



No. 10, June 2009

## Policy recommendations based on the IDEA project<sup>1</sup>

### I. The logic of policy recommendations in the IDEA project

The main aim of the IDEA project has been to improve our understanding of the past and present of migration processes in Europe, their logic and consequences for policy developments.

The assumption is that among the main drivers having an impact on migration processes, such as labour market, development gap, demographic factor or international situation, a state's migration policy is one of the most influential. In other words, there is an idea that human flows could be (obviously, to some extent) regulated through political measures.

Every immigration country has its own unique peculiarity. What distinguishes one from the other is history and tradition of immigration, qualitative and quantitative characteristics of inflows, and also the way of how the state reacts to entries and settlement of newcomers. Moreover, every country is part of a regional, European and a worldwide migration system; therefore not only does the national milieu have to be taken into account in the formation of migration regime, but also a wider international context should be considered.

Although patterns of immigration in Western, Southern and Eastern Europe are hardly comparable in a direct way, all the countries experience similar challenges and face the same dilemmas related to controlling, managing and integration of immigrants. Exchanging the national experiences via better knowledge and understanding of history and an internal logic of immigration cycle, which every country is passing through, is one

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of the most important aims of the IDEA project. Policy recommendations formulated below are mainly based on the content of final products of the IDEA: Policy Briefs, National and Regional Reports, prepared by eleven teams partaking in the project.

### **Background of formulation of migration policy**

Formulation of migration policy requires first and foremost the conceptualisation of a state's interests related to immigration. It means submitting a set of key questions and finding a commonly accepted response to at least some of them:

- Does the state need or does not need immigration (and if so why)?
- What kind of immigration is needed?
- How to encourage the desired inflows and how to restrain undesired ones?
- How to deal with the immigrants who have already been in the country?

Political recommendations are formulated mostly for policymakers (representing, generally speaking, the state's government and administration); therefore the centre of gravity is put on the state and its functions. The recommendations proposed in the IDEA project, as a result of the thorough analysis of migration processes in 9 countries representing three European parts of diversified maturity in the European immigration cycle, concern migration policy and managing of human mobility. Immigrants, however, are not one consistent group. On the contrary, in the literature many typologies describing particular migrating groups could be found. To make some order in analysing the logic and content of recommendations addressed to migration policy, generally it could be said that there are two main groups of immigrants requiring a state's activity:

- potential (expected) immigrants; including two different types: desired (those who the state wants to come) and undesired (those ones who the state does not want to come).
- real migrants (who have already come); including two different types: wanted (those who the state wants to stay) and unwanted (those who the state does not want to stay).

These two groups require different approaches from states. To the first group mechanisms of encouraging (such as special entry and recruitment schemes) or discouraging (strict visa policy, restrictive rules of admission to labour market) are introduced. Subsequently, the second group is also treated differently, according to the state's categorisation who is wanted and who is unwanted (which is always very questionable); the first type is encouraged to stay, and the second one - to leave the country.

To sum up, the main aim of migration policy could be very shortly characterised as regulating and controlling international migration flows according to the state's interests.

These are the imperative in the formulation of migration policy. However, it would be incomplete without taking into account points of view and interests of other actors taking part in the whole process: immigrants themselves, host society as well as transit or sending countries.

Following this line of argumentation, at least three main concerns should be pointed out here as guidelines in migration policy development:

- interests of the state versus interests of immigrants,
- interests of the state versus the interests of other political entities, such as neighbouring countries, source countries, the EU; moreover, the ability of the state to manage migration flows has always been limited and conditioned by many factors which are independent and uncontrollable by the state, such as political crisis or war and mass asylum inflows as its consequence).
- idealism versus pragmatism; which is especially noticeable in the case of asylum policy or integration policy, then the consensus between the so called human rights approach and a line of practicality (represented usually by policymakers) is sometimes difficult to achieve.

These represent also a kind of dilemmas which policymakers have to confront, but also could be treated as a rationale for migration policy formation.

