integration of foreigners’ (Government of the Czech Republic 2006: 6). This important sentence – expressing an awareness of the mutual influence of the two policies – was, however, only a footnote, together with the remark that Czechia lacked a comprehensive migration policy. Within a few years, policy documents would point to the link between the two policies in a more explicit way.

The main factor affecting Czech integration policy in that period was the 2004 Common Basic Principles for Immigrant Integration Policy in the EU – i.e. the comprehensive set of 11 principles adopted by the Justice and Home Affairs Council in the process of developing a common EU immigration policy. Among other important factors, there was the steadily growing number of foreigners living on the Czech territory (from 201,000 in 2000 to 278,000 in 2005) and the recognised need to support their integration in order to increase the beneficial effects of migration on the one hand and to avoid social problems on the other. Therefore, the policy-makers emphasised the necessity not only to manage integration but also to accept a proactive approach in immigration policy – i.e. to try to actively manage immigration using instruments which would attract desirable immigrants. The latter manifested itself through the launching of the project Selection of Qualified Foreign Workers (its pilot, five-year version began in July 2003), followed by opening of the Green Cards Project in 2009. The main idea of the first project was to attract qualified workers (i.e. those who had at least finished secondary school) who were interested in settling in Czechia together with their families. The selection was based on the points system. After two and half years, those registered on the project could be recommended for permanent residence following a reduced period of stay provided they were well integrated – something verified through so-called social audit (Ministry of the Interior of the Czech Republic 2003). The green cards were introduced to remove administrative obstacles and allow for the smooth filling of a job vacancy when no Czech or a foreigner with

free access to the labour market was interested in the post. The green cards were dual in nature – a residence permit and work permit in one document. There were three types:

- A – for people with higher education or for key personnel (issued for up to three years);
- B – for foreigners employed in positions where at least an apprenticeship certificate was required (issued for up to two years); and
- C – for foreigners employed in other positions, including the low-skilled (issued for up to two years but not extendable for low-skilled workers – Ministry of the Interior of the Czech Republic 2010).

Both projects however – and especially the first one – attracted rather more media attention than foreigners. Implementation of the Green Cards Project was, moreover, limited due to the beginning of the economic crisis. Instead of looking for ways to attract foreign workers, how to limit their number became the main consideration, the more so in that, at that moment, jobless foreigners attracted negative media and, consequently, public attention. This gave rise to the launching of a Voluntary Return Programme (which was more expensive than effective) and so-called emergency projects for municipalities facing problems with large groups of jobless foreigners. These last ones were only used by a few municipalities (later, however, emergency projects were transformed into regular projects for the support of foreigners' integration at the local level). This only proved that the policies looked better on paper than in real life. The crisis revealed the shortcomings of both projects which resulted in *ad hoc* and *post factum* actions. Despite the difficulties or, rather, because of them, Centres for Support of Integration of Foreigners (integration centres) were established in 2009, financed from EU funds. Originally launched in six regions (*kraje* – Czech territorial units) they were eventually in operation in all 14 regions. Most were units of the Ministry of the Interior, while others were run by NGOs or municipalities.

Economy first

2010 and 2011 marked the beginning of essential changes for Czech immigration and integration policies. In the 2010 Principles and subsequently in the 2011 resolution on the New System of Economic Migration (NSEM) based on them, the Czech government clearly presented its vision concerning the preferred volume and composition of economic immigration. Given the fact that a vast majority of migration to Czechia was economic, the documents – when implemented – were to affect the lives of most foreigners living in the country. The 2010 Principles stated that economic immigration should be driven mainly by the needs of Czechia and its *integration capacity*, without, however, specifying what that meant (one may assume that it concerned integration through access to the labour market); its volume and composition were thought to be easy to adjust promptly to the changing economic situation and its sources could be diversified. The

Principles then stated that there should be both circular and permanent economic immigration. They specified that qualified and highly qualified migrants should be the favoured group as far as the possibility of settlement was concerned, whereas the migration of people with low qualifications was to be based on the principle of temporariness and related to the provision of greater assistance from state authorities. Finally, the Principles referred to the need to ensure an effective integration component (in the case of long-term or permanent migration), as well as an effective return component. Simultaneously, they observed that those natural and legal persons engaged in immigrants' acceptance must also be co-responsible for immigrants' stay and departure, as well as for possible not observing of legal norms and decisions. Finally, it was felt that decision-making on the volume and composition of immigration flows should be fully dependent on the competence of Czech state authorities. The tools for managing migration should, however, be used in cooperation with the immigrant countries of origin (Government of the Czech Republic 2011a).

The Principles revealed the attitude of the Czech government towards both immigration and integration policy and the perceived nexus between them. Emphasis on the economic needs as the main factor influencing policy-making pertaining to labour migration remained in line with theoretical perspectives drawing on neoclassical economics (Brochmann 1999). Economic migration was perceived as a phenomenon that could and should be driven and economic migrants as a tool for fulfilling Czech labour-market needs. The migrants should be returned to their countries of origin when they were no longer needed (effective return component). Such a strategy revealed that the government completely ignored the experience of Western countries, which showed that it was not possible to import people when needed and export them when they were no longer considered useful (Castles 2004). As for the flexible adjustability of the migration volume and composition, the Principle conceding not only circular but also permanent migration was striking and seemed inconsistent. Note, however, that the original version of the Principle proposed by the Ministry of the Interior (MoI) declared: 'For migration for economic activities, circular migration should be preferred over permanent settlement'. It was altered only after the intervention of the Committee on Foreigners' Rights, whose members represented several NGOs (Čižinský 2011). Eventually, the government conceded the possibility of permanent settlement for economic migrants but with the reservation that it would be preferred if it were for qualified and highly qualified migrants. This differentiated approach seemed to follow the assumption that qualifications often related to high school or university degrees were directly and positively correlated with immigrants' integration capacity. This, however, did not mean that their qualifications were truly needed or would be used on the labour market. It simply meant that the more highly qualified were preferred for their potential capacity to integrate, even if they were employed in low- or middle-skill positions that were below their actual qualifications – which they might subsequently have lost qualifications. For the government, it was easier, however, to justify accepting those immigrants.

Another issue which deserves consideration was the Principle regarding migration management being fully in the hands of the Czech authorities. As the experience of countries with longer immigration histories had proved, this should, rather, have been acknowledged as a wish expressed because of the needs of Czech society at a time when the economic crisis was still felt. The gap hypothesis, referring to the divergence between the goals of immigration policy (usually corresponding to the demand for a restrictive policy) and its eventual outputs and outcomes (Cornelius *et al.* 1994), is still valid as the experience of various states confirmed (see, e.g. Hollifield *et al.* 2014).

Implementation of the Principles may have had some important consequences for immigrant integration and its related policy. Even though one of the Principles raised the issue of an effective integration component, the stress put on the circular nature of migration, highlighting the efficiency of a return component, would eventually have produced important – and mostly negative – consequences for the integration of foreigners. Temporary residence meant the instability of their legal situation, uncertainty about their life prospects and, consequently, not only fewer opportunities to integrate but the even lower willingness of foreigners to learn the language and culture and to establish specific social networks in a country which they might soon have had to leave.

In January 2011, the government adopted a resolution known as the New System of Economic Migration to the Czech Republic. The document built on the Principles, described earlier, and represented a basis for the later transformation of both immigration and integration policies. Most measures presented in the document were introduced into the Czech legal system and practice in the following years. The main idea behind the document was to manage migration and prevent the uncontrolled inflow of foreigners – perceived as a source of inappropriate pressure on public services – and thus to hamper any negative effects on integration and integration policy. The government specified that the decisive indicator for the conditions for the entrance and stay of foreigners was the utility of migrants for Czech society, including the reduction of additional costs to the state (Government of the Czech Republic 2011a).

From the perspective of the immigration – integration policy nexus, a few issues were vital. Firstly, in a bid to simplify the administrative process, quotas were established for the various categories of residents (within a few years they were introduced for economic migrants from Ukraine, then from other selected countries – see remaining sections of this chapter). Second was the introduction of circular migration for *Gastarbeiter* or guestworkers, who were thus denied the opportunity to integrate (this was eventually established in 2019). Thirdly came the introduction of obligatory minimum pre-departure information and, subsequently, of post-arrival adaptation and integration courses – integration measures initiated in 2011 (Government of the Czech Republic 2011b).

The emphasis on the circularity of migration, together with the obligation for circular migrants to complete adaptation and integration courses, did not mean the state was willing to support the *integration* of such migrants into the host-country social majority, as understood in this publication. It actually meant that

the government was attempting to reduce the risk of migration-related negative phenomena emerging.

The new system – just like the Principles it was derived from – was strongly criticised by NGOs assisting immigrants and by academics. They were concerned about the introduction of circular migration as a policy tool and the associated potential risks. As examples from other countries had shown, such regulations might eventually bring about not circular but long-term migration with invalid social and economic rights which would prevent or hamper proper integration – even leading eventually to the disintegration of society (Consortium of Migrants Assisting Organisations 2018).

Living together?

After assuring, in one resolution, the fulfilling of Czech labour-market needs and the Czech government's control and management of immigration and prevention of negative phenomena related to it, the government adopted a resolution a month later which stressed the mutuality of integration and pointed to the possible beneficial effects of immigration. In February 2011, the government issued an updated version of the Foreigners Integration Concept: Living Together. One of the main changes it introduced was the broadening of a set of four basic preconditions – ensuring that foreigners were independent and self-sufficient – and transforming them into integration policy aims. This added aim concerned informedness or the acquisition of knowledge and information by migrants. The implication was that foreigners should be given information about who they could turn to for support if they needed it. At the same time, the document stressed that the policy aimed to support the receiving society in being 'open and helpful to immigrants through the measures adopted' (Government of the Czech Republic 2011b: 15). The 2011 FIC broadened the category of migrants concerned by integration measures, after which, in exceptional cases, EU nationals could also be included in the target group.

In line with the resolution released a month earlier, the 2011 FIC yet again called attention to the need to introduce minimum pre-departure information on integration in migrants' countries of origin. The aim was to help (all types of) economic migrants to avoid nasty surprises and problems following their arrival in Czechia, such as abuse by middlemen offering 'assistance' in arranging stay-related matters – often illegally – and charging extortionate sums of money (see Čermánková and Nekorjak 2009). This pre-departure information included the conditions of stay in Czechia, warnings about the risks related to noncompliance with Czech and EU law as well as contact details of institutions and organisations assisting immigrants. The state appeared to treat it as a measure of integration policy and did not see it as an immigration policy instrument aimed at reducing the likelihood of potential emigration from the country (Brochmann 1999). Subsequently, adaptation and integration courses were supposed to provide arriving foreigners with information on their fundamental rights and obligations and a basic socio-cultural orientation – mainly regarding Czech institutions. The FIC

2011 also introduced courses for foreigners with long-term or permanent residence permits (Government of the Czech Republic 2011b).

However, these materials and courses represented only some elements of the broadly understood and increasingly highlighted need for migrant informedness. The 2011 FIC introduced informedness as a cross-cutting component of all areas of integration, crucial for all actors concerned – the foreigners themselves, the receiving majority, as well as state institutions (Government of the Czech Republic 2011b). This attitude gave rise to a growing number of information webpages, run mainly by the Ministry of the Interior.³

Finally, the FIC version of 2011 mentioned that, although integration was based on a voluntary principle, it was unsustainable. In future, if immigrants wanted to stay longer in Czechia, some integration elements would have to become compulsory (Government of the Czech Republic 2011b). The same message was later repeated in the 2016 FIC.

The 2010 Principles and the 2011 NSEM represented a clear message regarding Czech policy towards economic migration – it would be restrictive and oriented towards the needs of Czechia and not towards foreigners' rights. Integration was understood as assimilation. The 2011 FIC contrasted greatly with these two resolutions. Despite attempts at comprehensive policy-making, the year 2011 again confirmed that Czech migration policy had still not been formulated in a coherent way.

A time of panic

The year 2015 was critical for immigration-related matters due, firstly, to the so-called European migration crisis, which some preferred to call a crisis of European migration policies (e.g. Bojadžijev and Mezzadra 2015) or a crisis of solidarity (e.g. Agustín and Jørgensen 2019). The crisis involved the extraordinarily high numbers of people seeking asylum in European countries and not primarily economic immigrants. In Czechia, rather than being a real crisis, it was a widely mediatised, broadly exaggerated issue misused by politicians trying to get into the spotlight. In fact, according to data from the Department for Asylum and Migration Policy of the Ministry of the Interior, the overall number of applications for international protection was 1,525 (about 400 more than in 2014), which was far from the record number of over 18,000 in 2001, when international migration was not attracting much public attention.⁴ The number of other migrants did not change dramatically – migration increased but in line with the trend over previous several years.

What was essential, however, in 2015 was not only the mediatisation of migration,⁵ but also the politicisation of a phenomenon which had always been apolitical in Czechia. Anti-immigrant political movements that used to be marginal – such as We Do Not Want Islam in Czechia (orig. *Islam v ČR nechceme*) – came to the fore and formed new offshoots – for example, Block against Islam (*Blok proti Islamu*). Established political parties also adopted an anti-immigrant rhetoric. In November 2015 as many as 81 per cent of Czechs had negative feelings in relation

to the immigration of people from outside the EU (Eurobarometer 2015). Moreover, the politicisation went hand-in-hand with a deep securitisation of the phenomenon. All of this affected both Czech immigration and integration policy – in fact, everything relating to foreigners. The society became divided and both people who were positive about helping refugees and those who tried to stay rational and were not strongly against accepting newcomers were labelled as irresponsible *welcomers* (*sluničkář*). The situation for Czech NGOs assisting immigrants worsened to the extent that people who publicly defended the rights of foreigners became the targets of attacks – mostly in virtual space, in anonymous Internet commentaries (Zogata-Kusz 2020). Likewise, their advocacy work became much more complicated. Fewer and fewer politicians were willing to defend the rights of foreigners, since this could put their political career at risk. NGOs also had to be very careful in selecting topics to be publicised. Therefore, the 2015 crisis not only raised issues such as Czechia refusing to take part in the EU system of transferring asylum-seekers under relocation and resettlement programmes or refusing both the Global Compact on Refugees and that on Migration (only in 2018), but also strongly and negatively affected the rights of immigrants already living in Czechia.

