Migration in Europe

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Introduction

Europe now matches North America in its significance as a region of immigration. Net immigration in Europe in 2001 stood at 3. 0 per 1,000 inhabitants, compared to 3. 1 in the United States (OECD 2004). [1] The region now hosts a population of 56. 1 million migrants, compared to 40. 8 million in North America (IOM 2003). There is every indication that Europe's importance as a region of destination will increase, as European countries recruit migrants to fill the labour and skills shortages that are predicted to rise in the coming decades.

Yet European governments and their electorates continue to display a profound ambivalence about immigration. While similarities between these countries should not be overstated, in almost all cases issues of labour migration, irregular migration, asylum and integration have become highly politically contested. Populist mobilisation on immigration themes has placed even liberal oriented governments under pressure to pursue restrictive approaches. These forces for closure often run counter to economic considerations, as well as to normative and legal/constitutional commitments to resident migrants and refugees. At the same time, many countries are becoming increasingly multi-ethnic, generating new pressures and incentives to incorporate ethnic minority interests. Again, this tendency can conflict with more populist calls for assimilation. It remains uncertain how governments will resolve these tensions at national and regional level. A number of divergent scenarios are possible, notably an increasing differentiation between the 'wanted', economically beneficial migrants who enter through regular programmes, and 'unwanted' irregular migrants, asylum seekers and refugees.

At the regional level, Europe has on the whole dealt very successfully with the special challenges raised by the fall of the iron curtain. Since 1989, the European Union (EU) has played a crucial role in supporting conflict prevention and transition in Central and East European countries (CEECs), former Soviet states, and the Western Balkans. The Stabilisation and Association Process and EU enlargement to the east offer object lessons in refugee and migration prevention. The record of externalising EU and Schengen policies to associated states is more mixed. Moreover, concerns about terrorist attacks have contributed to a marked tendency to 'securitise' EU immigration and refugee policy. Taken as a whole, though, the region's record of cooperation in this area provides a rich and valuable example on which other regions can draw.

This paper will outline and assess these mixed experiences. After providing a brief overview of migration trends in part one, the second part will consider the problems and policy dilemmas these have raised for European states. Part three will analyse how effective attempts at regional cooperation have proved to be in addressing these problems. The fourth and final part will examine which of these experiences might provide useful lessons for replication elsewhere.

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[1] Recent Eurostat data put the 2003 figure even higher, at 3. 7 per 1,000 inhabitants. Europe in this case refers to members of the European Economic Area (EEA – all EU member states plus Norway, Iceland, Liechtenstein) and Switzerland. For the rest of this paper, unless otherwise indicated, Europe will usually refer to EEA countries and Switzerland, plus the Central European accession countries Romania and Bulgaria. Where relevant, the discussion will also refer to associated countries in the western Balkans (Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, and the Former Yugoslav Republic of Macedonia) and Turkey.

1.   Migration Trends

Migration and Refugee Flows

All European states are now net immigration countries. For more established host countries such as France, Germany, the United Kingdom (UK), Benelux countries, Austria, Switzerland, Sweden and Denmark, this has been the case since at least the 1960s. Despite a decline in migration after recruitment stops in 1973-4, immigration flows have been continuous, for the most part taking the form of family reunion, refugee flows and labour migration. Most have experienced particularly high levels of immigration since the 1990s. Austria, France, Germany, the Netherlands, Switzerland, the UK and Nordic countries are all examples of this trend. A notable exception is Germany, which has seen a decrease in flows since the early 1990s, although this can be attributed to the exceptionally high levels of influx in the early 1990s.

A second category of European countries became net receiving countries in the 1980s, in large part because of growing economic prosperity (Ireland, Spain, Portugal, Greece, Finland), as well as a redirection of migration flows following the introduction of more restrictive policies in north European receiving countries. These 'old new' immigration countries have also experienced increased migration since the 1990s, with recent inflows of labour migrants to Ireland, Italy and Portugal being particularly pronounced.

Diagramm 1: Comparison of inflows of foreign population in selected European countries, 1992 - 2001
(source: OECD 2004)
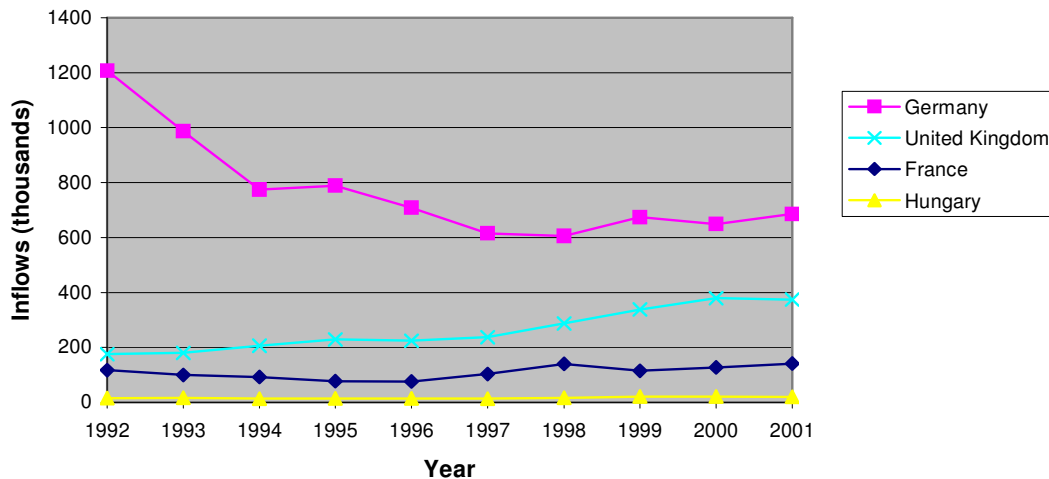
Thirdly, in a similar development – but two decades later – a number of CEECs have now become host countries. After 1989, former socialist countries on the EU's eastern borders became important transit countries for migrants attempting to enter more prosperous west European host countries. This pattern has persisted in the case of EU candidate countries and associated states in Southeast Europe. But for most of the countries that recently joined the EU, economic growth and political stability have rendered them countries of destination in their own right. Cyprus, Hungary, the Czech Republic, Slovakia and Slovenia all now have positive net migration.