### **Immigration as a challenge**

There are some commonalities within the logic lying behind migration policy in every country, regardless of the level of maturity already reached. All of destination countries have to face and be confronted with the same challenges related to immigration. Taking into account their character, they could be described as pre- and post-immigration challenges.

The pre-immigration challenges are related to the immigrant group described above as a potential one. These reflect the state's interests related to labour market needs, economic development, demographic situation, etc. Policymakers attempt to respond to these challenges by implementing effective ways of admission and recruitment of selected groups, such as high-skilled or seasonal workers. The pre-immigration challenges concern also undesired migration inflows (first and foremost irregular ones) and state's retort in stricter border controlling.

Subsequently, post-immigration challenges expose direct and indirect results of immigrants' being and functioning in the labour market and social life of a destination country. Integration policy is a priority here to counteract discrimination, marginalization, social exclusion of new comers, as well as weak social cohesion, ethnic and cultural tensions, irregular employment of immigrants, etc.

## **On the way toward mature migration policy**

Following the migration cycle concept that particular countries move forward from emigration to immigration states by passing different stages towards the final - “mature” one, and migration policy is one of the main drivers of this process, the question arises: what does mature migration policy mean today? And taking it as a final goal, what could “younger” countries - being at a primary stage on the way towards maturity - learn from the “older” and more experienced ones?

Following the traditional approach, the ideal policy should be:

- well planned (based on a widely accepted long-term strategy defining the state’s interests, and aims to be achieved via migration policy),
- well organised (supported by a legal framework as a normative basis and an appropriate bureaucratic structure which should ensure successful implementation),
- rational (based on the thorough analysis of all available sources and data as well as experience of other countries), and, what is the greatest challenge,
- efficient (there should be a consistency between intended objectives and final outcomes of migration policy).

It is a difficult task (possible at all?) to evaluate migration policy according to those ideal characteristics. From more practical point of view, a basic condition seems to be more important, namely, whether migration policy corresponds well to the actual state of affairs and if the demand for the state’s intervention in regulating migration flows is met sufficiently.

## **II. Overview of policy lessons and recommendations**

Taking into account the thesis that migration cycle is also a cycle of influencing by teaching and learning process, the key question is what the countries, being at different stages of development, could learn from each other?

### **General lessons from Western and Southern countries**

Immigration is an unavoidable and indispensable phenomenon, mostly for demographic and economic reasons. However, there are two different perspectives of treating immigration - as a solution (to economic or demographic needs) and as a problem (as a threat to social cohesion, national identity, security and welfare system). Depending on which perspective of looking at immigration prevails, it influences the way of how migration policy is formulated.

The economic imperative rules migration policy. It dictates not only the way the state reacts, but also if this reaction takes place at all. As Mirjana Morokvasic notices, “most workers arrived not via the official recruitment channels, but as tourists, as workers under “nominal contracts”, and the authorities closed their eyes as long as the workers responded to the immediate needs of the labour market” (Policy Brief: France).

Growing importance of demography argument. Immigration is necessary to stabilise labour force and population size in times of negative natural growth, low fertility, and in consequence, ageing and shrinking society. It is not a time for a question if we need immigrants at all, but what type and how many.

Priority for qualified immigrants and demand-oriented proactive migration policy as result of common awareness of competition for “qualified, talented and motivated” immigrants (Policy Brief: Austria). At the same time “attracting the best should not be to the detriment of the countries of origin, depriving them of their “brains” neither should it imply “de-skilling”, non recognition or inadequate recognition of the credentials and know-how of immigrants” (Policy Brief: France).

Integration has to be treated as an issue of main concern. Immigration has to be accepted as a permanent process, not as a temporary phenomenon, but with long-term consequences, leading very often to settlement. The number of immigrants who have stayed in France, according to various sources and in different historical periods, is estimated at between 50 to 60%. It means that for approximately 40-60% of immigrants, temporary migration has transformed into long-term settlement (Policy Brief: France). It required offering “a clear life perspective for immigrants” from the destination country (Policy Brief: Austria). Moreover, integration activities should be addressed not only to regular migrants, but also to irregular ones, who are the most vulnerable to social exclusion and marginalization (Policy Brief: Spain, Italy).