In the middle of summer 2015, the government adopted the Strategy on Migration Policy of the Czech Republic. This was the first comprehensive policy document combining immigration control and integration issues, including matters such as asylum, return policies or combating irregular migration. The document contained seven Principles of migration strategy. For the first time, migration officially became clearly linked to the issue of security, which turned into a cross-cutting component of all migration-related areas. The overall sounding of the Principles was the spirit of safety – preventing negative phenomena and risks on the one hand, and bringing benefits to the Czech economy and meeting its international commitments on the other. The strategy emphasised the importance and meaning of informedness, not only for foreigners but also for the majority. In relation to this point, the government declared that a communication strategy would be introduced as a cross-sectional tool for informing the public and other partners on migration issues (Ministry of the Interior of the Czech Republic 2015). Until December 2019, however, no such document was accepted.

Integration was one issue to which the strategy referred in the very first principle: ‘The Czech Republic will adhere to its responsibility to ensure to its *citizens* a peaceful coexistence with foreigners and, thanks to effective integration, will prevent the development of negative social phenomena’ (Ministry of the Interior of the Czech Republic 2015: 6, author’s emphasis). The intention was to apply this through a proactive integration policy at local, regional and national levels, support for foreigners’ integration (respecting their dignity and the prevention of security risks) and an increasing informedness among both foreigners and the Czech majority.

In light of the main topic of this book – i.e. the links between immigration policy and integration policy – the Principle regarding legal migration was significant. The strategy confirmed the validity of both of the resolutions on economic

migration, presented earlier in this chapter. It also highlighted the fact that one of the policy aims was a ‘desirable volume of legal migration compliant with the *absorption capacities* and *integration measures* of the Czech Republic’ (Ministry of the Interior of the Czech Republic 2015: 20; author’s emphasis). In other words, it was recognised that an integration policy should not only *react* to immigration policy but should actively *influence* the policy of immigration control. Where this pertained to absorption capacity, even though it was appearing for the first time in a policy document, it was a formula that the Ministry of the Interior had been using for many years at various fora, taking it to imply ‘the maximum possible number of foreigners that Czech society was able to accept without radicalisation’ (Kušniráková and Čižinský 2011: 503). The Ministry had long been defending measures to limit the volume of immigration – because of far-right prevention on the one hand, and foreigners’ (alleged) criminality on the other. The number of foreigners sentenced for crimes was lower in the overall number of criminals than the rhetoric would suggest. Data on the most frequent countries of origin of those who committed crimes did not generally reflect those of foreigners living in Czechia. Besides, because of insufficient data, it was not possible to distinguish the share of criminals who were foreign nationals living in Czechia permanently or with long-term residence permits from that of foreigners staying in Czechia for a shorter time only (Zogata-Kusz 2017). Consequently, it was hard to assess the nexus between immigration policy and foreigners’ criminality.

In autumn 2015, the Consortium of Organisations Assisting Migrants presented a Migration Manifesto that they had been drawing up for many months. The Manifesto called attention, among other things, to the need to create and implement integration policies at all levels, including the local. It reiterated the need for integration measures to apply to *all* immigrants regardless of their status or situation, to allow them access to legal counselling even if they were EU nationals or their stay on Czech territory was unauthorised (Consortium of Migrants Assisting Organisations 2015). Unfortunately, the timing of the publicising of the manifesto was ill-chosen. A fear of immigration was dominating the public sphere and Czech society was refusing to accept even rational and evidence-based arguments related to immigration of any type (and not only of asylum-seekers).

In 2015, the security issue was transformed and expanded; eventually the 2016 National Security Audit positioned the security aspects of migration among the main threats for the Czech state and society – indeed, on a par with issues such as the influence of foreign powers and environmental or cyber threats. The audit discussed in detail the question of migration-related dangers, highlighting both hard security threats (e.g. terrorism or organised crime) and soft ones – such as the spread of infectious diseases or cultural aspects incompatible with Czech law. In relation to the immigration – integration policy nexus, the document noted that ‘From a security standpoint, and that of a peaceful coexistence of the majority society and migrants, it is the ability of migrants to integrate that directly influences the volume of immigration’ (Ministry of the Interior of the Czech Republic 2016: 67). Therefore, again, although implicitly, it was stated that an effective integration policy would be vital for setting immigration policy goals. *Integration* is understood here as foreigners’ assimilation.

A year later, in 2016, the Foreigners Integration Concept was again updated, this time with the subheading In Mutual Respect. The main aims of the integration policy were the same as those defined by the 2011 FIC. As in this latter version, the 2016 FIC repeated that integration had been voluntary but that this approach was untenable in the long term. As the Czech state had increasingly been focusing on questions of communication and of raising awareness of foreigners as well as of the majority, it perceived information and communication as the foundation for successful integration, the prevention of xenophobia and the development of both intercultural and interreligious dialogue between communities. Together with the procedure for their realisation, the 2016 FIC produced further measures in this regard (Government of the Czech Republic 2016). Providing impartial information about immigration is challenging, however, when political entities transform it into the subject of a political battle, as in the parliamentary election campaign of 2017, when the atmosphere in Czech society led to the first terrorist attacks in the country.⁶

The 2016 FIC followed the 2015 Strategy on Migration Policy, adding, however, some distinct perspectives and focuses. For instance, interestingly, the document again slightly redefined the term ‘integration’, pointing not only at its bi- but also its tri-directionality, recognising that integration may also be influenced to some extent by the countries of origin of foreigners. Whereas the strategy emphasised the need to ensure the security of its *citizens*, the 2016 FIC underlined the need to ensure the security of all *inhabitants* of Czechia. The attitude towards circular migration also seemed different. Contrary to previous policy documents, the authors of the updated FIC appeared to have taken notice of the examples of some Western countries, which had lived under the illusion that guestworkers would return to their home countries. In the part presenting the procedure for implementation, the 2016 FIC admitted that, in the long term, the increasing percentage of permanent residence permits in the overall number of permits was a positive trend. It had a favourable effect on the integration process, since permanent residence caused the situation of foreigners to converge with that of citizens, regarding, for example, the labour market, health insurance or access to social benefits (Government of the Czech Republic 2016).

All of this was remarkable, given the emphasis that the New System of Economic Migration placed on the circularity of migration. It proved that various conflicting tendencies had been affecting Czech policy. In spite of the existence of conceptual documents, the actual vision of immigration and integration policies was ambiguous, however.

The current situation

Most foreigners living in Czechia do not need work permits, either because they are citizens of the EU/EEA and Switzerland or because of exceptional circumstances that grant them free access to the labour market. According to data from the Ministry of Labour and Social Affairs, for example, in 2018 Czech labour offices were informed of the employment of 366,000 citizens of the EU/EEA and

Switzerland, and of as many as 125,000 other foreigners who did not need a work permit.⁷

Foreigners with limited access to the Czech labour market mostly use the so-called Employee Cards, which replaced the Green Cards in 2014. In its basic form, an Employee Card is dual in nature – i.e. it combines residence permit and work permit. It is mostly issued for the duration of the working contract but for a maximum length of two years. Foreigners may extend it repeatedly. According to data from the Ministry of Labour and Social Affairs, at the end of 2018 there were over 45,000 Employee Card-holders (at the same time, the total number of foreigners holding a valid work permit issued in relation to long-term residence permits for a different purpose was over 31,000). To increase the capacity of offices issuing Employee Cards and to make the process more manageable, the Ministry of the Interior launched a few special regimes. Quotas for Employee Cards for selected countries can now be set. These are Ukraine – for which the quota of newly issued cards per year increased in 2018 from 9,600 to 19,600 (Confederation of Industry of the Czech Republic 2018) – then the Philippines and Mongolia (quotas of 1,000 each) and Serbia – 2,000 Employee Cards per year (Ministry of Industry and Trade of the Czech Republic 2018). This illustrates that the state is attempting to implement the principle of diversification of immigration sources.

Lessons learned during the economic crisis – when, in some municipalities, the presence of larger groups of foreigners disrupted the capacity of the infrastructure and resulted in social discontent – were used in setting up the rules for special regimes. Employers making a collective application for more than 50 (in case of Regime Ukraine) or 30 (in case of Regime Other States) employees are now supposed to cooperate with the relevant Centre for Support of the Integration of Foreigners and the municipal authorities and to discuss their intentions with their current employees. In other words, the idea is to link immigration and integration policies and support economic migrants' integration – or at least limit the risks related to unpreparedness and a shortage of information. In reality, it often ends with 'solemn declarations' or the circumvention of the requirement by applying several times for a smaller number of employees, rather than once for more. This is, for example, the case of a company situated in Moravia region that employs over 200 foreigners but does not cooperate with anyone regarding the group – an outstanding example of a policy gap.

In addition to Employee Cards, highly qualified professionals may work in Czechia if they are in possession of a Blue Card. Their number is small: according to data from the Ministry of Labour and Social Affairs, at the end of 2018 it was 590 persons (including 442 in Prague). The main obstacle when applying for the card is not the qualification⁸ but the salary. The gross monthly or annual salary must be equal to at least one and a half times the average gross annual salary set by the Ministry of Labour and Social Affairs which, for the period from April 2019 to April 2020, is over 382,000 CZK – i.e. almost 15,000 EUR (Ministry of Labour and Social Policy 2019). The recruitment of highly skilled employees – whether holders of Employee or of Blue Cards – is considerably easier thanks to Project Ukraine and Project India. In 2016, the quotas determined for these two projects was 500 (Ministry of Industry and Trade of the Czech Republic 2016).

Finally, many economic migrants stay in Czechia for business.⁹ As of December 2018, data from the Ministry of Industry and Trade showed that almost 90,000 foreigners held a valid trade licence, 56,000 of whom were third-country nationals (nearly 22,000 were Ukrainians; slightly fewer, Vietnamese). Family reunification is possible after at least 15 months of residence in Czechia (in general) or six months (for those with an Employee Card).

The 2019 amendment introduces several significant changes to the existing immigration rules. These concern, among other things, the quotas for economic inflows, circular migration and integration (Act amending Act No. 326/1999 Coll., on the Residence of Aliens in the Territory of the Czech Republic 2019).

The amendment installs a system of quotas for long-term stays connected to Employee Cards as well as for long-term visas for the purpose 'business'. The hope is that it will help to improve the current situation, in which quotas are in fact imposed but in an unpredictable way. Now – as the explanatory statement explains – quotas should be set in tripartite negotiations between employers, trade unions and the government, and should take into consideration – among other things – integration capacities (Chamber of Deputies of the Parliament of the Czech Republic 2018). Again, it is not explained what integration capacities mean. Besides – as the Consortium of Organisations Assisting Migrants has pointed out – it is nowhere specified how market needs, which are the basis for the quotas, should be determined. Moreover, the quotas will only concern Employee Card holders and long-term stays for the purpose of entrepreneurship, but not, for example, seasonal employment (Consortium of Migrants Assisting Organisations 2018).

In relation to that since September 2019, the above-mentioned special regimes and projects were transformed into three governmental programs. Currently nationals of all third countries may apply for Employee Cards within the programs: Highly-skilled Employee as well as Key and Scientific Personnel. Nationals of nine (instead of only four) selected countries may also make their applications within the program Qualified Employee. This regards nationals of Belarus, Montenegro, the Philippines, India, Kazakhstan, Moldova, Mongolia, Serbia and Ukraine. Foreigners may be classified to the programs only through their employers-to-be who had been classified for the programs. A specific – and controversial – thing related to the program is that a foreigner may change employer after only six months since the decision on the Employee Cards became final. This is to stop pulling over foreigners between the employers in the situation of labour force shortages. For the whole period of the contract, the employee will have to receive 1.2 of the guaranteed wage. Given the fact that before applying for foreign employees, the employers have to do a so-called labour market test (i.e. to ensure that it is not possible to find an employee from among the people who do not need any work permits), this measure should protect Czech nationals from salary reduction. The amendments maintain the requirement that employers making a collective application for more than 50 qualified employees have to deliver statement of a mayor of the municipality in which those people will live. The statement has to include explicit agreement for that. Besides, as before, the employers have to deliver a solemn declaration that they discussed their intentions

with their current employees. Cooperation with the Centre for Support of the Integration of Foreigners is not explicitly required anymore (Ministry of the Interior of the Czech Republic 2019).

In addition to quotas, the amendment introduces a one-year Extraordinary Work Visa (EWV), with no possibility of extending it or changing to another type of residence or family reunification. The uniqueness of the visa lies in the fact that foreigners can apply for it only after the government has stated which professions or branches it will cover, the maximum number of applications and the nationality of foreigners which the EWV would include (Chamber of Deputies of the Czech Republic 2018).