**Diagramm 2: Inflows of foreign workers and
asylum seekers into the EU-15, 1995 - 2002**
(source: OECD, 2004)
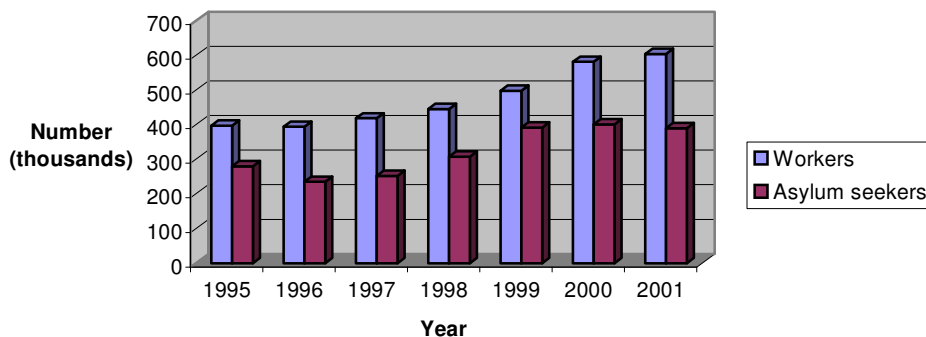
Just as significant as quantitative changes, though, are shifts in the composition of these flows. While absolute numbers of family-related and protection-seeking migration have remained roughly the same since 1999, the number of labour immigrants and their share of total flows has increased substantially (OECD 2004). The national composition of recent flows varies for each European host country. Significant flows since 1990 include Turkish and Moroccan nationals in EU-15 countries, as well as protection seekers from former Yugoslav countries, Iraq and Iran. In 2001, the following source countries featured significantly in flows to European states: Moroccans in Belgium; Iraqis and Afghanis in Denmark; Russians in Finland; Moroccans and Algerians in France; Poles and Turks in Germany; Romanians and Ukrainians in Hungary; Albanians, Romanians and Moroccans in Italy; Angolans and Cape Verde nationals in Portugal; Iraqis in Sweden; and Indians in the UK (OECD 2004).

Meanwhile, a number of commentators have observed new patterns of mobility. One important shift is the observed increase in short-term, circular migration, often as a household strategy for supplementing the income of families at home. A second is the increase in irregular migration, which can take the form of illegal entry or overstay, often organised by smugglers or people traffickers. There have been some attempts to estimate the scale of the phenomenon. The EU, for example, suggested a figure of 500,000 irregular migrants entering EU states annually. Estimates of stocks of irregular migrants in European countries put the number in Italy at 800,000, Germany 500,000, France 300,000, and the UK 200,000 – although such figures are should clearly be treated with caution (Djajic 2001).

Explaining recent trends

While it is beyond the scope of this paper to elaborate the causes of these flows, it is worth considering how conditions in Europe have contributed to these changes.

One important factor is policy changes in European host countries. While possibilities for legal migration programmes generally remain limited, a number of European countries have opened up possibilities for selected (especially high-skilled) labour migrants. This has clearly contributed to the rise in labour migration. The expansion of possibilities for labour migration reflects problems of labour shortages and mismatch of supply and demand in many European countries (see discussion in the next section). However, as noted, programmes

remain limited in scope. They certainly cannot absorb all would-be labour migrants, nor are they sufficiently broad to fully meet domestic demand for foreign labour. The limited scope of these programmes therefore contributes to the continued trend of irregular entry, stay and employment. In addition, the continued restriction of access to asylum systems further contributes to the channelling of migration and refugee flows into irregular migration.

A second set of factors influencing migration flows over the past 15 years has been the changed relationship between the EU and its neighbours to the East and South. For a start, the removal of restrictions on travel for nationals of communist countries opened up multiple channels for regular mobility: intra-company transfers, possibilities for study, temporary labour migration programmes, and *Aussiedler* (ethnic German) resettlement, to name but a few. It also created possibilities for irregular migration, smuggling and trafficking from and through Central East and Southeast Europe into western Europe receiving countries. Some of these channels, such as the repatriation of *Aussiedler*, are now on the wane. Tighter control of the EU's new external borders to the East are also limiting possibilities for mobility between new member states and their non-EU neighbours. Other types of flows are likely to continue or increase, given the labour market and legislative trends mentioned above, and especially once temporary restrictions on the free movement of nationals from the new EU member states are lifted.

Diagramm 3: Immigration population in the EU-15 by origin
(source: Münz and Fassmann, 2004)
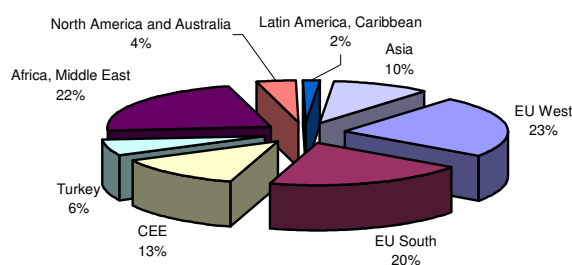
Of course, a complete explanation of the scale and composition of recent migration flows should also take into account factors such as changing economic and political conditions in countries or origin; cultural, historical and economic ties between countries of origin and destination; the role of migrant networks in facilitating mobility; and the opportunities for travel and labour offered by smugglers and people traffickers. These variables are discussed in other thematic and regional papers prepared for the Global Commission.