Controlling quantity of immigrants. Migration policy should define upper limits for immigration for certain periods of time; these limits depend on economic needs and social acceptance of immigrants (Policy Brief: Austria).

The interdependence between more restrictive policy and less immigration is not truthful. Example of Western countries is clear evidence that restrictive policy is largely ineffective and “transforms migration flows into business opportunities for traffickers and smugglers. Illegal entries have not been stopped in spite of the measures taken – rather migrants tend to rely more and more on professional intermediaries” (Policy Brief: France).

Immigration as well as migration policy need certain social acceptance of native population. Information policy and a broad public debate to achieve societal consensus is necessary.

Irregular immigration and illegal employment require a complex approach and tackling root causes. Effective promotion of channels for legal immigration is required in order to cope with economic demand as well as to counteract the extent of irregular inflows.

A few key issues enumerated above will be presented in detail in a further section of the paper.

### **Three main questions constituting the pillars of migration policy**

#### **Question One: How to manage labour migration? Searching for more flexible and effective admission rules and recruitment schemes**

Immigration represents a long-term solution to labour and skill needs in a national economy and, at the same time, supports a state's development. The main challenge could be formulated as follows: how to design the policy recognizing the real demand of labour market for foreign labour and matching the demand with immigration flows. This dilemma is also highly discussed at the EU level.<sup>2</sup>

As it was mentioned, in all the countries there has been a demand, though of varying degree, for short-term labour migration. This type of immigrants enters the country for limited period of time to fulfil labour shortages resulting usually from the economic growth. As it was described by Heinz Fassmann and Ursula Reeger analysing the case of Western countries, "foreign workers were supposed to behave like spinning tops on the domestic labour market. They should come and go, if possible alone and without families, and be very flexible both occupationally and geographically. This would bring maximum benefits to Austrian and German businesses while relieving society from fundamental questions of integration, which were inevitable when labour migrants began to settle". However, the situation when circular and short-term type immigration transforms into settlement is usually out of state's control; an example of Western countries in the 60s and 70s showed it very convincingly.

In time, several mechanisms have been designed and implemented for legal recruitment: quota systems (definition of labour quotas per economic sector followed by the process of granting of work visas), point system, or shortage lists. All of them have, however, some limits and questionable efficiency.

The common recommendation which occurs in all the cases analysed is a call for effective monitoring of labour market to overcome mismatches between market demand and state regulations. The system of monitoring should be well grounded institutionally (not pending on the political cycle), cohesive in tasks, effective regarding the flow of

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<sup>2</sup> See: Green Paper on an EU approach to managing economic migration (COM/2004/0811 final) or Policy Plan on Legal Migration Policy Plan on Legal Migration [SEC(2005)1680] search for the EU approach to labour migration and the most appropriate form of common rules for admitting economic migrants from third countries as well as the Council Directive (2003/109/EC) concerning the status of third-country nationals who are long-term residents.

information between partners/institutions involved, multi-level and systematic. The most important aim of that system would focus not only on the monitoring of the demand for a foreign labour force in terms of its dynamics of inflow, scale and structure, but mostly on the fluctuations of foreigners' presence in the labour market and the role of foreign workers: whether they complement or substitute the domestic labour. It requires therefore an adequate, up-to-date and detailed database regarding the shortages and consequently the demand for foreign workers. The system of monitoring should include all sectors of the labour market, also domestic services.

However, as the example of the Southern European countries confirms, it is a key but not sufficient activity. The main weakness of recruitment system is that procedures to hire an immigrant are too complex and time-consuming (these last usually few months), which is unacceptable for seasonal employment in agriculture or small companies, where quick and flexible rules of entry and recruitment are necessary. Additionally, there is an obligation of checking on the availability of the local workforce (to protect local workers), which also prolongs the time of recruitment and makes the system more restrictive and inflexible; thus some employers prefer an easier option and employ the workers irregularly.