For a number of years, the Ministry of the Interior has been announcing the introduction of circular migration. To date, however, Czechia has had a policy in which economic migration was based on long-term permits (recently mainly Employee Cards) and the state could regulate foreigners' length of stay, issuing positive or negative decisions on extensions. Currently it implies that Czechia is orienting its policy towards the *Gastarbeiter* model, as the country attempts to get the most out of migration at the lowest cost. This is how many politicians perceive circular migration, forgetting about the warning experience of Western countries which – to paraphrase the famous sentence of the Swiss novelist Max Frisch – wanted just *hands* but then realised that *people* came too. Germany is a striking example (see Bade 2004). EWV means that soon there will be second-category people. It is not expected that these people will *integrate* because they are not expected to stay. As in Western countries, one may suppose that they will stay, however, illegally and with no rights. The impossibility of extending the visa or changing it to some other type of residence permit means that, even after many years of living in Czechia, they will be able neither to bring their families nor to apply for permanent residence. The measure unambiguously clashes with the concept of integration and integration policy. Besides, as the lawyers of the Consortium of Migrants Assisting Organisations (2018) have pointed out, it is also anti-family, anti-employee (uncertainty for the future, very limited social rights) but also anti-employer (after one year they will lose an educated and vetted employee) and non-respectful of EU law – the 2011 Single Permit Directive. Altogether, it runs counter to the established system and is ill-conceived.

It is striking how the Czech authorities seem to be confident that they will better manage something that other states have not been able to do and which negatively affected their social and economic structures (Castles 2004; Zolberg 1989). Treating circular migration as a tool for solving labour market problems may lead to 'boiled frog syndrome' – the negative effects of circularity may become visible, when it is already too late to reverse them.

The introduction of circular migration is in contrast with attempts to reinforce integration policy by adding a chapter to the Act on Aliens devoted to integration. Until now, integration policy has been shaped by general and nonbinding documents. The only integration component that has been compulsory is the Czech language test at the level of A1 for applicants for a permanent residence permit. Including integration in binding law is, therefore, an essential step in Czech

policy development (Chamber of Deputies of the Parliament of the Czech Republic 2018). Given the significance of integration underlined by lawmakers and the fact that it is a cross-cutting topic overlapping with many areas – therefore the EU stresses the meaning of integration mainstreaming – it is surprising that the chapter in the Act on Aliens consists of only two articles. One embeds the existence, functioning and financing of Centres for Supporting the Integration of Foreigners in law and the other concerns the introduction of compulsory adaptation and integration courses. Even the term *integration* does not gain its legal definition. All in all, it is modest and partial and does not indicate a complex approach to the issue.

The reinforcement of integration centres is an important systemic and stabilising element. Since the amendment, the centres will be grounded in the legal act and their budgets will be steadier and independent of financing from European projects. Their target group will broaden, since they will be entitled to also provide services to EU nationals. The scope of their tasks will stay the same but their focus will move towards the organisation of integration and adaptation courses, which will be obligatory for third-country nationals with long-term or permanent residence permits. As highlighted in Article 155b of the amended act, the aim of the one-day courses is the same as it currently is: to introduce foreigners to their rights and obligations and to the local context, practices and Czech values (Act amending Act No. 326/1999 Coll., on the Residence of Aliens in the Territory of the Czech Republic 2019). Foreigners will have to cover the cost of the obligatory course and this is one of the things that NGOs working with migrants criticise. Another thing is that given the fact that the number of immigrants has been rising recently, with between 15,000 and 30,000 per year, the question arises whether integration centres will be prepared to launch courses from January 2021.

General findings

At first glance, it seems that Czech immigration and integration policies have been developing in a systematic, well-organised way since 1999. A closer look overturns this view. It is important to recognise that many positive things have been done concerning integration policy – e.g. shortening the period of stay for permanent residence from ten to five years, increasing and disseminating information, allowing family reunification, establishing integration centres and supporting the development of migrant-assisting NGOs. In spite of this, the overall policy towards migration is inconsistent, uncoordinated, unsystematic, mainly representing a transposition of EU law that some authors have already noted (e.g. Dohnalová 2015; Drbohlav *et al.* 2010; Kušniráková and Čížinský 2011). The relevant ministries, as Pořízek (2018) points out, are insufficiently involved in policy implementation. The same applies to the still-inadequate involvement of municipalities. One result of the situation is the delay in the implementation of integration measures and a number of unsolved problems such as the health insurance of TCNs. The policy is unstable and often changes, which Kušniráková (2014) ascribed a few years ago to the apolitical nature of migration policy-making, when the rules were set by government authorities – predominantly the Ministry of the

Interior – and political parties felt no commitment to or responsibility for it. Currently, the policies are no longer apolitical. Unfortunately, emotion-driven thinking about immigration and immigrant rights leads to an acceptance of rules that do not contribute to effective immigration control and integration.

Diachronic analysis of the development of the two policies reveals that, for many years, immigration policy and integration policy were treated as two separate issues. If the documents make the connection between them, the formulations that are used point, instead, to the precedence of immigration policy over integration policy. This latter policy is referred to as the one that *follows, reacts* to immigration rules, is *a tool* of immigration policy or *must be prepared* for the incoming immigration situation. This is striking, given the fact that the 2010 Principles stated that ‘the volume and structure of legal migration is to be determined by the need of the Czech economy and the integration capacity’ of the Czech state. The 2015 Strategy similarly set as one of the goals an ‘advisable volume of legal migration, compliant with the absorption capacities and integration measures of the Czech Republic’. Therefore, one can see that the relation between the two policies should not be inherently unidirectional.

The aim of introducing the integration mainstreaming method – as an adaptation of EU principles – was to establish more connections between the two policies (and many others). The reality showed that immigration and integration policies were inconsistent with each other. One striking example was the project on the Selection of Qualified Foreign Workers¹⁰ versus the policy towards foreigners graduating from Czech senior schools and universities. As Kušniráková and Čížinský (2011) remind us, the state devoted a great amount of money to the project. At the same time, foreign graduates of Czech schools and universities – in other words, people with great integration potential – were highly unlikely to remain in Czechia.

Ill-conceived measures were also taken, driven probably by the desire to send a message to the Czech majority. This pertains to the widely mediatised Voluntary Return Programme. As Kušniráková and Čížinský (2011) noted, in 2009 the Czech state spent 100 million crowns (i.e. approximately 4 million EUR) to return over 2,000 foreigners to their countries of origin (1,300+ to Mongolia). In the same year, 19,000 foreigners arrived in Czechia but the state spent less than a quarter of that amount on an integration policy covering them and the more than 430,000 other immigrants already residing in the country.

Despite some positive changes one may doubt about the overall development of migration-related policies. Even though the stabilisation of integration centres is a positive step, the issue of extraordinary working visas raises serious misgivings. Moreover, the attitude towards integration that the new amendment reveals proves that statements about the influence of integration policy on that of immigration are only declaratory.

This all proves that Czech immigration and integration policies have not thus far been coordinated or systematic. Even the fact that, for many years, all issues regarding foreigners were the responsibility of the Ministry of the Interior is not helpful in this regard. It seems that immigration policy documents understand

integration in an entirely different way to those of integration policy, despite the fact that both types are produced by one ministry – the Ministry of the Interior. The Foreigner Integration Concept refers to integration in terms of the bi-directionality of the process, the mutually beneficial effects of living together, the feeling of belonging and co-responsibility for common issues and mutual communication. It stresses the protection of rights and the safety of *all inhabitants* of Czechia. Integration is a key to social cohesion and economic, social and cultural development (see Government of the Czech Republic 2016: 17). In contrast, immigration policy documents – although in an implicit way – define integration only in terms of the prevention of negative phenomena either produced by foreigners or – in relation to them – by the majority population and emphasise the need to ensure the safety of all its *citizens*. The stress laid on control and security indicates that the thinking of the authors of immigration policy documents is based on premises influenced by neorealism. As Weiner (1993, 1995) notes, making links between migration and economic and cultural threats may, consequently, negatively affect the ability of societies to absorb immigrants and supports the image of them as dangerous aliens. The price of this is the radicalisation of society, the rise of xenophobia and extremism – as the case of the first terrorist attacks prove.

The relation between Czech immigration and integration policies is unbalanced – with the first taking precedence over the second. This is a result, for instance, of immigration rules having legal anchoring (when integration policy has been driven only by nonbinding documents and is dispersed) and from the position of the Ministry of the Interior (also responsible for security, internal control and the police) in policy-making.

Connecting points

Despite declarations pointing out the need to consider integration policy in immigration policy-making, this has not occurred. Immigration rules do not build on integration policy, and integration policy documents do not produce recommendations for immigration policy. A closer look, however, allows us to identify a few ways in which the policies affect each other.

The influence of immigration policy on integration policy is the more visible and explicit. Legal and administrative obstacles put in the way of foreigners willing to extend their stay in Czechia are serious impediments to the implementation and development of integration measures concerning them. Over-restrictive immigration policy invalidates integration policy. The uncertain situation of foreigners consequently hampers both their possibilities and willingness to learn the Czech language and culture and to build connections with the majority population.

The same applies to obstacles put in the way of foreigners in other areas. Shortages in integration mainstreaming eventually mean that the state itself is not participating sufficiently in integration. If Czech integration policy documents define integration as a bi-directional process, the state's responsibility is to create the right conditions for foreigners' inclusion and to support their active participation

in social life – too restrictive immigration policy (as well as limited access to health insurance or social rights) means that the state is *not* creating them.

On the contrary, the liberalisation of immigration policy – for example, through reducing the number of years required for permanent residence from ten to five, or allowing dual citizenship – binds foreigners to their host country, stabilises their legal situation and may support their integration.

The same applies to the implementation of the 2010 Principle, which says that persons engaged in immigrants' acceptance must be co-responsible for activities in the area of migration and integration – later translated into the obligatory engagement of employers in migrant integration while making collective applications for foreign employees. If this kind of measure were indeed carried out, it may represent an interface between immigration and integration policies.

Integration policy also affects immigration policy, although in an indirect way. I perceive the emphasis on informedness as the key aspect of that relation and its connecting of the two policies. Besides, in endeavouring to increase foreigners' informedness at various stages of their immigration process – including their pre-immigration – integration policy may potentially affect which type of residence (or the purpose of their stay) they apply for, as well as its legality.

State or municipal support for social and legal counselling carried out by NGOs and integration centres may affect the legality of foreigners' stay, as well as the volume and composition of those who decide to extend their residence in Czechia and/or to bring in their families (and whether they are able to make an application). The organisation of language and socio-cultural courses may not only support foreigners' integration but may also increase their opportunity for permanent residence or naturalisation. This is, however, more a matter of the influence of integration policy on immigration itself than on immigration policy.

The potential of using integration policy as one of the determinants of immigration policy is not exploited nearly enough. Even though some NGOs assisting immigrants do engage in policy advocacy and offer policy-makers their findings following integration and immigration policy implementation as well as the possibility of carrying out evidence-based policy-making, most do not avail themselves of this opportunity.

To conclude, I argue that Czech integration policy still mainly follows on from immigration policy rather than influences it. The influence of integration policy may be declaratory but the reality is that any influence is merely indirect. However, immigration policy affects both integration policy (to a lesser extent) and integration itself (to a greater extent).

Notes

- 1 Acknowledgements: This article was supported by the Palacky University Olomouc Internal Grant Agency CMTF_2019_010.
- 2 The Act on Aliens was amended 56 times.
- 3 For example, www.cizinci.cz, www.imigracniportal.cz and www.vitejtevcr.cz.
- 4 Positive decisions on asylum were made in 71 cases (of whom 29 regarded Syrian nationals); in 2016 the figure was 148 (101 regarding Iraqi nationals), in 2017,

- 29 – mostly Ukrainian nationals (Department for Asylum and Migration Policy, Ministry of the Interior 2018).
- 5 This was already the case for the period 2008–2009 when, during the financial crisis, many foreign workers lost their jobs.
 - 6 In June and again in July 2017 a Czech retiree, Jaromír Balda, attacked trains by felling trees onto the tracks to derail them. He left leaflets which included the phrase *Allah Akbar* and made anti-Czech threats so as to leave no doubt that the attack was carried out by a Muslim immigrant (he was sentenced for terrorism in 2019).
 - 7 The total number of immigrants about whom information is given and the number of permits mentioned in this section is higher than the number of foreigners because the latter may hold both a permit and a trade licence and because employers have to inform labour offices about every single contract – even part-time ones – given to foreigners.
 - 8 To have completed a university or a vocational education, the duration of which was at least three years, is sufficient.
 - 9 Foreigners may also undertake seasonal work. In line with EU law, they may then use the so-called Intra-Company Employee Transfer Card, as well as the European Union Member-State Intra-Company Employee Transfer Card.
 - 10 The project was discontinued at the end of 2010. Between its launch in 2003 until its demise, there were 1,964 qualified foreign workers in total who participated in the project, together with their approximately 1,800 family members. Almost 1,000 were eventually granted permanent residence in Czechia (Ministry of the Interior of the Czech Republic 2010).

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11 ‘Fair Dinkum’ migration policy

Lessons from Australia

Stefan Markowski and Katarzyna Kwapisz Williams

Introduction

Australia is one of the world’s major immigrant destinations, attracting settlers, labour migrants, students and refugees who, by and large, have successfully integrated into the country’s economic and social fabric. From the early days of its European settlement, this island-continent has embraced *large-scale immigration* as an imperative of population growth and a development opportunity. This migration-based growth potential was to be realised in a controlled and selective manner through a comprehensive migration governance regime combining evolving immigration strategies, policies and procedures. Favouring particular categories of newcomers while discouraging others and a commitment to the smooth integration of new arrivals into the country’s socio-economic fabric have been the dominant features of Australia’s immigration policy.