2. Problems and Policy Dilemmas

The case for labour migration

Unlike the self-proclaimed countries of immigration of the New World – the US, Canada, Australia and New Zealand – Europe has found it difficult to come to terms with the fact of immigration. Many sections of European societies have been profoundly reluctant to welcome and incorporate immigrants, especially those coming from non-OECD countries who are perceived to have significantly different cultural and ethnic backgrounds. Anti-immigrant sentiment has manifested itself in public support for restrictive immigration and asylum policies, negative reporting on immigrants and asylum-seekers in the popular press, discrimination against resident ethnic minority groups, and racist or anti-immigrant harassment and violence.

This hostility appears counter-intuitive, given the extent to which European countries have benefited from immigration in the past decades. The large-scale, mainly low-skilled immigration of the 1950s and 1960s was a crucial component of post-war economic reconstruction in western Europe. Today, labour migration fills critical gaps in the IT sector, engineering, construction, agriculture and food processing, health care, teaching, catering and tourism, and domestic services.

The economic case for labour migration is likely to become more urgent in the coming decades, for at least three reasons. First, European governments are increasingly recognising the importance of skills in generating productivity and growth. Human capital has become the most crucial determinant of productivity and growth in an increasingly knowledge-based economy. Highly skilled workers are vital for ensuring innovation and improving productivity, and therefore for creating new jobs. A study on the impact of the Green Card programme for IT workers, for example, estimated that each high skilled migrant created on average 2. 5 new jobs in Germany (Wimmer AG, 2001). This has made many governments keen to loosen up rules on labour migration, intra-company transfers and movement of service providers, to attract the best skills. Indeed, there are serious concerns in many states about whether Europe is attractive enough to qualified workers in comparison to North America: the latter appears to be a more powerful magnet for high skilled workers, including European scientists and researchers.

Second, despite substantial structural unemployment in many European countries, European workers are often selective in their choice of occupations and locations, and are also more highly qualified than they were a decade ago. So although the portion of low- and semi-skilled jobs is declining (because of new production techniques and outsourcing), there are substantial gaps in a number of these occupations – especially in the agro-food industry, catering and domestic services. There are also acute shortages in a number of skilled public sector jobs, because of inadequate remuneration or low status. This has created significant gaps in occupations such as medical care and teaching – gaps which are increasingly filled by labour migrants.

Thirdly, ageing populations imply an increased dependency rate in European countries, i. e. a higher ratio of economically inactive to active population. This will place a strain on welfare systems, as health and pensions become more expensive. Ageing populations will also generate shifts in consumption patterns, in particular increasing demand for healthcare and leisure activities, in turn creating additional demand for labour in these sectors.

Thus despite continued unemployment, problems of demand-supply mismatch and the need to attract high-skilled workers are likely to create serious labour shortages. Because labour migration is so politically sensitive, it is rarely the first choice of governments for filling these gaps. The first line of response is likely to be measures to influence patterns of domestic labour supply – through education and training, attracting more people into work, lengthening the working age, or encouraging higher birth rates. The EU has also been aiming to increase mobility between member states, including the new CEE members (once restrictions on free movement have been lifted). However, these measures are unlikely to perfectly meet demand. Indeed, there have already been moves to liberalise labour migration policies for particular skills, occupational or sectoral categories in almost all European countries. As shortages become more acute, we can expect governments will increasingly have recourse to labour migration as a fast and efficient tool for filling gaps.

Pressures for restriction

Moves towards liberalisation have been highly contested in national politics. Part of this can be attributed to misconceptions about the economic impact of migration. Despite extensive research suggesting the contrary, many domestic workers are concerned about the possibility of displacement effects, especially where there is already high unemployment. There are also less tangible concerns about the socio-cultural impact of immigration, partly backed up by the recognition that the integration of previous waves of labour immigration has been far from smooth. Here one can discern a range of anxieties in popular media and party political debates as well as opinion polls. Europeans are anxious about the 'ghettoisation' of ethnic minorities in deprived inner cities, and the corresponding problems of inter-ethnic tensions and violence; the apparently poor educational and labour market performance of immigrants and ethnic minorities; criminality and even terrorist activism on the part of ethnic groups; and, more generally, the perceived fragmentation of social solidarity and collective identities, as a result of increased cultural diversity.

These fears are exacerbated by the growing challenge of migration control. The evolution of this problem over the past three decades is familiar. The effective halt to labour migration in the early 1970s encouraged many people to try to enter Europe through asylum systems or family reunion. The ensuing attempts to restrict access through these 'humanitarian' routes gave rise to new patterns of irregular migration and human trafficking. Irregular migration flows have also emerged as a response to demand for illegal labour in many sectors, including construction, textiles and sewing, catering, and domestic work. These forms of irregular movement have fed alarmist tendencies in popular discourse. They appear to reinforce the notion that Europe is being flooded with migrants from poorer regions, and that states are no longer able to control access to their territories and resources.

It has been persuasively argued that much of this anxiety is more a function of broader socio-economic change than a rational response to the impact of immigration per se. One element of this change is the declining role of the state in guaranteeing social and economic security. Since the 1970s, mass unemployment, deregulation of labour markets, and reduced welfare support have raised questions about the state's capacity to provide socio-economic protection for their citizens. Secondly, sociologists have observed a decline in traditional categories of collective identification – class, church, nation, profession or family. Instead, there is far more pressure on individuals to make their own way, through personal achievements in education, the labour market, accommodation, family life, and so on. These changes have

generated anxiety about social status and identity, as well as about access to employment or welfare stability. And while they have also been discernible in other liberal democratic welfare states outside of Europe, European publics have shown a particular propensity to channel these anxieties into migration issues.