Again, the Southern countries' experiences are worth presenting here. The nominal request system introduced in the mid 1980s in Spain and Italy occurred to be unsuccessful. In Greece the invitation scheme was implemented since 1991 ("allowing immigrants to work in Greece, for a specific employer and for specific type of work, only if there is an available position for them which cannot be filled by the Greek labour force or the immigrant labour force that already resides in Greece" (Comparative Report of Southern Countries; Sabino, Peixoto) and also was criticised for its restrictiveness. Similarly, systems based in labour market quotas (introduced as a pioneering solution, a system of annual quotas for economic migrants at all skill levels) implemented since 1990s in Southern countries (such as the "programmed number", or *numero programmato* in Italy or *contingente* in Spain) have never worked properly as effective labour channels.

Quota system was also criticised: "The large number of immigrants working in the low-paid, low-skilled segments of the labour market in Italy are meeting a demand for labour that the quota system has difficulty in quantifying. This means that the demand for labour is underestimated. In addition, the directions and dimensions of the new immigration flows are constantly changing; any predetermined estimate of the maximum quotas for new entries should take account of new factors and the system should be more flexible (ibidem)."

The lesson from attempts to create the effective recruitment system could be summarised as follows: "Taking all these labour immigration policies together, it is clear that their degree of restrictiveness and their complex administrative requirements were unable to deal with the high labour demand and vast immigrant supply, thus being incapable of regulating inflows and limiting irregular immigration. Moreover, it was the cause of the continuity and large volume of irregular inflows" (ibidem). There is no ideal system;

serious loopholes could be found in each of them. Employers officially recruit foreign workers and declare hiring them in a particular occupation and then employ them in other activities once the recruitment procedure has been concluded. What is also worth noticing is that very often the legal channels of entry have served to legalise irregular migrants already staying in the country, instead of being a measure to recruit new immigrants.

To overcome the above mentioned weaknesses and to improve the system of legal recruitment, some recent initiatives are worth being presented here.

1. The list of vacant positions. In Spain to make the recruitment easier, every three months a list (*Catalogo de trabajos de dificil cobertura* – Catalogue of Hard-to-fill Positions) is released. It contains information on the positions which are not filled by available workers (nationals or citizens of other EU countries). The system allows an employer looking to fill a vacancy listed in this catalogue to start a recruitment procedure immediately. Then the system allows for “eluding the priority check of the labour market and represents, thus, a step forward in the conception of workable immigration policies” (Spanish POES);

2. The system of entry visa for “job search” (Portugal and Spain). The aim of this type of visa is to promote a further flexibilisation of the recruitment procedures. However, the possibility to apply for such a visa is limited to a certain number of employment sectors, like the domestic one. However, the visa for job search (according to Spanish experts) still has a symbolic character as it has been issued to a very limited number of immigrants since its introduction.

3. “Global contingent” of labour needs (the report of total labour needs, published every year) introduced in 2007 in Portugal. The system includes the announcement of job vacancies abroad and the subsequent issuance of visas. “This new framework represents an attempt to improve and make effective the issuance of residence and temporary visas for work purposes. Foreign citizens have direct access to job offers through the IEFPP website, and there is also the possibility of a direct contact between the potential candidates and the recruiters” (Comparative Report of Southern Countries). Quota regulations need to be flexible and open for modification according to the necessities of the labour market during a year.

4. Recruitment schemes based on bilateral agreements with sending countries to establish an effective system of providing long- or short-term workers to the national labour market by specialised agencies.

### **Question Two: How to tackle irregular immigration? Controlling, regularisation and addressing root causes**

In all the countries, though to a different extent, irregular immigration has become a structural feature of migration regimes and represents one of the most important challenges for national governments. What system factors rooted in the state’s regime reinforce irregular migration? The conclusion from the analyses made in the IDEA

project is clear in this matter - the most important are: shadow economy and the common acceptance for its existence, the lack of or too restrictive legal entry and recruitment procedures, weak administration structure, the ineffective system of labour market controlling, and the lack of transparent scheme of regularisation.