Temporary and permanent *migration streams* provide two major entry points for different categories of newcomer to enter Australia. As of early 2019, the current, unmet annual cap on *permanent immigration* is fixed at 190,000 (proportionally about three times the US rate of annual admissions), although there are political pressures to reduce this intake to 160,000. Nevertheless, even if the cap is reduced well below the current target figure, *pro rata*, given its total population of 25 million, Australia remains one of the most immigrant-welcoming societies in the world.

This hospitable approach, however, has been restricted to those migrants who seek and are granted *formal (authorised) visa entry* into the country. In contrast, Australia applies a very harsh regime of border controls by refusing entry and reticulating to offshore detention centres all entry-seekers whom it regards as unauthorised and illegal. As a result, despite its enviable record of immigrant acceptance and assimilation and refugee assistance, Australia has attracted a great deal of international opprobrium as a country that turns away boatloads of asylum-seekers and detains unauthorised boat arrivals in offshore confinement facilities to stop them applying for asylum and to deter mass inflows of asylum-seekers.

Since 1945, about 7 million immigrants have come to Australia; as a result, about one in four Australian residents has been born overseas and nearly half of the population have at least one parent born overseas. Immigration keeps the

population growing at over 1.5 per cent per annum, lowers its aging rate and contributes 0.5–1.0 per cent to the long-term annual GDP growth rate of about 3 per cent (PC 2016). A modelling commissioned in the mid-2010s by the Migration Council of Australia¹ shows the likely increase in GDP per capita attributed to immigration at roughly the present rate to be nearly 6 per cent by 2050 (MCA 2015). While apparently modest, the figure implies that immigrants, in their totality, not only pay their way as new community members but also enhance the wellbeing of the existing population.

For much of its history, Australia's immigration strategy has been framed as its de facto population policy, at times elevated to a 'populate-or-perish' policy imperative. This is not surprising given the country's geographic isolation as a remote island-continent inhabited by a relatively small population of largely European origin, spread along the southern edge of the land mass and mostly confined to a few, large urban agglomerations. The vast, inhospitable and arid interior, the lack of fresh water and the extreme weather conditions have always proven a constraint on the scale of human settlement in Australia. This explains why the *First Australians* – the original inhabitants who settled in Australia some 50,000 years ago and numbered some 750,000 people in the late-eighteenth century – have lived mostly a nomadic existence and have been dispersed over large land areas, lacking the capacity to resist more effectively the relatively late and initially modest European colonisation of the continent. This also explains why, for the first 150 years of European settlement of Australia, border controls were largely absent (Withers 2016). The geographic remoteness of the continent and its harsh environment provide a degree of natural protection – before the advent of cheap intercontinental air travel, the notorious 'tyranny of distance' and the associated high cost and long duration of sea voyages had deterred many potential European settlers.

Historically, Australia has evolved over its 200 years of European settlement from a cluster of British colonies at the far end of the British Empire into a modern federal entity in the Asia-Pacific region. Despite its focus on primary industries, the region is able to support high levels of socio-economic development and provide superior living standards for its residents, combined with effective national security, stable liberal-democratic political regimes embedded in British parliamentary and legal traditions and a generally friendly and tolerant multi-ethnic population. Not surprisingly, Australia has become one of the world's favourite migrant destinations, with a long history of government-sponsored immigration underpinned by easy pathways to residence and naturalisation.

The successful migrant integration has often been attributed to the *policy of multiculturalism*, which encourages 'migrants', especially those from non-Anglo-Saxon background, to retain and cultivate their distinct ethnic identity (Pakulski 2014). This policy of mutual tolerance and acceptance of diversity was intended to accelerate the two-way dynamics of social integration between 'migrants' and 'locals'. However, the efficacy of this policy has recently been questioned, as concerns for the social cohesion, adaptability and employability of different migrant groups have dulled the appetite for high levels of ethnic and cultural diversity.

Additionally, the policy of social integration has been far less effective in relation to the country's Indigenous population – some 800,000 people or about 3 per cent of the Australian population claim Indigenous ancestry – who often feel resentful towards the country's history of accelerated immigrant settlement and see themselves as the dispossessed victims of European colonialism. For a long time, too, successive Australian immigration policies have marginalised Pacific Islanders – those inhabiting small island states in Australia's vast maritime neighbourhood – who critically depend on opportunities offered by Australia and New Zealand for their economic wellbeing.

Inevitably, all forms of migration governance, even those generally regarded as highly successful, have their particular failings and unintended moral hazards (perverse responses to policy incentives) that partially offset their otherwise substantial accomplishments. It is therefore instructive to consider both the declared drivers of success and the apparent causes of failure. From the perspective of this book, the Australian migration governance experience is interesting for three reasons:

- the evolving history of immigration and integration strategies, policies and procedures has been a rich source of positive and negative lessons for other countries. The lessons cover such diverse policy options as the controversial White Australia policy, government-sponsored immigration, the progressive opening of the country to immigrants from Southern Europe, East Asia and now all parts of the world, the policy of multicultural integration of immigrants and the controversial policy of offshore detention and reticulation of unauthorised immigrants (the so-called Pacific Solution);
- the progressive transformation of the traditional settler immigration scheme into the competitive sourcing of human and social capital through a two-step programme of temporary work permits and educational opportunities (based on 'merit points') which subsequently funnels short-term migrants into the pool of permanent immigrants and naturalised citizens (Withers 2016); and
- the 'idiorhythmic' regional migration governance of Australia has been an interesting, albeit only emerging, alternative to the top-down, centralised EU model of migration governance (Chand and Markowski 2018).

Consequently, the present chapter focuses on:

- the history of Australian immigration strategies, policies and procedures and, especially, their evolution from the country's early commitment to selective European settlement under the White Australia policy to the present-day focus on a large-scale and increasingly competitive immigration regime aimed at attracting to Australia globally footloose skilled labour as well as the human, social and cultural capital needed to keep the country in the first division of the world's most prosperous nations;
- the effectiveness of the current migration policy, in particular as a means of funneling temporary, mostly skilled, labour migrants and foreign students

into permanent residents and citizens, and their subsequent integration into the social and cultural fabric of Australia;

- the moral hazards and adverse selection problems posed by different migration policy options;
- the challenges associated with Australia's broader engagement in regional migration governance; and
- the lessons to be drawn from the Australian experience for member-states of the European Union.

Historic overview

'Australia is a nation of immigrants' declared the Committee for Economic Development of Australia in its 2016 assessment of the economic costs and benefits of Australia's in-bound migration (Taylor 2016: 14). As the population of the First Australians was small, nomadic and dispersed over a vast land mass, Captain Cook – who claimed possession of the eastern part of the mainland for the British Crown in 1770 – declared the continent to be an uninhabited territory (*terra nullius*) ready to attract settlers and explorers. The perception of Australia as a nation of immigrants began with the arrival of the British First Fleet in 1788, followed by an influx of about 10 million settlers, with 70 per cent of them arriving after 1947 (CEDA 2016: 6). During the colonial period (1788–1900), immigrants came to Australia as British transported convicts or as beneficiaries of (British) subsidised- or assisted-passage schemes as well as self-funded, mostly European, free settlers (PC 2016).²

In 1901, when the former British colonies federated to form the Commonwealth of Australia, the share of those Australia-born in the total resident population was about 77 per cent. By 1905, the resident population numbered 4 million, increasing to 6 million by the 1929 Great Depression. Between 1905 and 1929, a further 700,000 new settlers arrived in Australia, mostly from the United Kingdom, of whom many were subsidised under the assisted-passage arrangements. After the Great Depression and until the end of the Second World War the rate of annual net overseas migration to Australia was negligible (PC 2016). Thus, by 1947, the ratio of the Australia-born in the total population increased to 90 per cent and it took the following 70 years to lower it again to about 72 per cent in 2015. Not surprisingly, in its 2016 overview of the significance of mass immigration for the Australian economy and society, the Productivity Commission – a government think-tank assisting with policy evaluation – opined that 'Australia's immigration policy is its de facto population policy' (PC 2016: 3).

That said, from the very beginning of the British settlement of Australia, the nature of immigration that should drive population increase has been hotly contested. While the early settlement was underpinned by shipments of convict labour from the United Kingdom, by the early 1840s, grassroots opposition to convict transportation had sprung up throughout Eastern Australia with the *Australasian Anti-Transportation League*, formed in 1851 (Creighton 2019).³ As the *Sydney Morning Herald* proclaimed in 1850, not to end the transportation of convicts

would condemn Australia to 'the scorn of mankind as the willing – the abject – the self-polluted receptacle and home of felons and criminals of every hideous class, grade and order of depravity' (cited in Creighton 2019). This passionate opposition to further convict arrivals followed the then-British government's intention to revive their transportation to New South Wales (NSW) which had been suspended in 1840.⁴ Arguably, this populist, anti-convict sentiment was the earliest attempt to influence the selectivity of the Australian immigration strategy. However, the strong anti-convict sentiment of the free settlers largely ignored the economic fundamentals of Australian colonial existence, where much of the early labour was provided by convicts and emancipists (freed or pardoned former convicts). Not surprisingly, rich squatters favoured continued convict transportation as a source of cheap labour, although some were willing to compromise and establish a strict ratio (say, one in three) of transported convicts to free-settler arrivals (Creighton 2019).

This polarisation of settler sentiment also had its roots in the deep layer of social antipathy between the two 'founding ethnicities' of Australian colonies: the economically dominant Anglo-Scottish and mostly Protestant 'upper class' of big farmers, graziers, merchants and professionals, and the Irish-Catholic 'working class' of labourers, tradesmen and small farmers (Goldlust 2009).⁵ By the late-nineteenth century, the latter group became dominant and gave much of its cultural identity to the emergent Australian nation – in particular, its strong sense of 'mateship' and egalitarianism, its ethos of social fairness and its firm resentment of the dominance and privileges of the Anglophilic elite (Goldlust 2009). Arguably, it is this increasingly middle core of Australian society rather than its 'upper class' privilegentsia that has mostly shaped the subsequent 100 years of Australian politics, and, thus, the changing social and political attitudes to new cohorts of immigrant settlers and the immigration strategies, policies and procedures of the emerging federation of Australian colonies. On the other hand, despite the undercurrent of tension between the two 'founding ethnicities', the social identity of the new federal state had been overwhelmingly 'British Imperial'. Until 1948, when the passing of the *Nationality and Citizenship Act 1948 (Cwlth)* introduced Australian citizenship, Australians could only hold the status of British subjects (PC 2016). Thus, well into the late 1950s,

The maps of the world on every schoolroom wall (in Australia) showed in vivid red the Empire on which the sun never set. Empire Day for most was celebrated as a sacred occasion; Australia Day by contrast was a secular picnic. . . .

In Australia, unlike Britain, at the beginning or end of most public occasions, concerts, plays, films, dances, even sporting finals, the 'National Anthem', namely 'God Save the King' or 'God Save the Queen', was played and everyone stood to show respect for the crowned symbol of the British peoples. The first visit of a reigning monarch to Australia in 1954 was an unparalleled quasi-religious national event which brought huge crowds of people into the streets to pay homage to the one whom the *Sydney Morning*

Herald declared was the symbol of ‘the supreme achievement of the British race’.

As late as 1947, 65 per cent of Australians, when asked in a public opinion poll whether they wished to have British or Australian nationality, opted for being British.

(Meany 2013: 26)

Not surprisingly, the scale and composition of non-British immigration emerged as a major issue during the first election campaign of the newly formed Australian Federation. The *Immigration Restriction Act (Cwlth)* was passed in 1901 (Taylor 2016), restricting opportunities for people of non-European ethnicity to settle in Australia by demanding that they pass a written ‘dictation test’ in *any European language* of an examining customs official’s choosing (PC 2016). In 1905, the Act was amended to allow for a dictation test in any language at all.⁶ These two Acts which, together with the *Naturalisation Act 1903 (Cwlth)*, precluded people from Asia, Africa and the Pacific Islands from seeking naturalisation in Australia, became the foundation for the notorious White Australia policy, which continued to influence the selectivity of immigration until the early 1970s. As expected, the scale of migration declined and the proportion of the overseas-born in the Australian resident population reached its lowest point in 1947 (Taylor 2016). Unlike the more-devolved Canadian federal structure (Ongley and Pearson 1995), the Australian Federal Parliament has been solely responsible for all strategic and policy management of immigration although, as with all nations, the domestic governance of human flows is partially attenuated by the country’s obligations and responsibilities under various international treaties and agreements.

Australia emerged from the Second World War with a deep sense of national insecurity. The war demonstrated that the British Empire could not defend its distant outposts such as Australia. It was the United States rather than the United Kingdom that became the *de facto* guarantor of Australia’s national sovereignty but, to be more economically and militarily self-reliant and to reduce the country’s dependence on its new ‘big protector’, the nation of 7.4 million people inhabiting an island-continent about the size of the US had to ‘populate’ at an accelerated rate. Mass immigration was an obvious choice. In 1945, Australia established the world’s first Department of Immigration and, within the restricted scope of White Australia policy, embarked on its first programme of large-scale, government-sponsored immigration (DIBP 2015).⁷

This involved the acceptance of over 2 million displaced people from post-war Europe and the subsidised arrival – under the so-called £10 assisted-passage scheme – of about 1 million immigrants from the UK, referred to by local wits as ‘£10 Poms’ (Taylor 2016).⁸ Many of these new immigrants were encouraged to work on big nation-building projects such as the Snowy Mountain Scheme (electricity generation), so there was little waste of the newly arriving human capital through long periods of involuntary unemployment.