Yet the attempt to reassure electorates through a (re-)assertion of control is no straightforward task. Even if they wanted to restrict migration (which is not self-evident given its economic benefits), governments face a range of normative and institutional constraints. And herein lies one of the central paradoxes of liberal democratic welfare states. As democracies and welfare states, governments are accountable to their own citizens and voters. These expect a privileged level of protection – not just of their security and civil liberties, but also in terms of access to welfare and social services and employment. At the same time, though, the very democratic, liberal and welfare principles that underlie these systems are based on a logic of equality and non-discrimination. While national provisions on rights and welfare have historically been confined to citizens, they nonetheless derive their justification from principles of equal rights. This expansive logic is instantiated in national constitutions and judiciaries, as well as European and international conventions. Thus, for example, international refugee law and the European Convention on Human Rights have made it difficult for states to ignore norms of international protection, even at the height of the 'asylum crisis' in the 1990s. The extension of rights to non-nationals has also been promoted by welfare bureaucracies in European states, which are driven by a logic of equal treatment for residents (Guiraudon 2002).

In this sense, migration policy dilemmas reflect more than a tension between economic and political considerations. They reveal a basic ambiguity in the logic of liberal democratic welfare state, as both an inclusive, equal rights-based project; and an organisation for protecting a delimited group.

Policy Dilemmas

These rival pressures have been crystallised in a series of policy dilemmas. We can divide these into four categories: dilemmas of, respectively, labour migration policy; migration control policy; asylum and protection systems; and integration policies. It is worth considering each in turn.

- *Labour Migration*

In many countries there is a serious conflict between the economic and demographic case for expanded labour migration, and public resistance to increased migration. European states have dealt with this problem in different ways. In most cases, governments have been able to introduce liberalising legislation or programmes. Most of these have been for high-skilled and skilled migrants, in the form of points systems, streamlined procedures for recruitment in particular sectors or occupations, or facilitating labour market access for foreign graduates. These programmes have usually been introduced in addition to the sorts of provisions for skilled migration that already exist in most European countries: individual work permits based on a labour market test, or intra-company transfers.

However, explicit attempts at expanding programmes have been politically controversial. One way of 'selling' them has been to accompany liberalisation with promises of stricter

control of other, non-economically beneficial migrants or refugees. Alternatively, or in addition, governments have seen fit to introduce some guarantee that these programmes are temporary and will not lead to permanent settlement (for example in the case of the German Green Card). In other cases, governments have avoided political conflict by introducing liberalisation by stealth, through acts and decrees that do not require parliamentary scrutiny and receive little media attention. Another tactic has been to tolerate substantial illegal migration, or to meet demand through periodic regularisation programmes (for example in France, Greece, Italy, Portugal and Spain).

None of these compromises are particularly commendable, and certainly do not constitute sustainable solutions to problems of labour shortages. Moreover, even in countries where an increase in labour migration has been politically feasible thus far, such reforms will almost certainly become more controversial as economic and demographic changes necessitate further opening up of labour markets, including to larger numbers of low-skilled immigrants.

- *Migration control*

Migration control policies also raise difficult dilemmas for European governments. There are serious limits to governments' attempts to control irregular movement, residence and labour. Watertight internal controls to prevent irregular stay would require a degree of state monitoring and intervention that is not acceptable in liberal democratic countries, especially those with a tradition of limited state regulation of citizens. Similarly, stringent border controls are expensive and cause serious delays to border crossings, and can negatively affect tourism and trade. Moreover, as smuggling and trafficking networks become more sophisticated in their methods, these controls also need to be more high-tech in order to keep pace. In the case of the Schengen countries, this form of control of internal borders is in any case ruled out by the abolition of internal border checks.

Border and internal controls are also constrained by states' duties of non-refoulement. Where irregular entrants or residents apply for asylum, a range of rights kick in, making it difficult for states to deport these claimants or exclude them from their territory. While states have attempted to bypass these commitments through readmission agreements, accelerated asylum procedures, or reception in the region, the possibilities for restriction are constrained.

Attempts to control irregular labour face a rather different set of constraints: a conflict with business interests in securing a supply of cheap labour. This interest to a large extent explains the very low enforcement rate of employer sanctions in many countries. But there are also ethical constraints to cracking down on illegal employment and stay. Once people have been resident over a prolonged period, it is difficult to expel them for humanitarian and practical reasons, and there may be a strong case for regularising their status. These considerations, combined with the interests of employers in retaining cheap and efficient workers, have often militated in favour of regularisation programmes, or 'adjustment' of status on a case basis. Again, this is not without its problems, notably the possibility that regularisations can act as a pull factor for future would-be migrants.

- *Asylum systems.*

Since the early 1980s, European states have pretty much exhausted the repertoire of feasible restrictions to asylum systems – short of outright abandonment of the 1951 Geneva

Convention. Welfare and accommodation support for asylum seekers has been radically reduced, and in some cases withheld altogether; asylum seekers have been dispersed to specified regions, confined to reception centres, or detained; their applications have been assessed through special accelerated procedures; and visa restrictions and rules on "safe countries" of origin or transit have limited access to asylum systems. Despite all of these changes, asylum systems continue to fail to meet their two major aims: supporting those in need of protection, and screening out or deterring those who do not. Thus they continue to be the object of criticism both from human rights and refugee groups concerned about gaps in protection; and from sections of the public and media who believe they are a 'soft touch' for immigrants abusing generous asylum and welfare provisions.