Taking into account migration history, the best case to analyse the problem of irregular immigration are Southern countries. From the 1980s there has been a dynamic increase in immigration flows to these countries. Although the demand for foreign workers was recognised by the state, the legislation did not reflect this trend and still was characterised by “a high degree of restrictiveness and inflexibility that hampered an effective programming of the flows” (Comparative Report of Southern Countries: Arango, Finotelli). Awkward admission rules together with weak external controls, a large scale of informal economy (according to recent estimates around 20 percent of GDP, in Greece even 28 percent) and common social acceptance of informal employment - all of those factors have contributed to a growing number of irregulars in Southern European countries.

Special attention should be given here to the role of informal economy which serves as a magnet for irregular employment; its relatively large size and a specific structure facilitate immigrants’ flexibility and “invisibility” in the labour market. The attraction of unregistered employment is strengthened by societal acceptance, relatively high non-salary costs of work and time-consuming and complex administration procedures in the case of an attempt to register. Moreover the size of shadow economy goes along with the weakness of labour market controls.

Irregular immigration is also one of the unintended consequences of too restrictive immigration policies. As the case of Italy and other Mediterranean countries shows clearly, when a rather open system of entries has become restricted (it happened under the pressure of Western European countries which perceived Southern states as the backdoors for the entry flows), and there is the demand for foreigners’ work, more and more immigrants start to use illegal ways to access the territory and the labour market. The lesson is that if the entry channels for the labour migration underestimate the real needs of the national economy, irregular migration increases.

There is a well known catalogue of the state’s activities undertaken against irregularity in migration. They could be divided into external (border controls, cooperation with countries of origin) and internal (labour market controls, regularisation).

The role and problems with effective border controlling (especially in the case of Spain, Greece and Italy) are well known. However, they cannot be separated from an active presence in the countries of origin and operating cooperation with their institutions. The case of Southern countries shows clearly that a traditional approach, based on the priority of strict control of external borders, has been modified as a result of its visible inefficiency and complete with an overlapping priority of cooperation with neighbouring countries that are important sending or transit countries.

The lesson which should be considered as especially valuable is the role of bilateral agreements with sending countries. They represent condition *sine qua non* for reducing irregular immigration successfully. The state should provide a legal alternative to illegal entries; through bilateral agreements privileged entry quotas could be offered as a compensation for the introduction of the visa system. Bilateral agreements, as the Spanish example shows, has to be connected with broader public campaigns against irregular migration as well as with the formation of the institutional framework of interstate cooperation (e.g. working groups with relevant authorities of destination and sending countries). In 2006 the Spanish government introduced a two-year Africa-Plan; its objective has been to create a close cooperation system with several African countries to achieve an effective management of the migration flows from Africa to Europe. The recent initiative of the Portuguese government to open the “Support Centre for Migrants in the Sending Country” in Cape Verde is also a good example. Practice shows also that bilateral agreements are a precondition for effective expulsion processes (most of the executed expulsions in Spain have been carried out via readmission agreements) as well as voluntary returns.<sup>3</sup>

Immigration issue should be an integral and significant part of neighbouring policy at the national and the EU levels. Close cooperation between Mediterranean EU countries and Northern Africa Region on migration issue, within the framework of the EU neighbourhood policy, could be seen as a good practice here. The immigration issue should be also high on the political agenda in the case of the Eastern EU policy of neighbourhood. It could be a task for Polish policymakers to identify a common Eastern policy as a priority of its Presidency in 2011, including the migration issue in it.

Another important activity is internal controlling of the labour market. In recent years in all the countries analysed, the number of inspections has increased significantly as a relevant activity against informal employment. Its effectiveness is questionable, though, especially in the case of sectors traditionally recognized as immigrants’ niches (agriculture, petty trade, and especially domestic work). It is implausible indeed that any country could effectively regulate these sectors through labour inspections. In Southern countries an interesting shift towards somewhat different incentives could be noticed; for instance, a tax relief for those who employ officially a babysitter or caregiver for an elderly person, introduction of flexible insurance schemes for cleaners, construction workers and domestic servants who have more than one employer. “They are able to register with the dependent employee welfare fund under special conditions and hence both have affordable insurance and retain their legal migration status” (Comparative Report of Southern Countries). These solutions could lead to the emergence of this sector out of the shadow economy. Labour market inspections should be also accompanied by wide public campaigns against informal work (Policy Brief: Spain, Greece).