In 1958, the White Australia policy was partially relaxed, with the removal of the dictation test and the introduction of a new universal visa scheme which, in

principle, allowed non-Europeans to settle in Australia. The universal visa conditions required potential immigrants to demonstrate their capacity to 'contribute to Australia' as well as their ability to integrate into the country's social fabric (Taylor 2016). However, the 1958 amendment notwithstanding, the White Australia policy continued to be administered through *informal and largely arbitrary selection procedures*, which favoured European immigrants and discriminated against putative Asian, African and Pacific settlers. Nevertheless, even though the White Australia policy was increasingly hard to sustain, by 1970, the Australian population had increased to over 13 million, to which the postwar surge in immigration contributed over 3 million (Taylor 2016).

The new immigrants who settled in Australia between the late 1940s and the early 1970s – the first wave of *mass* immigration – arrived at a time when contemporary political and intellectual debates around the question of what Australian identity was or what it might and should be had barely begun to surface (Goldlust 2009). The new arrivals – or 'migrants', as they were described by the locals – were expected to fit into the existing British Imperial social and institutional structures regardless of their particular ethnic, economic or religious background. However, for the vast majority of these new immigrants, Australia was a 'promised land' – they were accepted as equal 'club members' regardless of their socio-economic or religious background. By international standards, the Australian host society was tolerant and 'fair', and it was these basic British-Australian qualities of inherent fairness and tolerance of diversity which, in our view, provided the foundation for the later policy of multiculturalism.

Like the earlier resentment towards continuing convict transportation to Australian colonies, the selectivity of the White Australia policy focused on the social rather than the human capital of potential settlers. That is, the policy was less concerned with the importation of skills per se and the net economic benefits associated with the increased availability of skilled labour in Australia and focused, instead, on migrants' social compatibility with earlier vintages of British-Irish settlers and the ethno-European balance of new arrivals. The social capital to be contributed by potential *European* immigrants was deemed to be desirable as such and, thus, inherently importable, while that of Asian (especially Chinese), Middle Eastern or African settlers was not. This was to prevent what was then perceived to be a potentially adverse selection of immigrants from undesirable parts of the world. Thus, before the 1970s, it was mostly taken for granted that the arrival of working-age 'displaced persons' from Eastern and Northern Europe, Southern Europeans and the £10 Poms provided nearly all that was needed in the way of in-bound human and social capital in order to secure the supply of skilled labour across the wide range of occupations demanded by the expanding and urbanising Australian economy. Any additional skills in short supply could be targeted specifically within the remits of the restrictive immigration strategy.

Restrictions on the immigration of non-Europeans were relaxed in the form of a ministerial directive in 1966 and effectively dismantled between 1973 and 1978, when Australia abandoned its White Australia policy and its associated discriminating procedures, and adopted and rigorously applied a non-discriminatory

immigration regime, albeit one with more-stringent migrant entry requirements (PC 2016: 63–64). In particular, Australia abandoned its commitment to immigration as a target of population policy and begun to view it as a means of enhancing the wellbeing of the existing Australian community. In other words, the annual immigration intake was to be driven by the economic circumstances of the country, especially the rate of unemployment and the migrant absorptive capacity of the Australian community.⁹ Immigrants were deemed to be settlers and future nationals and were expected to apply offshore for entry and to arrive with valid entry visas. In response to the challenges posed by the influx of some 90,000 post-Vietnam War refugees from Indochina, the humanitarian programme was introduced in 1977 which allowed for the protection of *refugee* rights (PC 2016). Although the family settlement stream continued to account for some 80 per cent of the migration programme in the early 1980s (Taylor 2016: 25), immigration priorities shifted from the broadly targeted immigration of people (population policy) to the importation of skills and human and social capital specifically required by the Australian economy under the ‘skilled migrant stream’. By the mid-2010s, these proportions were nearly reversed, with the family stream reduced to 25 per cent of the total intake.

With the new focus on the management of human capital intake, Australia’s first points-based system – the *Numerical Multifactor Assessment System* – was introduced in 1979, with points allocated to applicants for permanent settlement on the basis of their family links to Australia and their youth, skills, command of the English language, literacy in the applicant’s own language and prospects for successful in-country integration (PC 2016). After further refinement of migration policies in response to various government reports (e.g. the FitzGerald Committee in 1988), a new migration act was introduced in 1989 that:

- capped the level of immigration through the points-tested components of the family and skilled migration streams;
- changed the previously fixed pass mark under the points system into a ‘floating pass mark’ (to make the capped intake work);
- changed the conditions of transfer from temporary to permanent residency;
- restricted opportunities for illegal migrants to be granted permanent residency; and
- reduced ministerial discretion in immigration matters (PC 2016: 63–65).

In 1992, a universal visa system was introduced under the *Migration Reform Act 1992 (Cwlth)* to regulate the entry of legal migrants and the detention and removal of illegals under one visa system (PC 2016). Further reforms occurred in the 1990s to regulate the total intake by imposing caps on the various immigration streams and adding English-language proficiency into the points test for family immigration in order to enhance the skilled component of the family stream. Access to welfare benefits was also delayed, with a two-year waiting period for new arrivals; various procedural measures were introduced to reduce the scope for abuse of the different visa provisions (e.g. spouse or fiancé(e) visa entitlements).

In 1996, the eligibility criteria were further changed to facilitate the temporary labour immigration of those whose skills were needed in Australia (the so-called 457 visa) and to add a new visa category for long-term temporary business entry (PC 2016). In 2008, the skill stream of the immigration programme was again reformed to make it more demand-oriented by increasing the proportion of temporary entrants sponsored by employers and state and territory governments. In 2012, business entry visas were changed to introduce two new types of immigrant entry: *Business Innovation and Investment* and *Significant Investor* visas. The student visa programme was also simplified and the conditions of entry eased in order to attract a larger proportion of foreign full-fee-paying students (PC 2016).

In the 2000s, unauthorised boat arrivals and post-9/11 international terrorist activities added a new emphasis on border control. This emphasis involved, *inter alia*, the reticulation of authorised migrants seeking refugee-cum-immigrant status in Australia to offshore detention centres, such as Christmas Island, deemed to be partially 'ex-territorial' and, later, to foreign detention centres (e.g. Nauru, Manus Island) under the so-called Pacific Solution.

The current migration system

The Australian Government aims to manage immigration to benefit (increase the wellbeing) of the existing Australian community and, given this broad goal, it sets specific policy objectives and restrictions for each immigration stream (DIBP 2015). As the governance of migration is a federal responsibility, the Federal Minister for Immigration and Border Protection is vested with various powers to cap the different visa (immigration) streams, set annual targets under various programmes and delay or fast track different categories of applicant. However, as temporary skilled visa streams have been uncapped and the permanent immigrant intake has been strongly influenced by employers and state/territory governments, the Australian government's ability to control and cap overall migrant numbers has been limited. In this section, we review various aspects of the current migration policy regime and the associated moral hazards of the different policy options.

The present merit-based migration system started to consolidate in 1996 and has largely been associated with the shift from traditional, permanent settler arrivals to temporary work and student visas. Temporary visas now outnumber permanent residence visas by three to one, with over 80 per cent permanent (residence) visas granted on-shore to temporary migrants already in-country. In this context the in-country stock of temporary residents is an important policy variable, as permanent residents are now mostly drawn from the resident pool of temporary arrivals. In the late 1990s and 2000s, there was also a shift to a *two-step immigration strategy*, which aimed:

- at *Step 1*, to attract skilled or potentially skilled migrants to seek temporary residential status to work or study in Australia, with migrant numbers uncapped, lightly regulated and driven by market conditions; and

- at *Step 2*, to induce temporary migrants with skilled employment and/or study experience in Australia to apply for permanent residence via the skilled migrant stream with annual numbers capped and more tightly regulated (Gregory 2014).

Step 1 can be described as ‘for the market competition’, aimed at attracting internationally mobile human capital and young foreign talent to work and/or study in Australia. Step 2 can therefore be labelled ‘in the market competition’, aimed at retaining the ‘market-tested’ segments of the temporary resident pool before they flow out again as internationally mobile human capital. Thus, a defining attribute of the two-step immigration management framework is the *pathway from temporary to permanent residency*. For example, it has been estimated that over 70 per cent of those granted temporary 457 skilled employment visas and between 15 and 30 per cent of student visa-holders ultimately obtain permanent residency (PC 2016). In principle, this for-and-in-the-market-competition framework enhances Australia’s ability to compete in the increasingly globalised and competitive market for internationally footloose human capital. There is also a strong focus on ‘brain utilisation’ to prevent ‘brain waste’ through demand–supply mismatches. Nevertheless, some moral hazards are inherent in this approach.

Net overseas migration (NOM) is the most commonly used method for measuring external migration flows into and out of Australia. In essence, it measures a net difference between immigration and emigration based on a duration of stay in or away from Australia of at least 12 months out of the preceding 16 months (PC 2016: 66). NOM increased from about 97,000 in 1996 to peak at over 300,000 in 2008 (at the outset of the Global Financial Crisis), to decline to 184,000 in 2014 (PC 2016). During the 20-year period 1996–2015, the net natural increase of the Australian population (births minus deaths) fluctuated between 120,000 and 160,000. Since the mid-2000s, NOM added to it more than half the annual population increase (67 per cent in 2008). Given the two-step immigration strategy, the increase in NOM since the mid-2000s has largely been associated with a surge in temporary migration – i.e. foreign students, temporary skilled visa 457 holders and New Zealand citizens (PC 2016: 68). By attracting immigrants of working age (usually under 50), NOM delivers a demographic dividend to Australia – i.e. it increases the number of people in the workforce and reduces the age dependency ratio (of those over 65 to those aged 15–64). This is expected to reduce the impact of population aging.

Permanent immigration visa grants also provide a good measure of immigrant input to the pool of Australia’s long-term residents and citizens as, normally, a large percentage of permanent visa-holders remain in-country for good and seek citizenship by naturalisation.¹⁰ Applications for permanent residence can be lodged on- and off-shore under Family, Skill and Special Eligibility streams of the Migration Programme. A separate and small Humanitarian Programme also feeds the stock of permanent residents. Permanent immigration under the three streams of the Migration Programme increased from over 82,000 in 1996 to 190,000 in 2015, while visas under the Humanitarian Programme fluctuated at about 15,000 a year

during this period, although the number was nearly doubled in 2015 to accommodate an additional 12,000 Syrian refugees (PC 2016: 69). Increased immigration under the Migration Programme has largely been driven by skilled visa-holders who increased from 24,000 in 1996 to 130,000 in 2014, so the share of skilled permanent immigrants in the programme increased from 29 per cent in 1996 to 68 per cent in 2014 (PC 2016: 70). Given the growth in the permanent component of NOM and permanent immigration visas, it can be argued that, since the mid-1990s, Australia has experienced another wave of mass immigration. Since 2008, this inflow of new permanent visa-holders has also been more tuned in to labour-market requirements as the 'demand-driven', employer-sponsored component of the skilled stream increased from 17 per cent in 2008 to 37 per cent in 2014.¹¹

The stock of temporary migrants, excluding tourists, stood at over 1.5 million in the middle of 2015 and included 653,000 New Zealand citizens on 'temporary' 444 visas, who are free to remain in Australia to reside and work permanently under the Trans-Tasman travel arrangement, unless they are involved in criminal activities that warrant their deportation. The Trans-Tasman category of 'temporary' migrant is broadly similar to the 'freely moving' (transnational) EU citizens who are entitled to reside and work in any member-country within the EU. Thus, the contingent of 'temporary' New Zealand residents in Australia should better be described as NZ transnational immigrants. In 2015, other temporary categories of migrant comprised some 375,000 foreign students, 188,000 skilled 457 visa-holders,¹² about 144,000 working holiday-makers,¹³ around 102,000 bridging visa-holders,¹⁴ over 26,000 temporary graduates and more than 49,000 otherwise-defined temporary visa-holders. Excluding New Zealand transnational immigrants, the stock of temporary visa-holders almost doubled between 2003 and 2015 (PC 2016: 71). In 2013–14, student visas accounted for 40 per cent of temporary visas granted, holiday-makers for 33 per cent and temporary skilled workers (visa category 457) for 13 per cent (PC 2016).

All permanent and temporary visa applicants have to meet a range of age, character and health requirements as well as other conditions specific to the different visa categories.¹⁵ Fees and immigrant visa application charges may also be set quite high in some cases to reduce/deter the demand for applications.¹⁶ Overall, however, the immigrant intakes are controlled administratively, particularly on the supply side, by applying the points system and quantitative caps to determine the immigrant flows and stocks and their composition. On the demand side, they are controlled by the market-mediated employer sponsorship of temporary visa-holders and state/territory visa sponsorship. The Productivity Commission (2016) describes this arrangement as the 'hybrid system'; however, only some visa streams have been rationed by price so that it is mostly administrative restrictions which have only been supplemented by the use of a price mechanism. Generally, non-price rationing is preferred as it allows administrators to target particular outcomes (e.g. demographic dividend) which might otherwise get diluted or lost if only those who have the ability to pay qualify for entry. This objection also applies to unauthorised migrant entry facilitated by so-called people smugglers, who deliver only those unauthorised migrants who have the ability to pay high

agent (smuggling) fees and associated travel costs. This is normally associated with boat arrivals targeted by Pacific Solution border controls; however, far more significant and difficult to handle (in Australia and many other countries) are the aspiring immigrants arriving on tourist visas arranged by bogus tourist agencies or temporary workers and students funneled into Australia by shady market intermediaries to be employed by equally shady entrepreneurs as virtually ‘indentured labour’ (Rizvi 2019).