Here we can discern one of the most pronounced cases of conflict between domestic, European and international refugee and human rights norms on the one hand; and public pressure for restriction on the other. The problem is exacerbated by the fact that most asylum seekers are dependent on the services of smugglers and traffickers to enter Europe. This means that only those with the necessary resources (financial and social capital, physical and psychological strength) make it to Europe – a group that does not necessarily overlap with those most in need of protection.

- *Integration*

This is one of the areas in which European approaches have tended to show the greatest degree of divergence. National approaches have much to do with fairly entrenched patterns of thought on national identity, citizenship and the role of the state. In this sense, the dilemmas of integration policy in Europe are not so much rooted in the classic tension between populist closure, economic considerations, and liberal norms and institutions (although such tensions may surface). Rather, they can be traced to often competing values and beliefs about what it means to be a participating member of society, and how best to encourage people to achieve this type of participation.

At risk of over-simplification, we can distinguish between three main approaches to

Diagramm 4: Foreign-born population as % of total population (source: OECD 2004)
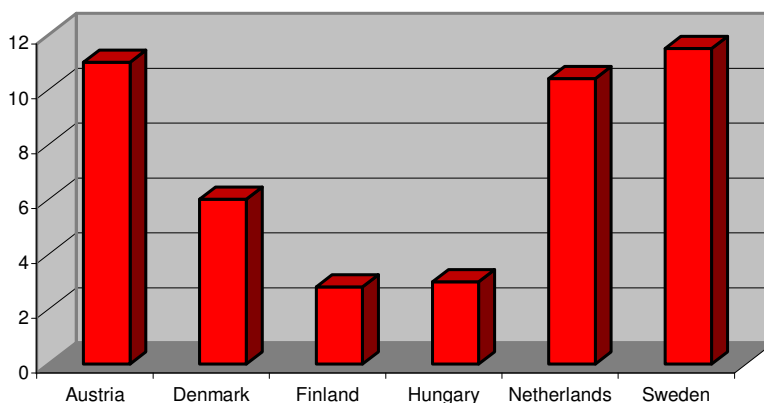
integration that were crystallised in European treatment of immigrants after the second world war:

- the multicultural approach, implying tolerance of cultural and religious diversity, robust anti-discrimination legislation, and easy access to citizenship;
- the social citizenship approach, offering immigrants a type of quasi-membership in the form of full social and economic rights (denizenship), but restricted access to full citizenship;
- the republican approach, which allows easy access to citizenship, but on the understanding that citizens divest themselves of particular ethnic or religious traits in the public sphere.

However, all three models have come under criticism over the past decade for failing to deal adequately with the challenges of integration. One of the reasons for this critique is linked to disappointment about the apparent 'failed' integration of many second or third generation immigrants. Many of these show disappointing levels of social interaction with non-co-ethnics, lack of affinity with the norms and values of host societies, and poor performance in education or the labour market. Concerns about failed integration have been one factor explaining the recent emphasis on language learning in many European countries. France, Germany, the Netherlands, Norway the UK have all introduced new or reinforced measures to promote host country language learning for immigrants or those acquiring citizenship.

A second reason for doubts about existing approaches to integration is the particular problem associated with the integration of Muslim residents in European states. Since the early 1990s, and especially since 11 September 2001, Islamic beliefs and practices have been singled out as incompatible with liberal democratic and human rights standards in European countries. This has resulted in the often populist targeting of Muslim communities in Europe. It has surfaced in recent debates and measures banning teachers or pupils from wearing the headscarf in schools in Germany and France; or concerns about Muslim extremism following the Islamic fundamentalist motivated murder of a film director in the Netherlands.

On a more positive note, there has also been a marked trend towards more generous rules on naturalisation in Europe. We can expect that this will in turn create more robust ethnic minority groups, with better prospects for political mobilisation. In this sense, the continued presence of ethnic minorities in itself acts as an important check on restrictive immigration policies. It does not necessarily exert pressure in favour of more liberal entry policies, but it certainly creates pressure to liberalise policies on cultural diversity and discrimination.

In sum, immigration exposes some of the basic tensions and limitations of European liberal

Diagramm 6: Acquisition of nationality in selected European countries, 1992 - 2001
(source: OECD 2004)
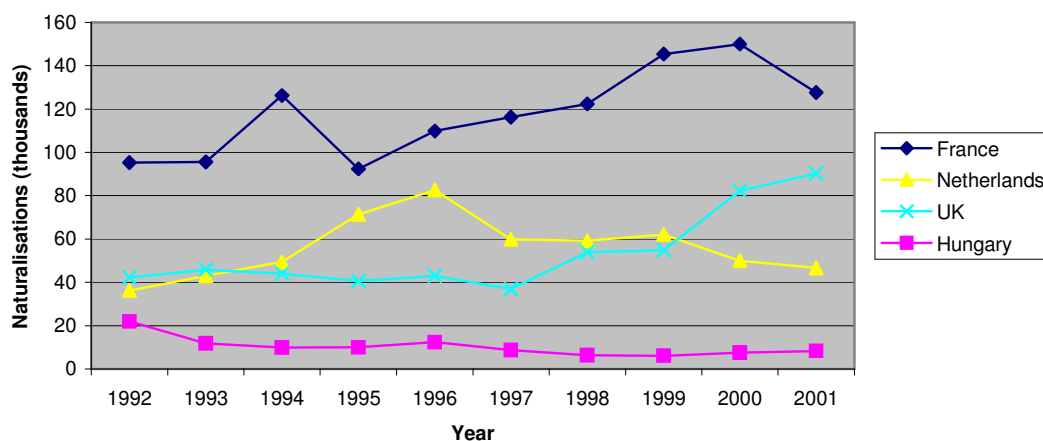
welfare systems. Firstly, it raises difficult questions concerning whom to include: should membership be restricted to current members (the logic of democracy), or extended to certain non-citizens (based on economic considerations, or rights principles)? Second, where exclusion is the chosen strategy, as in the case of illegal immigrants or rejected asylum seekers, how can this be enforced without jeopardising civil liberties, human rights and economic interests? And third, where inclusion is the approach, how should states strike a balance between allowing space for diversity, whilst motivating participation in existing structures?