Regularisation programmes have become a measure used regularly by Southern countries (even if every subsequent regularisation programme has been presented as an exceptional

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<sup>3</sup> See also very recently adopted by the European Parliament and the Council of the European Union Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals.

“one –time-only” remedy). “The lack of efficient recruitment procedures turned regularisations into the most useful way to “repair” *a posteriori* the structural mismatches” in migration policy (Comparative Report of Southern Countries: Arango, Finotelli).

The structural weaknesses of regularisation processes are evident in the Southern case. A high recognition rate is not reflected in the success in stability and integration of the legalised population. The main criticism was related to a short time (usually one year) of residence permit obtained as a result of regularisation which must be renewed afterwards. As a consequence, many of the regularised immigrants fall back into illegality as soon as their residence permit has expired. Another weak point stressed by the experts is that mass regularisations are supposed to produce a pull-effect that attracts further irregular migration, instead of reducing the rate of irregularity.

The main conclusion from analyses of mass regularisations is that they are not an appropriate and effective instrument against irregular immigrants (Policy Brief: Spain, Portugal, Greece). In Spain and Portugal they have been substituted by a more discrete, individual and on-going regularisation system. The introduction of individual and permanent regulation schemes should be taken into consideration in all the countries, not as a main tool, however, but as “a correction mechanism together with the setting of active policies and more effective controls” (Comparative Report of Southern Countries: Arango, Finotelli).

### **Question Three: How to solve the eternal problem of integration?**

Despite all the differences, in every country of immigration integration is treated as one of the main priorities, at least it is declared so. There is, however, a distance between countries with active and developed integration policy at the practical level, (most of Western and Southern states, the Czech Republic could be also included to this group) and these where integration policy is just a set of initiatives limited to selected groups, such as refugees or repatriates, and has not been even a subject of any considerable debate (cases of Poland or Hungary) (Comparative Report of Eastern Countries).

Firstly, it has to be noticed, that integration policy is strictly influenced by some system characteristics of a state. Integration policy is focused mainly on areas of health services, housing, welfare schemes, education and labour market; therefore it is related to and dependent on the national welfare system which varies from country to country. Moreover, in federal countries with a high level of decentralization, as Spain or Italy, the regional and even municipal authorities have large independence in the implementation of particular policies. Overall, it seems to be a positive resolution for integration policy, following the principle of subsidiarity (which assumes that a political decision-making system should be taken as close as possible to the governed to ensure that the decisions are indispensable and respond well to their needs) and taking into account the fact of diversity and the strong territorial dispersion of immigrants. It may be assumed that regional authorities possess better knowledge about immigrants’ needs to frame successful plans for social integration and design a more appropriate structure of services. “The integration of immigrants is a policy area where a local approach is critical” (Policy

Brief: France). Moreover, “more attention should be paid to “organizational structures” that would deal with immigrants’ integration at regional and local levels” (Policy Brief: the Czech Republic).

No one should be excluded from basic integration activities, even irregular immigrants. This group is even more vulnerable to social exclusion, discrimination and marginalization than others and cannot be deprived of basic needs and rights. In this sense, Southern countries have introduced a somewhat innovative approach; e.g. irregular migrants in Spain have access to health provisions like nationals, in Italy “health facilities are forbidden from reporting the presence of irregular immigrants requesting treatment to the police authorities in order not to discourage access to care” (Comparative Report of Southern Countries; National Report: Italy).

In order to plan integration initiatives more effectively, good orientation in immigrants’ situation is required together with facilitated communication between authorities and immigrants, especially via their organizations and consultative bodies. Encouragement and assistance of self-organizing processes, as well as wide support of immigrants’ organizations are also one of the priorities of integration policy. Here the role of the European funds cannot be overestimated. “Indeed, European Social Fund programmes and the more recent European Integration Fund for the Integration of Third Country Nationals have been instrumental in creating synergies, mobilising resources, even reorganising public administration offices with a view to providing services to migrant communities” (Comparative Report of Southern Countries).