In its assessment of the likely economic impact of immigration on the Australian economy, the Productivity Commission (PC 2016: 8–17) suggests that:

- as in several OECD countries, new immigrants have a lower employment-to-population ratio than their Australia-born peers;
- an all-immigrant unemployment rate is relatively higher during recessions than that of Australia-born natives but about the same at other times (this is not surprising, as newly arrived immigrants find it harder to secure and retain jobs during recessions and migrant inflows are restricted by governments);
- permanent skilled-stream immigrants outperform those from family and humanitarian streams in terms of labour-force participation rates, unemployment rates, hours of work and earnings;
- within occupations, there is no apparent difference in earnings between those born overseas and Australia-born natives. Median earnings by age group show that the permanent skilled-stream immigrants outperform, across most age groups, the general population as well as family and humanitarian streams. As expected, the humanitarian stream lags considerably behind the general population for all age groups, as many refugees arrive with little human capital and lack the ability to accumulate it when in-country;¹⁷
- while, on average, immigrants, especially those from the permanent skilled stream, have higher formal qualifications than their local equivalents, in 2012–2013, about 30 per cent of ‘highly educated’ immigrants were considered to be overqualified in their current employment relative to 22 per cent for those Australia-born. This difference is surprisingly small though;
- contrary to popular myth, there is little evidence of immigrants reducing wage levels and displacing the incumbent workers. Such effects are usually confined to particular market niches (e.g. unskilled youth labour) and tend to be temporary. Given the great size of the Australian continent and its small population, population-related *agglomeration economies* (combining *scale* and *scope* effects) are important sources of job growth (see also Withers 2016). Overall, though, in line with various overseas studies, the Commission found a negligible effect from immigration on aggregate workforce participation, employment, wages or the propensity to invest in skills and education (PC 2016: 10);
- notwithstanding occasional claims of technological spill-in effects associated with immigration and anecdotal evidence of immigrant entrepreneurship and innovation, the empirical evidence regarding the impact of such activities on the GDP level or productivity growth is limited (but see Parham and Regan 2016);

- the net fiscal impact of immigration (contributions to government revenues less the value of government services and benefits received) is likely to be positive but small (2 per cent of GDP). Overall, young, skilled immigrants and temporary migrants generate a larger net fiscal surplus than family-stream immigrants, while humanitarian immigrants are net beneficiaries of government service provision and welfare benefits;
- the Commission's general equilibrium modelling of the Australian economy implies that Australia's population would reach 27 million in 2060 with zero NOM, and the real GDP per capita would be 42 per cent above the 2014 level. With positive NOM at the present level, the in-country population would reach 40 million by 2060 and the real GDP per capita would be 50 per cent above the 2014 level. The projected effect is relatively small. Most studies indicate that, overall, immigrants 'pay their way' but they also capture the most benefits from their economic activity, especially if one allows for an implicit subsidy from skilled immigrants to family and humanitarian immigrant streams and for external effects and congestion associated with immigrant locational preference for the largest urban conurbations;
- there is also a possibility that positive NOM may increase the long-term growth rate of the total factor (all-input) productivity, but that the evidence is scant and any such effect is likely to be small, especially as the probable labour-saving effects of the Fourth Industrial Revolution are taken into consideration. However, with increased inflows of capital and technology, the rate of growth of labour productivity, measured, say, in GDP per person employed, is likely to increase; and
- the demographic dividend associated with the immigration of younger settlers will lower the age dependency ratio and, thus, potentially moderate the economic pressures associated with long-term population aging.

Some of the benefits of Australia's immigration actually flow directly offshore when immigrants remit part of their earnings back to their home countries – in 2013, remittances were estimated at AUD 7 billion at current prices and exchange rates (PC 2016).

Overall, the Australian immigration system works well as it is flexible enough to adapt to changing domestic and international market conditions and robust enough to compete internationally for footloose human and social capital. It is also reinforced by broad support from the Australia-born public, who generally perceive the inflow of immigrants as welfare enhancing.¹⁸ Unsurprisingly, the projected growth in jobs and potential budget surpluses depend on future inflows of temporary skilled labour migrants, which may be vulnerable and unpredictable during economic downturns.

The system's success has also been attributed to the proactive policy of multiculturalism as investment in social capital to complement the accumulation of human capital. As noted earlier, the policy of multiculturalism encouraging the proactive sustainment of ethnic diversity to smooth the absorption of new immigrants into the host community was adopted in Australia in the early 1970s

following the dismantling of the overtly racist White Australia policy of the 1950s and 1960s. This new migration policy of the 1970s paralleled Australia's strategic re-orientation towards Asia after the Vietnam War. It was also broadly endorsed by the then-pre-dominant group of Australians of British-Irish ethnicity who were generally well-disposed to newcomers from very diverse cultural backgrounds. The *cumulative experience* of the post-1945 mass immigration was also broadly positive (Markus 2016).

Professor Jerzy Zubrzycki of the Australian National University – a war refugee who arrived in Australia following a distinguished military service in the Polish Armed Forces and an early academic career in the United Kingdom – came to be regarded as the inspirational and intellectual ‘father’ of the down-under version of multiculturalism. This meant that new immigrants did not have to hide their cultural baggage and could retain and cultivate their cultural and religious heritage. Ethnic diversity was to be embraced as a social opportunity rather than divested as an impediment to one's successful integration into the host society. In this respect, Australian multiculturalism was also a part of the broader social sentiment that emerged quite spontaneously in many parts of the world in the late 1960s. As immigrant destination countries rebuilt and liberalised after the devastation of WWII, they embraced mass secondary and tertiary education, grew wealthier and more socially tolerant and progressively integrated into the rapidly globalising world economy. Greater tolerance and acceptance of social differences was the new *Zeitgeist* as baby-boomers reached adulthood. By the late 1970s, especially after the arrival of Vietnamese war refugees, the idea of multiculturalism gained social traction in Australia and the declaratory rhetoric of ‘Australian multiculturalism’ was soon enthusiastically adopted by the Australian political, cultural and administrative elites. The new rhetoric was soon followed by new, government-funded institutions (such as ethnic councils or departments of multicultural affairs) as the federal and state governments pump-primed their bureaucracies to be more ‘inclusive’, adopted the new language of social diversity, and increased budgets to facilitate the growing ethnic and cultural heterogeneity (e.g. multilingual assistance and ‘multicultural’ radio and television). By and large, Australia has been associated with successful immigrant integration if measured by the various economic indicators reported in this chapter and, given the scale of immigration and the diversity of migrant source countries, by the absence of striking social pathologies such as street crime.

It was only some twenty years later that the moral hazard of the multicultural policy and problems associated with adverse selection by certain migrant groups became apparent: while the policy was broadly successful, some immigrant communities set out to dismantle the institutional fabric of the all-inclusive and tolerant society, as it was that fabric of tolerance and acceptance that they found the most threatening to their parochial group identity. What was initially taken for granted was that the centripetal forces of social cohesion were strong enough to not be offset by the centrifugal forces of social diversity that were boosted by various multicultural initiatives. With hindsight, this assumption was rather over-optimistic as it became clear that some groups of immigrants were only too keen

to retain their home-country identity and openly hostile to the idea of identifying with Australia as their new home. It is only recently that more stringent requirements have been applied to those migrant residents who seek naturalisation. They are now expected to demonstrate a working knowledge of the English language and some basic familiarity with Australia's history and institutions. On balance, it is difficult to determine whether it is the proactive policy of multiculturalism that has been a necessary albeit an insufficient condition for Australia's integrative success of large-scale immigration or whether the credit is due to the relatively smooth absorption of mass immigration that has occurred regardless of various government multicultural initiatives. The jury is out to determine whether and to what extent the policy of migrant integration has made much real difference in this respect. Other factors that have also contributed to the formation of an immigrant absorptive capacity are:

- the long-term perspective, the high degree of bipartisanship and patience adopted by successive political elites. Absorptive/integrative processes may take two or three generations to work through when there are highly diverse migrant intakes – a long-term focus and planning are therefore necessary;
- social and welfare policies that minimise resource competition between immigrants and Australia-born welfare recipients;
- accessible educational opportunities for newcomers at all levels – from secondary through tertiary to higher degrees (e.g. the availability of repayable student loans at the tertiary level) – to reduce competition for educational resources between immigrants and the Australia-born;
- a state/private health care system with co-payments so that immigrants do not burden publicly funded health care and compete against the poorer natives;
- a private and partially compulsory superannuation system as the basis of old-age pensions, with state old-age pensions mostly intended to provide a social safety net – i.e. working age immigrants are expected to earn their old-age entitlements through their participation in compulsory and voluntary superannuation funds;
- steady long-term wage/salary growth, which has reduced competition between immigrants and the Australia-born by minimising potential displacement effects;
- no military conscription, which otherwise might have created tension between those drafted into national service and those staying behind (often non-nationals); and
- the effective policing of Australian borders, which has helped to sustain public support for controlled immigration. There appears to be strong public antipathy towards unauthorised immigrants who try to jump the queue or get in under the fence as visa overstayers or bogus refugees (however, this is also resented by a large part of the Australian public – see remaining sections of this chapter).

The present model of immigration emphasises a market-driven focus on permanent and temporary *skilled* migration with pathways to permanent residency.

Similarly, it aims to attract a large influx of fee-paying foreign students by offering a pathway to residency to retain much of the newly formed human capital in-country. The integrity and effectiveness of this approach depends on the efficient and flexible administration of migrant selection using the meritocratic points system which, in turn, depends on the effective system of border control that allows policy-makers to determine who comes to Australia as an immigrant, when and on what terms. It is also the strength of economic pull factors that is expected to provide the social bonding needed to underpin the successful integration of new arrivals into the existing social fabric of Australia. However, like all policy initiatives, the present economics-driven migration model creates its own *moral hazards* of unintended and sometimes perverse consequences and, thus, associated policy dilemmas.

First, the so-called Pacific Solution¹⁹ has been effective in preventing Australia from being inundated with unauthorised mass arrivals. This is the dilemma faced by all developed countries, particularly the European Union and the US, where a large number of de facto labour migrants seek asylum on humanitarian grounds to gain entry as refugees.²⁰ However, the Pacific Solution has attracted a great deal of international opprobrium as Australia's external obligations under the international system of migration governance (see the next section) tend to conflict with the full sovereignty of border control needed by the meritocratic system of human capital preferment. There is no easy way out of this dilemma, even if Australia opted out of its international treaty obligations. The influx of unauthorised immigrants is only deterred by the randomness of the reticulation system and the harshness and ruthlessness of the Pacific Solution.²¹ In turn, this sits rather uncomfortably with the Australian national psyche and its profound sense of fairness and 'fair go' for the underdog. Many Australians believe that the system of international migration governance should not be fundamentally different from its domestic counterpart, which aims to equalise opportunities for all citizens regardless of the geographic and social incidence of their birth. Thus, many Australians believe that unauthorised immigrants have an unalienable human right to settle in Australia as their preferred location, which should not be attenuated by the Westphalian concept of national sovereignty that restricts such rights to those entry-seekers who are authorised to settle on terms determined by the incumbents (Howe 2016). However, at the same time, opinion polls and elections results show that the majority of Australians approve of the Pacific Solution as a means of border control and an effective deterrent of mass unauthorised migrant arrivals. There is an element of contradiction²² in these conflicting social sentiments and, not surprisingly, the Pacific Solution has polarised Australian politics since its introduction in the early 2000s.²³

Second, the market-oriented approach to the management of skilled permanent and temporary migration pertains to the partial delegation of the administration of migrant selection to employers and state/territory governments. Under the current system, the Australian government uses market labour analysis and a public consultative process to compile the *Consolidated Sponsored Occupations List* (in 2016, CSOL comprised 649 occupations) and the *Skilled Occupations List*

(SOL, listing 191 occupations deemed to be in short supply) in a bid to guide the assessment of immigrant applications in employer-sponsored and independent points-tested categories respectively. As the Productivity Commission notes, the classification of occupations as skilled tends to be quite arbitrary and 'there is a strong case to move to a universal points system for the entire permanent skill stream – similar to the approach adopted in Canada [and] in doing so, it would deliberately raise the standard across the entire cohort of permanent skilled migrants and generate better economic and social outcomes' (PC 2016: 24–25). The actual application of the applicant sponsorship effectively shifts a large part of the selection process to those who have 'vested interests in unduly influencing outcomes' – i.e. shady employers, market intermediaries and local politicians (PC 2016: 24–25). This applied in particular to the uncapped stream of temporary 457 visa-holders, where conditions imposed on sponsoring organisations to demonstrate the necessity to attract temporary foreign workers due to market skill shortages were often very lax (Howe 2016). There is plenty of scope for the system to be 'gamed' by employers, market agents and 'ethnic network' operators and, thus, for some temporary foreign workers to be exploited by unscrupulous employers and market agents (see Rizvi 2019). For example, unskilled migrants may be funneled into the country providing that they comply with some bogus or vague skill requirements. Not surprisingly, there has been pressure to tighten these temporary arrangements. Temporary visas are also opposed by unions which resist the fragmentation of the labour market and the resultant erosion of their membership and bargaining power. In 2017–18, Australian Government started to implement a number of changes to temporary and permanent skilled-migration programmes, including the 457 temporary-visa programme.²⁴ There are also plans to contract out to the private sector some elements of migrant administration. This may easily backfire and add to tensions reported by Rizvi (2019) and Mares (2019).