3.   European cooperation: overcoming the limits of domestic responses?

One strategy for overcoming the dilemmas described above has been cooperation between European countries, most notably in the framework of the European Union (EU). [2] Regional cooperation has been seen as potentially addressing three sets of problems. The first of these is migration management and control. European states have realised that they cannot manage irregular flows on their own, but are dependent on cooperation with neighbouring countries. Collaborative efforts in this area are all the more important given rights of free movement for nationals within the EEA; and the abolition of internal border controls between Schengen countries.

Secondly, some European states have seen EU cooperation as a means of promoting burden-sharing, or what has been termed a 'balance of efforts' between countries in bearing the perceived costs of asylum and irregular migration. In this sense, the EU is seen as providing a mechanism for redistribution between states.

Third, the so-called 'harmonisation' of policies on asylum, immigration and integration has also been seen as a means of standard-setting. The idea is that establishing common standards, norms and approaches should improve the effectiveness of national policies in areas such as asylum, integration, or labour migration. It should enable individual EU countries to better meet shared goals, such as refugee protection or economic growth.

These various goals have motivated efforts at cooperation and harmonisation in different areas of policy. Particularly important has been cooperation in the areas of immigration control and asylum. But there have also been some initial attempts to harmonise approaches in the other two areas discussed in the last section: labour migration policies, and approaches to integration.

Migration control and prevention

EU cooperation in this area aims to reduce the incidence of irregular migration into EU countries, and to minimise irregular movements between European states. The rationale for cooperation in this area is clear. Efforts to combat irregular border crossing almost by definition require common approaches: specifically, cooperation between police, border guards and judicial systems in strengthening border controls; exchange of intelligence

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[2] There have also been attempts at multilateral cooperation on migration in other regional organisations, notably the Council of Europe, the Organisation for Security and Cooperation in Europe (OSCE), the Inter-governmental Consultations on Asylum, Refugee and Migration Policies (IGC), and the Organisations for Economic Cooperation and Development (OECD). However, the EU presents by far the most developed example of transnational cooperation, and will be the focus of the discussion that follows.

between police, border and immigration officials; and police and judicial cooperation to apprehend and prosecute smugglers or traffickers. Moreover, the abolition of internal border checks between Schengen countries, and weaker controls between all members of the European Economic Area (EEA), has lent such cooperation particular urgency. Participants in these regimes are dependent on their neighbours and particularly those with external borders for controlling irregular entry.

There is a more prosaic reason why justice and home affairs officials have incentives to shift policies to the European level. On the whole, there are less constraints on restrictive approaches at EU level than at national. Thus governments and officials were able to 'hide' behind collective decisions made with little public scrutiny (Guiraudon, 2001). This observation is particularly relevant to cooperation on migration control, which has burgeoned in the past decade. Measures in this area can be categorised according to three main areas: external border control, measures to promote better internal control, and cooperation with third countries through the so-called 'external dimension' of JHA.

- *External border control*

Cooperation in the area of external border control is seen as a so-called 'flanking measure', designed to compensate for loss of European states' control over their internal borders. Common policies have been developed as a corollary to the loosening of internal borders, which occurred through the Single European Act establishing free movement of people between EU states, and the Schengen agreement which abolished internal border controls. [3] Cooperation in this area became a priority in the early 1990s, as the EU's external borders to the east became more porous. Moreover, with the accession of Spain, Italy and Greece to Schengen in 1990, it became more important to shore up external sea borders in the south. The subsequent enlargement of the EU to incorporate a number of Central European countries again prompted a series of measures to reinforce the Union's new external borders in East and Southeast Europe.

Most measures in this area have focused on capacity-building of border control infrastructure and staff, and better cooperation and information exchange between officials. Millions of euros have been invested in improving controls, especially on the borders of the new members states in Central Europe – Poland, Hungary, Slovakia and the Czech Republic. Although they have been EU members since May 2004, these countries have yet to fulfil a number of infrastructural and technical requirements in order to become full members of the Schengen area.

Most recently, EU states have been developing plans for a common border control system. The EU Constitutional Treaty signed in October 2004 provides for the establishment of an external border management system, while a new External Borders Agency is scheduled to be set in May 2005. The European Commission recently stated that the long-term objective is to establish a European Corps of border guards. Despite the perceived political urgency of this agenda, progress with harmonisation is not likely to be rapid: many states are anxious about pooling control and intelligence following 11 September and the Madrid bombings of 11 March 2004.

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[3] Schengen includes all EU states except the UK and Ireland, as well as the non-EU states Norway, Iceland and Switzerland

It is difficult to evaluate the success of these measures in limiting illegal crossings. While they have almost certainly kept the number of irregular crossings lower than would otherwise have been the case, they have not prevented an absolute rise in the numbers of those entering Europe illegally. Moreover, tighter border controls have created a market for more sophisticated and/or dangerous smuggling practices, as well as driving many would-be migrants into the hands of exploitative traffickers.