Information policy is also a key part and has a powerful impact on integration process, first and foremost, by increasing national citizens’ ability to deal with diversity. “Stereotypes about migrants are often an obstacle to the implementation and success of immigration policies and integration programmes. An ever closer cooperation between the political agenda and the media (...) should be emphasized, as well as awareness-raising campaigns for media on immigration issues. Furthermore, a deeper knowledge on migration should be increased in order to avoid false and negative image of immigrants” (Policy Brief: Portugal).

Taking into account that immigrants, especially those of the first generation, appear trapped in the low skill low pay sectors of the labour market and vulnerable to discrimination and inequality on wages, special attention to anti-discriminatory measures should be paid.<sup>4</sup>

The introduction of those measures may make legal employment more desirable for immigrants. Therefore, it is recommended that the system of data collection pertaining to foreigners employed by companies be created to serve also as a system of monitoring

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<sup>4</sup> A strong legal foundation on anti-discrimination measures has been adopted at the EU level; see: Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin on and Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation.

discriminatory practices towards foreigners. Such a system, allowing for gathering and managing data on foreigners' presence on the labour market and the unlawful or reprehensible practices towards foreign workers, should constitute a basis for the creation and implementation of adequate antidiscriminatory measures. "One of the most important antidiscriminatory measures is the availability and clarity of the information on what the labour discrimination means, what the consequences of it are, how to respond to it, where to report cases of discriminative acts, how to apply for compensation, where to find a competent legal advisor and support, etc. Therefore, a proper information campaign addressed to employees as well as employers is also required. Such a campaign should be based on the multicultural and human rights issues and would have a multiple educational, informative and preventive character" (Policy Brief: Poland). Taking into account that the freedom from labour discrimination is granted only to those foreigners, who possess the legal entitlement to work, there should be initiated some activities aimed at detecting and solving the problems of serious discrimination of foreigners working partly or fully in contradiction to the immigration rules.

### **III. What could be learnt from migration policy analysis – some final thoughts**

Summing up analysis provided above, it is worth pointing out some final conclusions. They constitute, at the same time, a continuation of a catalogue of problems to cope with on the way towards mature migration policy. Despite the level of maturity already reached by particular national states in the migration cycle, conclusions presented below seem to be common to all of the countries examined. In presenting some selected important issues I would like to point out not only the rationale, which is well known and accepted, but also to signalize some controversies around them.

#### **Europeanisation of policy and its influence**

Is there a chance for true Europeanisation of migration policy? As it could be noticed, this chance is rooted in sharing by all states the same main logic which is based on the community of interests. As the analyses prepared during the IDEA project show without any doubts, each state has similar dilemmas and concerns related to immigration. Each state faces the same set of challenges presented above. Not idealism (of being one European community) but just pragmatism should be a push factor towards greater cooperation.

Undoubtedly, one of the consequences of the whole process of Europeanisation is elaboration of the common general legal and political framework based on obligatory *acquis* and a collection of recommendations and best practices, which all countries should follow (via an open method of co-ordination introduced by the EU). For the new member states, accession to the EU was a determining powerful impulse and acceleration in the evolution of national migration policies (Policy Brief: Hungary). Institutions and measures designed by more mature immigration countries have been transposed, during the process of harmonization with the EU, to the new ones. Especially the initiatives related to integration have been very much triggered by the recent developments of the EC "soft law", particularly the Common Basic Principles of Integration and the

Commission's communication on the proposed Common Agenda for Integration of Third Country Nationals in the European Union, supported by the INTI (European Fund for the Integration of Third Country Nationals as a financing instrument) and the Network of National Contacts Points on Integration (as an institutional structure established for exchanging and discussing best practices). The role of Annual Reports on Migration and Integration, which monitor the process of policy developments as well as provide a full package of information on the establishment of the EU framework in these matters, is also worth underlining.