Third, the effectiveness of the system of international student visas as a path to permanent immigration has also been questioned (see Boucher 2016). In principle, this allows talented international students from poor backgrounds to work and study in order to fund their education.²⁵ Visa numbers are uncapped and these temporary visa-holders have a right to work for up to 40 hours per fortnight during semester time and unlimited hours at other times. The temporary graduate visa-holders have a right to work for between 18 and 48 months after graduation. A very high proportion of foreign students avail themselves of these work opportunities.²⁶ Those who opt to remain in Australia, possibly up to a third of the stock, are effectively self-funding the formation of human capital, which will remain in country. However, the obvious moral hazard of this arrangement is that the system can be gamed by unscrupulous educational agents and service-providers to import bogus students, who pay educational fees for a right to work as unskilled workers in Australia. As critics point out, 'It's a relationship that involves the government effectively contracting out a big chunk of the migration program to self-serving educational institutions that elect to ignore the costs of the program while scooping up many of the benefits' (Sloan 2019a: 22). The obvious social opportunity cost of the programme pertains to the lowering of educational standards by

educational providers to target low-quality entrants, especially those with limited English-language skills, who would not normally meet admission requirements (Rizvi 2019; Sloan 2019b). However, to date, there has been no comprehensive cost – benefit analysis of the education sector as an exporter of Australia-based services.

Fourth, the unrestricted, market-oriented approach mostly funnels the new arrivals into the two major Australian conurbations: Sydney and Melbourne (Taylor 2016). This is where immigrant communities agglomerate and, thus, benefit from strong agglomeration economies, but where infrastructural congestion (e.g. roads, public transport) and other negative externalities experienced by the incumbents (e.g. access to housing, primary schools etc.) may offset the benefits associated with the arrival of new skilled immigrants. Most foreign students live and study in major cities, in particular Sydney and Melbourne (Sloan 2019a). Clearly, such location-specific issues should easily be addressed under the meritocratic points system by assigning higher points to those visa applicants who commit to living in designated areas. However, this needs to be contractually enforced and, under the present system, those contracts implicit in entry visas are highly incomplete. Once in-country, immigrants are practically free to settle where they wish even if they had previously committed to residing at a particular location.²⁷ Again, under the two-step system of entry regulation this should be easily remedied by making the pathway to permanent arrangements conditional on compliance with initial visa settings or by making subsequent naturalisation opportunities dependent on immigrant compliance with their earlier visa conditions. This remains to be implemented.

Fifth, the pathway to permanent residence has been formally reinforced by the policy of multiculturalism, which is intended to lower the absorption cost of the increasingly more socially and culturally diverse influx of immigrants. This is claimed to have worked well in Australia (Pakulski 2014), although the obvious moral hazard of encouraging high levels of ethnic and cultural diversity is the potential for increased social fragmentation and identity grouping, which per-versely increase the social opportunity cost of immigrant integration.

All in all, the Australian migration system is largely geared to labour-market outcomes. Migrants account for a significant proportion of net population change but they are largely pre-selected as skilled people of working age. In this respect, challenges posed by migrant integration are secondary. Temporary migrant workers and students are essentially foreigners allowed to stay in-country. It is intended that a significant proportion of them will opt to remain in Australia and will seek permanent Australian residency. It is at this point that they will be expected to integrate into the host society. Nevertheless, to obtain residency status they are first screened and assessed as potential Australians, so the migration policy paves the way to the migrant integration policy. Once accepted as permanent residents of Australia, immigrants are free to access state and federal public goods and services (e.g. the Medicare system, education, public housing) on the same basis as regular Australian citizens. They are also encouraged to naturalise and become Australian citizens. Given the in-country presence of large ethnic groups, many new migrants are also integrated through established ethnic channels.

Regional migration governance

Finally, Australian migration strategies, policies and procedures should also be seen in the broader context of Australia's participation in the international and regional governance of cross-border mobility. The UN defines international migration governance as 'the [totality of] migration policies and programmes of individual countries, inter-state discussions and agreements, multilateral forums and consultative processes, the activities of international organisations, as well as relevant laws and norms' (Chand and Markowski 2018: 2). Under this definition, the migration governance activities of sovereign nation-states account for the bulk of international migration governance as the sovereign Westphalian nation-state that is the basic building block and juridical territorial entity of the international legal order. It is therefore the nation-state which is recognised by other nation-states as the sovereign legal entity vested with the unchallengeable authority to govern its internal affairs, represent its territory and its inhabitants in relations with other nation-states, control the way they interact with other countries and, if need be, use force to protect its territorial integrity. However, some of that sovereignty is surrendered when a nation-state federates or clubs with other states to form a supranational entity, such as the EU, or when it becomes a signatory to bi- and multilateral treaties and agreements that attenuate its freedom to act as a fully sovereign nation.

Accordingly, Australia is a signatory to multilateral treaties, usually UN-mediated, such as the *1951 Convention Relating to the Status of Refugees* and its 1967 Protocol, the *International Covenant on Civil and Political Rights*, *International Covenant on Economic, Social and Cultural Rights*, *Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment* or the *Convention on the Rights of the Child*. In their totality, these international obligations restrict Australia's ability to defend its borders. All unauthorised immigrants landing on its shores can claim protection as refugees and asylum-seekers and, thus, are entitled to, at least, a formal review of their claims, temporary stay and shelter pending the outcome of screening and, if need be, appeal processes. Given the inherent inequalities between nation-states, a vast segment of humanity could claim asylum rights in prosperous democracies such as Australia. As noted earlier, the unauthorised arrivals of migrants from poor, oppressive and violent parts of the world can only be deterred by very harsh border control measures. For many, including a large part of the Australian electorate, the application of such harsh measures contravenes not only the spirit but also the letter of international treaties and agreements, which have idealistically sought to provide refugee protection in exceptional circumstances. However, these treaties have also been used by all those who refuse to have their cross-border mobility constrained by the accident of their birth and who seek to improve their life chances of living a reasonably secure and prosperous existence, normally taken for granted by inhabitants of rich democracies such as Australia.

The emergence of nation-states from the post-First World War ruins of old empires has also elevated the importance of international free trade and the

unimpeded mobility of factors of production such as capital and labour. As global free trade and factor mobility have been difficult to secure, federal states such as the US, Canada or Australia and regional, quasi-federal economic clubs such as the European Union have provided a means of securing regional agglomeration economies. Most of these entities have been structured as Buchanan-style, top-down economic clubs (Buchanan 1965), that is, as centrally managed entities that have been designed for geographically contiguous member-states operating as provinces or states. The federation of the former British colonies into the Commonwealth of Australia is an example of such an arrangement. However, this is geographically limited to the Australian continent and its offshore islands. In the vastness of the Pacific region, the federal model cannot be easily extended to include relatively small island-states dispersed over huge ocean areas. One model is to incorporate an archipelago such as Hawaii as an offshore state of the US. Another has been based on the special relationship between Australia and New Zealand, which Chand and Markowski (2018) describe as a self-regulating and relatively unstructured club – an alternative to the Buchanan-style arrangement – and label an *idiorhythmic economic club*.

The structured, top-down architecture of Buchanan-style clubs such as the EU experience a lot of friction as their Westphalian member-states find it challenging to surrender their national sovereignty to form working coalitions of members driven by some high-level vision of an ever-closer federal entity. In contrast, *idiorhythmic economic clubs* grow organically and bottom-up (through a series of new inter-state initiatives and partial reversals), using *self-regulating* management structures (e.g. regional coordination committees) that rely on weak, often discordant bonding mechanisms and makeshift forms of club governance as opposed to the overarching central design. An example of such an emergent design is the Australia – New Zealand Pacific (ANZPAC) migration governance system.

The outer boundary of the ANZPAC is provided by the *Pacific Island Forum* (PIF), which is the weak bonding force of this regional arrangement. The two largest and economically strongest nation-states within the ANZPAC system are Australia and New Zealand, with their dependent territories. Both Australia and New Zealand are immigrant destinations for inter-regional migrants that have long been integrated through the *Australia – New Zealand Closer Economic Relations Trade Agreement* (ANZCERTA) and the *Trans-Tasman Travel Arrangement*. The latter has provided the legal basis for the free mobility of workers and residents between Australia and New Zealand with largely unrestricted residential and employment rights. As Australia has been the larger and wealthier of the two foundation states of the ANZPAC, the New Zealand diaspora in Australia numbers well over 600,000 or more than 9 per cent of all foreign-born residents (Taylor 2016: 17). There are some non-reciprocal residential and labour-flow arrangements between New Zealand, the Cook Islands and Niue, which allow nationals of these island-states to emigrate to New Zealand (but not the reverse).

Most of the island-states in the Pacific are very poor and vulnerable. Temporary employment in Australia and New Zealand provides the most effective economic aid for Pacific Island economies (Berkelmans and Pryke 2016). In principle,

temporary workers from the Pacific Islands could have been employed in Australia under the uncapped 457 visa arrangements and in New Zealand under a similar but capped employer nomination scheme. However, the mainstream immigration strategies and policies of Australia and New Zealand are aimed at attracting skilled workers and human capital and the mostly unskilled Pacific-Island workers are unlikely to qualify. Thus, both Australia and New Zealand have separate seasonal worker programmes which aim to support economies of the neighbouring Pacific nations by offering limited seasonal work as a form of development assistance. In Australia, this is provided through the *Seasonal Worker Program* (SWP) and in New Zealand through the *Recognised Employer Program* (RSEP). It is these arrangements, together with the *Trans-Tasman Travel Arrangement*, that form the basis of the ANZPAC migration system (Chand and Markowski 2018).

While still largely embryonic, the concept of the ANZPAC as a self-regulating, bottom-up and idiorhythmic migration system provides some food for thought for countries seeking an alternative to Buchanan-style clubbing arrangements. This could be of interest to the post-Brexit United Kingdom as it will have to retain its united (federal) structure but also allow for flexible factor-flow arrangements with other states under free-trade agreements and limited market integration.

Concluding comment

In this chapter we have reviewed the history of Australian migration governance to highlight those aspects that should be of interest for EU member-states and the EU as a whole. This applies in particular to the enhanced understanding of the moral hazards that are inevitably associated with all migration strategies, policies and procedures. We also tried to emphasise that Australia is primarily a country of labour immigration. The system of immigrant selection mitigates against the acceptance of immigrants as such. Unlike the US, Australia does not aspire to attract the 'huddled masses of humanity'. The most obvious exceptions from the country's labour-oriented immigration policy are refugees under the humanitarian migrant intake and family members of accepted labour immigrants.

There are obvious limits to the portability of the Australian immigration experience. Ultimately, every country is unique and its particular experience is a product of many country-specific factors. There is, however, one strong element of similarity. Over the past few decades, Europe as a region has evolved from a source of mass emigration to become the highly desirable destination for mass immigration. It shares some similarities with Australia, which has been an immigrant destination for most of its modern history. Like Australia, but on a substantially greater scale, the European Union is confronted with pressures posed by the mass immigration of working-age people from poor countries who seek a better life in richer parts of the world. The benefits of these migrants for destination countries have been well documented (see, for example, PC 2016) and the experience of such inflows is broadly positive. It is the scale of the phenomenon and the rate of arrivals that are now posing problems for migrant destinations. Most of these destinations are democracies which face populist resistance to mass immigration

from various sections of the electorate, even if the inflow of migrants is broadly beneficial for the country as a whole. These populist movements are now significant enough to threaten the political stability of EU member-states. Thus, there is pressure to regulate mass migratory movements or they may otherwise destabilise the very social and economic fabric of wealthy democracies that has made them attractive as migrant destinations in the first place.

In this context, the Australian experience is instructive for three reasons. First, in Australia, unlike the European Union, there is a strong, bi-partisan political consensus that immigration is good for the country as a source of substantial demographic, cultural and economic dividend. There is also a political consensus that inflows of people have to be regulated to deliver this dividend. It is the mechanics of regulation where political interests diverge, often substantially. However, in a working democracy, the mechanics of regulation are the prerogative of the government of the day. In federal Australia, the responsibility for migration control is vested in the federal government. This is where the European Union is confronting an institutional ambiguity that has to be addressed sooner rather than later. Either responsibility for the regulation of cross-border migration has to be unambiguously assigned to the Union as a quasi-federal entity or it has to revert back to member-states, in which case the very concept of the EU as an 'ever closer union' is in doubt.

Second, to make the (cross-border) migration and subsequent migrant integration policies work, the territorial integrity and sovereignty of the decision-making entity have to be protected. This is the logic of the Australian Pacific Solution, where harsh border controls are enforced to stop the massive inflow of unauthorised immigrants. This stringent implementation allows Australia to determine the scale and scope of migrant inflows and secure public support for regulated mass immigration. It is this capacity to enforce border controls that the EU lacks at present and, in its absence, member-states are encouraged to deflect unwanted migrant inflows to other parts of the Union and free ride at the expense of the Community. In the longer term, this also threatens the integrity of intra-EU free movement and the Schengen system of unimpeded intra-EU mobility. We do not wish to suggest that the potential Mediterranean Solution should be modelled on the Pacific one. Clearly, there is plenty of room for innovation and the EU as a whole has much larger resources at its disposal and much greater economic leverage to find a way of regaining border control that could avoid the harshness of the Pacific Solution. Nevertheless, some radical initiative is in order if the European project is to regain its momentum and appeal.²⁸

Third, the Australian regional experience is also of value. For far too long, Australia and New Zealand have neglected the plight of Pacific Islanders and their dependence on the Australian and New Zealand labour markets. Admittedly, their numbers are small so there has never been a threat of mass migration from the Pacific. However, a wealthy country like Australia should accept some responsibility for its less fortunate neighbours and provide well-targeted economic assistance to lift people out of poverty. The schemes presently operated by Australia and New Zealand are far from adequate but do represent a step in the right direction. The EU

faces a much more demanding task in its African and Middle Eastern neighbourhoods. If massive flows of unauthorised labour migrants are to be brought under control, the EU must confront the sources and causes of recurrent mass emigration. There are many potential solutions that would inevitably involve substantial investment of European resources at the expense of current programmes of intra-EU assistance for new member-states. However, the potentially destabilising mass migration cannot only be regulated by means of border controls; economic capacity-building in source countries is a necessary, albeit not a sufficient, condition for the effective management of mass inflows of job-seekers.