The reinforcement of borders between new EU member states and those countries left outside of the EU has also had negative repercussions for ethnic kin groups living on either side of the new EU external border. And visa requirements have created problems for commuters and cross-border trade. These problems have been particularly pronounced for those wanting to move between the Russian mainland and the Russian enclave Kaliningrad, which is now surrounded by new EU states. Some of these problems have been addressed through multiple visa schemes and special provisions for ethnic kin in other countries. But they have provoked criticisms that the EU is simply creating a new wall between the East and the West.

- *'Country-shopping' and internal controls*

The loosening of internal border controls has also generated concerns among European states about the phenomena of 'country-shopping': the propensity of irregular migrants or refugees to move between different states to seek out the best welfare and labour market conditions, or to join already resident migrant networks or ethnic minority groups. Since internal border crossing is so easy, the concern was that transit countries would have little incentive to apprehend migrants on their way to other countries. This was the driving motivation behind the Dublin Convention[4], which established criteria for determining which country was responsible for assessing an asylum case. The criteria – which have since been revised in the so-called 'Dublin II' – place the onus on the states through which migrants or refugees (illegally) entered the EU, allowing destination countries to return people to these transit countries. In practice, however, Dublin has proved difficult to implement. Transit countries are reluctant to readmit those who crossed their territory, and it is often difficult to secure sufficient proof of travel routes. The procedures for readmission are also cumbersome.

- *The external dimension of justice and home affairs*

Partly because of the limitations of these domestic control-based approaches, the EU has increasingly looked to cooperation with third countries as a means of combating irregular migration. This approach has been coined the 'external dimension' of cooperation in JHA. It received its first clear articulation in the conclusions of a special European Council in Tampere, Finland, in 1999, which stated that 'justice and home affairs must be integrated in the definition and implementation of other Union policies. ' The document emphasised in particular the importance of targeting EU foreign policy and development polices, or what are termed 'external relations', to addressing JHA goals.

In fact, there have been two rather different schools of thought and practice on the external dimension. The first are what the European Commission has characterised as 'repressive measures', essentially involving cooperation to combat trafficking and smuggling, better

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[4] Ratified 1990, but only came into force 1997.

border controls in third transit countries, and readmission of irregular migrants by non-EU countries.

Repressive measures typically involve the exportation of domestic or EU level control measures to third countries. This approach has been most forcefully pursued by the JHA Council, the forum for ministers from national justice and interior ministries, as well as a special High Level Working Group established in 1998 under the auspices of the Council. These fora have promoted measures such as capacity building of border control and migration management in third countries neighbouring the EU; 'pre-frontier' control, whereby EU police and border officials assist with border control in third countries; cooperation to combat smuggling and trafficking; and readmission agreements to allow the return of irregular migrants and asylum seekers to countries or transit or origin. The High Level Working Group produced country proposals for strengthening this approach in the case of Afghanistan, Albania, Iraq, Morocco, Somalia and Sri Lanka.

One of the especially favoured measures for control has been the practice of readmission agreements, combined with the concept of 'safe third countries'. The practice of sending back irregular migrants to countries outside the from or through which they travelled was first initiated by Germany, in a bilateral agreement with Poland of 1991. Since then, other countries have been added to the list, and the EU now has competence to draft readmission agreements with third countries. As some commentators have observed, this has had the effect of establishing a 'buffer zone' around the EU's borders.

- *Migration prevention*

The second type of approach can be termed 'preventive measures' which aim to deter people from seeking to migrate, through improving conditions in countries of origin. Proposals for this form of preventive or 'root cause' approach have in fact been on the EU and international agenda since the 1980s, but were given impetus by the Tampere Conclusions. Tampere called for 'a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit'. European Council Conclusions in Seville in 2002 reiterated the approach, calling for 'closer economic co-operation, trade expansion, development assistance and conflict prevention are all means of promoting prosperity in the countries concerned and thereby reducing the underlying causes of migration flows'.

After some initial reluctance to incorporate this migration prevention agenda, external relations and development officials in the European Commission have begun to launch initiatives aimed at addressing migration pressures. One example is the 2002-4 development strategy for Morocco, which included a series of measures targeted at the northern provinces, which are the source of an estimated 40% of Moroccan migration to the EU. The European Commission has also decided to set-up a 'migration observatory' under the MEDA programme, to support research, training and policy analysis on Mediterranean migration flows.

More generally, officials from these different policy areas of the European Commission have been developing a balanced and intelligent approach to integrating migration into the external dimension. A Communication of 2002 on migration and development proposed cooperation based on 'shared interests' with sending and transit countries, dealing with issues such as brain drain and remittances, treatment of third country nationals in EU countries, and

problems with migration management. This agenda was reflected in Council Conclusions of May 2003 on migration and development. These identify a number of ways in which the EU could better reflect the interests of third countries in the field of migration: measures to facilitate brain circulation and avoid brain drain through selective migration; better ways of channelling and using migrant remittances in sending countries; and better treatment of third country nationals residing in EU states. To be sure, the Conclusions also stress the importance of concluding readmission agreements and capacity building of migration and asylum management. But the point is, this is now placed in a broader framework that takes seriously the interests and concerns of sending and transit countries. The European Commission has secured a small budget of €250 million for a multiannual programme to put this agenda into effect.

A similar 'package deal' approach to migration management has been pioneered by Italy, albeit on a small scale. In 1998 the Italian government signed bilateral agreements with Albania, Tunisia and Morocco, under which these states agreed to step up efforts to manage illegal migration, in exchange for development assistance from Italy, and a small annual quota for legal labour migration to Italy. It is difficult to measure the impact of these agreements, but there are reports that irregular migration flows from Albania and Tunisia have since declined (Geddes, 2004).