What is also noticeable is a kind of synchronization of ways of perception of immigration. Western European states, as mature immigration regimes, have emerged as the primary reference points for policymakers in other countries, especially the Eastern ones. There, public imagery of immigration is perceived in a very "mature" way, as a highly problematic issue. The focus is, first and foremost, on the problem of integration, potential conflicts, or the state's security and public order which need to be protected – although none of the phenomena mentioned has appeared in reality.

There is also a cost of Europeanisation. Even if a particular country wishes to preserve the national interests and introduces innovative or independent activities, the limits of self-determination established by the EU have to be always taken into account. Standardisation of rules has positive sides, but could also restrain innovation; it is much easier to follow the common tracks, checked and tested ones, than to experiment with new paths and solutions. This trend could be noticeable in the case of the new member states which, first of all, analyse the political recommendations of more mature countries. However, it must be again underlined here that Eastern countries do not necessary follow the same path in the migration circle.

### **Make immigration a public not an administrative issue**

Mature migration policy – to be effective – requires legitimisation through social consensus and public support. Immigration should be a subject of broad debate, including not only representatives of administration, scholars and experts, but also a wide range of social actors and the media (Comparative Report of Eastern Countries).

There is a common negative image of immigration, which is noticeable in Western countries. "In the public imagery in France, the focus is more on immigrants as social problems, on the "failure of their integration", rather than on positive outcomes of migration and on immigrants' multiple and outstanding contributions to social, cultural, economic, scientific and political life" (Policy Brief: France). Therefore, there is an urgent need to combat negative myths resulting from ignorance, visible also among policymakers. The "discourse of fear" present in many countries of Europe should not be the only driver influencing the public opinion. Immigration should be recognised and presented in a more balanced way, not only as a threat but also as a value and opportunity. There must be stressed that human mobility is "a value in itself which corresponds to an increase in personal freedom" and "with a migration and integration policy conceptualized in a methodological, scrupulous way, the benefits of migration will prevail" (ibidem).

In more mature countries immigration issue is picked up regularly in time of political instability or public elections by politicians and has become a major debated issue, very often highly polarizing the public opinion. On the contrary, in the case of Eastern countries immigration is rarely visible in the public discourse and, due to rather small scale of immigration, it is not controversial issue at all (Comparative Report of Eastern Countries).

What is also worth noticing is that if migration is not an issue of public interest, and a minor subject in political debates it could have an important effect on the way the policy is implemented. The fact that migration is not a controversial topic means, in practice, the lack of or very limited public debates around the legal and political actions undertaken by policymakers in this field. In the countries examined the process of wider consultations with representatives of a non-governmental and academic sector on migration policy is rather limited. In consequence, the process of policy implementation could be easier and quicker; however, it does not necessary mean that it would be more effective.

### **What kind of migration policy in the era of circular (fluid) migration? Lesson from Poland**

“Before they settle in another country, most people tend to circulate between their place of origin and the country or countries of residence. Others, for different reasons, never settle, but commute for a considerable portion of their lifetimes (“settle in mobility”) before “returning” or starting another move (multiple migrants)” (Policy Brief: France).

“The term “fluid migration” is proposed to describe the phenomenon of inflow of the foreign nationals to Poland. Fluidity of migrations means ‘being here and there’, and at the same time ‘deliberately keeping various options open’ (mostly with respect to the labour market). Such migrants are characterised by a high level of flexibility to change the country of residence and employment. Many of those migrants live in transnational social spaces sustaining strong ties with both the country of origin and the country of residence. Circulation, involving earning money in Poland and spending it in the home country, seems a rational choice for migrants originating from the neighbouring countries” (Policy Brief: Poland).

Facilitating this kind of mobility, back-and-forth movements, reinforced by modern economy and characterized by post-industrial flexibility and insecurity, will be the greatest challenge for immigration states. Its managing would require interstate and/or regional cooperation and could imply multiple entry or long-term visas and the free movement of persons within the framework of regional integration processes or that of the development of the regions of origin. It would also enforce going beyond a traditional approach that state is able to control migration via strict rules and accepting the fact that the state is only one body among variety of actors in the process of human mobility with limited power of influencing its directions, patterns and numbers. The final lesson is that migration policy should be as flexible as never before to respond to contemporary immigration.