Australia is also quite unambiguous with regard to the ultimate objectives of its immigration system. While it serves as a backdoor population policy, it is primarily an instrument for attracting inflows of skilled and relatively young labour migrants. The EU should similarly be more explicit as to why it wants to attract migrants as opposed to stopping the unauthorised job-seekers at its border. The policy of migrant integration is a secondary challenge. Unlike economically motivated immigration where quantitative policy targets could be specified, this is an area where it is easy to claim integrative success as well as to criticise the outcomes. Much of it is, in our opinion, a declaratory rhetoric of different vested interests. The main lesson, however, is that migration strategies and policies have to be designed with greater understanding and acceptance of the inevitable moral hazards of different policy initiatives. It is not that Australia has adopted a wiser and more anticipatory approach but it has learnt much faster from its mistakes and its *strategic agility* makes it more politically resilient, bipartisan and effective at addressing problems of mass, cross-border mobility as they emerge.²⁹

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Notes

- 1 The Migration Council Australia (MCA) is an independent, non-partisan, not-for-profit body established to enhance the productive benefits of Australia's migration and humanitarian programmes. It aims to enhance understanding of migration and settlement processes in Australia through commissioned migration-related research and to foster the development of migration-focused partnerships between the Australian corporate sector, the community and the government.
- 2 Some Chinese labourers came to Australia during the Gold Rush of the 1850s but their arrivals were soon restricted under colonial legislation such as the *Victoria's Immigration Act 1855 (Vic)* (PC 2016).
- 3 In Tasmania, for example, there were two convicts for every free settler (Creighton 2019).
- 4 By 1850, the NSW Legislative Council received 36,000 signatures opposing further convict transportation and only 525 in favour of it (Creighton 2019).

- 5 Arguably, an antipodean rehash of the centuries-old antagonism between the predominantly Catholic Ireland and the predominantly Protestant Great Britain (Goldlust 2009).
- 6 Inevitably, absurdities followed. For example, a Czech national was set a dictation test in Scottish Gaelic while an illegal Japanese immigrant was administered a test in Greek (PC 2016).
- 7 It targeted the annual population growth of 2 per cent of which half was to result from the immigration of new settlers. The settler intake was to be 'balanced between assisted and non-assisted immigrants, British and non-British immigrants, and between northern and southern Europeans within the non-British intake' (DIMA 2001: 4).
- 8 The term 'Pom' in Australia usually denotes an English person (or, less commonly, a person from another part of the UK).
- 9 As the economy stagnated in the early 1970s, the overall migrant intake was capped (e.g. at 50,000 people in 1975).
- 10 Of the 7 million immigrants who have settled in Australia since 1945, over 60 per cent have become Australian citizens (PC 2016: 4).
- 11 State- and territory-sponsored visas under the points-tested skill stream also increased sixfold between 2005 and 2014. Business Innovation and Investment visas have remained a small component of the stream and the so-called Distinguish Talent component is negligible (PC 2016).
- 12 These have to be nominated under one of the targeted occupations listed on the Consolidated Sponsored Occupations Lists. Sponsors of 457 visas must also meet minimum annual salary requirements of AUD 53,900 plus superannuation.
- 13 These are temporary holiday-makers-cum-seasonal workers aged 18–30 years who are allowed to stay and work for up to two years under bilateral arrangements with a number of countries. They provide a pool of unskilled labour services but this appears to be working well, with the programme both offering the holiday experience and channeling unskilled labour to agricultural jobs in rural areas.
- 14 Allowed to remain in Australia pending the outcome of a substantive visa application.
- 15 For example, permanent family-stream visas require applicants to be related to an Australian permanent resident, a citizen or a New Zealand citizen while skill-stream immigrants should normally be under 50 years of age. Applicants under the investor stream must buy state/territory assets worth at least AUD 1.5 million and must be nominated by the state/territory concerned, while the fast-tracked premium-investor visa may be granted to those who acquire assets worth at least AUD 15 million in asset categories chosen by the Australian Trade and Investment Commission (PC 2016).
- 16 For example, eligible Australian residents can sponsor parents to join them in Australia through a noncontributory stream – with application charges of AUD 7,000 per applicant and a waiting period of up to 30 years – or a contributory stream where the charge per applicant may exceed AUD 47,000 but the waiting period is reduced to up to two years (PC 2016: 77).
- 17 For example, of the 70,000 immigrants from the Middle East and North Africa who arrived between 2006 and 2015 as mostly humanitarian refugees, the 2016 census shows that 44,000 were either unemployed or looking for work in 2016. This compares with 31,000 mostly skilled and family-stream arrivals from Southern and Eastern Europe of whom only 3,900 were in the same category (Creighton 2019).
- 18 For example, in 2016, the Lowy Institute in Sydney found that over 70 per cent of its survey respondents agreed that, overall, immigration had a positive impact on Australia and that the absorption of immigrants from many countries makes Australia stronger. Only 35 per cent of respondents opined that immigrants take away jobs from other Australians (Berkelmans and Pryke 2016).
- 19 Whereby unauthorised immigrants – usually funneled into the Australian territorial waters in boatloads by black/grey market agents (often described as 'people smugglers') to claim, on arrival, refugee and asylum-seeker status – are reticulated to off-shore detention centres in the Pacific region (e.g. Nauru or Papua New Guinea Manus

- Island). The UNHCR-determined 'genuine refugees' are resettled in Australia but others are left behind to deter further inflows. Migrant-swapping mechanisms are also agreed with Canada, New Zealand and the US to increase the randomness of the final settlement destination – thus to deter people smugglers from targeting specific destination countries.
- 20 Given the present wording of international treaties and agreements governing such matters, most of those claiming asylum come from source countries which are defined not only as poor but also as politically and socially highly illiberal so that claims of oppression and human rights abuse can easily be sustained.
 - 21 Not surprisingly, the effectiveness of the deterrence factor is either misunderstood or deliberately undervalued by the critics of the Pacific Solution (Gordon 2017).
 - 22 Inevitably, in democracies such as Australia, migration strategies are formed by national political elites and as such reflect the prevailing elite consensus. However, as pointed out by Withers (2016), the Australian public's perceptions of immigration and immigrants are more influenced by opinion-makers (e.g. media personalities) than by experts – hence the oft-observed lack of transitivity between the different public strands of opinion as reflected in the various polls.
 - 23 The Australian Labor Party, which previously championed the relaxation of strict border controls, was severely beaten in the 2013 election that was fought largely on the issue of border control following the unauthorised arrival of 51,000 asylum-seekers in 800 boats and the deaths at sea, Mediterranean-style, of 1,200 people (Creighton 2019). It also lost the 'unlosable' federal election in 2019, which was also fought on issues related to border control. Prior to the election, the Independents-controlled federal parliament passed the so-called medivac bill, which was to facilitate the immediate evacuation on 'medical grounds' of the vast majority of unauthorised refugees and asylum-seekers from Nauru and their eventual resettlement on the Australian continent. It was feared that the medivac policy, supported by the-then Labor opposition, would trigger another wave of boat arrivals. Not surprisingly, the threat of the Mediterranean-style refugee scenario allowed the incumbent Coalition government to use it as a major part of their re-election platform.
 - 24 The changes result in a shorter list of occupations eligible for skilled migration visas and the introduction of a new *Temporary Skill Shortage* (TSS) visa (<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-skill-shortage-482>). The new visa conditions include tightened English language requirements, a minimum two-year work experience, stricter visa renewal procedures and a requirement that sponsoring employers pay the going market wage rate.
 - 25 In 2017, international students studying and living in Australia contributed AUD 30.3 billion to the Australian economy, making the educational industry the country's third largest export sector and its leading service export sector (*The Australian* 27 February 2019: 29).
 - 26 For example, the 2016 population census showed that 51 per cent of foreign students were in the labour force (i.e. either working or looking for work). Those who worked while studying were employed as cleaners and laundry workers, sales assistants, food preparation assistants, food-sector workers, carers and aides, road and rail drivers, sales support workers and factory process workers. Only in tenth place were 'educational professionals' – i.e. students employed as teaching and research assistants (*The Australian* 20 February 2019).
 - 27 Similarly, students can change their declared courses to reduce their academic workloads and fees and seek market-mediated employment opportunities.
 - 28 The lessons of Brexit should not go amiss in this respect, as the key 'red line' drawn by Mrs. Theresa May, the-then British Prime Minister, and her Brexit negotiating team related to the free movement of people.
 - 29 An example of this is the immediate post-2019 Federal election response of the opposition Australian Labor Party, which has set out to examine the implementation of government migration policy and the workings of federal administration machinery tasked with policy implementation (Rizvi 2019).

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12 Conclusions

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There is no reason to expect that migrations will cease in the future. Growing inequality in the world, military conflicts and climate change will stimulate flows of people in search of safer living conditions. Migration policies at both national and European levels (of the European Union and, to a lesser degree, the Council of Europe) and at world level (for example, through the actions of the International Organization for Migration, the United Nations High Commissioner for Refugees or the International Labour Organization) will be of interest not only to politicians but to large parts of society. The key issue is thus how to manage migrations so that they bring significantly more benefits than challenges.

This book has focused on the relationship between immigration and integration policies – the two basic components of migration policy (the third – diaspora policies – is not within the scope of this publication). We hypothesised that a very close relationship between immigration and integration policies is needed to make migration policies more effective. In the Delphi survey presented in Chapter 4, we asked experts from seven European countries if integration policy should be treated as primary to immigration policy. This would mean that a given state's or group of states' instruments of admission of migrants would be dependent on the effectiveness of its integration policy. This effectiveness would be measured by how the inflow of migrants impacted on the level of social cohesion in a given territory.

The results of our empirical study and the case studies in this book looking at the relations between immigration and integration policies in selected European states and in Australia all demonstrate clearly that decision-making within the two has to be very closely interlinked. States should aim to treat this as one single system of migration management, which means that the impact of one field's decisions on the other should be forecast and taken into consideration. For example, a decision to open up the labour market or liberalise the visa regime should be taken based on a country's or state's capacity to integrate newcomers in the receiving society. Such an approach would anticipate any potential challenges resulting from the acceptance of migrants whose stay is initially planned as short-term but who change their plans during their stay. The problem is well-known in the history of immigration into Europe. As we know, migrants were encouraged to go to a number of countries to fill shortages in their labour markets but were not offered any integration instruments on the assumption that they would leave

once their employment had ceased. This did not happen. Thus, if a state wishes to liberalise its immigration policy, for example by opening up its labour market, it should, at the same time, prepare its integration policies to deal with larger numbers of newcomers and, in the future, also their family members. This would help to avoid the many challenges which can and do occur, especially with the second or even the third generation.

In this book, analysis of the views of experts, as well as examples from both individual European countries and Australia, demonstrate that giving priority to integration policy is not seen as a possible alternative to today's logic of decision-making in migration policy. Immigration policy, or the regulation of the inflows of foreigners based on the needs of the labour market, is still given priority. However, our results also demonstrate a certain difference of opinion between experts from Central and Eastern Europe – which has only recently become a destination for migrants – and Western Europe. In the latter, the need to build close ties in decision-making in the two fields and the importance of integration policies has been raised much more frequently. This is probably a result of the experiences which Western European countries had with inflows of migrants and their integration. In Central and Eastern Europe there are almost no citizens of migrant origin and current inflows are mostly from culturally similar countries. This leads some to mistaken conclusions concerning the lack of need for an integration policy. Instead of falling into this trap, Central and Eastern European countries should learn from the experiences of those who, before them, accepted large inflows of migrants. An open immigration policy for citizens from, for example, Ukraine and going to Poland, Czechia or Hungary, should be accompanied by a broad offer in the destination country's integration policy.

Another important conclusion from the survey and case studies (see, in particular, the chapters on Poland and Spain) is that local governments and nongovernmental organisations alike should be involved in the execution of migration – and especially integration – policy to a much larger degree than is the case presently. These are the entities with the largest practical experience of preparing and implementing integration instruments and the first to which migrants turn with their expectations and problems. This means that representatives of local governments (especially big cities) should be involved on a permanent basis not only in creating the assumptions and strategies of migration policy but also in deciding on particular instruments.

This book, which, to our knowledge, is the first such comprehensive contribution to demonstrate the relationship between integration and immigration policies, includes both the results of empirical studies and the descriptions of the situation in particular countries. It offers both theoretical and practical knowledge. We thus believe that it can be useful for both scholars and practitioners of migration policy. That was our goal. We do have a sense of insufficiency, which results in part from the lack of data available on many issues and, even more, from the extreme politicisation of migration issues, especially in recent years. This encourages us to continue our research in this field, to find the optimal relationship between immigration and integration policies and to help to create effective migration policies.

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