If we define migration prevention in a broader sense, then a number of other EU policies over the past decade and a half can also been seen as relevant. Financial and technical assistance to CEEs since 1989, association agreements with potential EU member states, and the more recently concept of the Stabilisation and Association Process with the Western Balkans have all contributed to enhancing the prosperity and stability of Europe's neighbours, thereby addressing some of the causes of migration. The EU's proximity policy towards the former Soviet states and the Mediterranean region (including the Maghreb and the Middle East) are also examples of extensive development assistance and political cooperation to support economic growth and democratisation. These instruments of external relations – proximity policy, the Stabilisation and Association Process, and enlargement itself – have all been motivated at least in part by the desire to prevent spillover of instability and irregular migration into the EU. As such, they should be commended as by and large successful examples of root cause approaches.

However, there are indications that repressive measures may dominate preventive ones in the years to come. For a start, repressive measures appear to achieve more popular resonance for European governments, providing them with the opportunity to reassure electorates that they are being tough on irregular migration. By contrast, preventive measures take a long time to kick in, and their results are less tangible. Second, the renewed emphasis on combating terrorism since March 11 2004 is likely to provide renewed impetus for repressive approaches. While the Commission appears to be aware of the risks of securitisation and being seen as 'fortress Europe', policy in this area is framed primarily by JHA ministers and Heads of State.

Refugee and asylum policy

One of the central aims of the 'common asylum policy' is to achieve a more balanced distribution of costs in receiving and protecting refugees and asylum-seekers. A second goal is to prevent country shopping and increase the efficiency of current procedures by creating common standards for reception and procedures. European states have also made use of

regional fora to exchange ideas and experiences on (usually restrictive) asylum reception, processing or return practices.

- *Harmonisation of asylum policies*

Until the 1990s, European states displayed a significant degree of divergence in the generosity of their provisions for the reception of asylum seekers, legal procedures for processing cases, and definitions of who qualified for refugee status. This discrepancy was perceived to be one of the main factors behind asylum seekers' preferences for particular countries (especially Germany). In fact, research suggests that asylum seekers' choice of destination is often determined simply by travel and entry possibilities, as well as perceived availability of jobs, presence of already resident co-ethnics or co-nationals, language and historical ties, or the reputation of a country as multicultural and open to foreigners. Nonetheless, many European countries have supported attempts to harmonise asylum policies as a means of promoting a more balanced distribution of asylum seekers between countries.

Many of those concerned to counter the decline in international protection standards have also favoured harmonisation as a means of halting what has been termed 'regressive harmonisation'. On this argument, the adoption of common standards could prevent a further ratcheting down of national standards.

The Amsterdam Treaty of 1997 set out ambitious goals for harmonisation in the areas of temporary protection, asylum seeker reception conditions, procedures for assessing asylum claims, and criteria on who qualified for refugee status. Legislation in all of these areas has met the deadline of 1 May 2004, and now plans are underway for a second phase of legislation. In this phase, EU states should move towards nothing short of a common asylum system. According to the European Commission, this should include a uniform asylum and subsidiary protection status; a common procedure for granting and withdrawing status; and a common system of temporary protection.

In addition to this process of internal harmonisation, EU countries have also been exporting European practice to associated states and candidates for enlargement. In the 1990s, CEECs were obliged to adapt their legislation on asylum to correspond to the EU *acquis*, as part of the accession process. Other prospective EU members – including the Western Balkans and Turkey – have been encouraged to adopt similar standards. This exportation of restrictive asylum policies has been criticised for ignoring the specificities of migration and refugee dynamics in other countries.

In sum, harmonisation may well produce more coherent asylum policies in countries with underdeveloped facilities for reception and processing claims. And setting common standards could also halt the further decline of standards. However, to date, harmonisation has tended to result in the adoption of the lowest common denominator of national policies. With some exceptions, the result has been by and large to push policy in a more restrictive direction.

- *Burden-sharing*

European debates on burden-sharing of asylum seekers or refugees can be confusing, as they are often referring to very different types of schemes: programmes to disperse refugees or asylum seekers between states; or to distribute funds for reception between states; or to help

countries in regions of origin in assisting and protecting refugees. In fact, proposals for the last type of inter-regional burden-sharing tend to be motivated by concerns to reduce numbers of protection-seekers coming to EU countries, so they are better defined as reception in the region or prevention than burden-sharing (see discussion below).

Not surprisingly, it has been the EU countries receiving relatively greater numbers of asylum seekers or refugees that have been at the forefront of proposals for intra-EU burden-sharing. Germany was a strong advocate of a dispersal system for asylum seekers and those benefiting from temporary protection in the 1990s. At the time, other EU states were reluctant to commit themselves to such fixed criteria for dispersing protection-seekers. In any case, it was considered that such a system would be unacceptable from a humanitarian point of view, and would create insurmountable logistical problems. Instead, EU countries adopted a more nebulous commitment to promoting a 'balance of efforts' between countries in asylum reception; the call was reiterated in a 2001 directive establishing minimum standards for temporary protection in the event of mass influx.

EU states had the opportunity to put this principle of solidarity into practice, in the context of the Humanitarian Evacuation Programme of Kosovar refugees who had fled to Macedonia. At an EU meeting in Spring 2000, states could not agree on any binding distribution criteria, instead basing quotas on unilateral offers from individual states. The result was that some states ended up receiving more than others (Germany agreed to host more than three times the number the UK did). Nonetheless, the programme has generally been evaluated as a success, and certainly helped generate support from EU countries for protection of more than 500,000 refugees.

Since 1997, the European Refugee Fund has been providing modest financial assistance to EU states for the reception and integration of asylum seekers and refugees. The fund's budget was recently increased to €687 million per year, for the period 2005-2010. The bulk of the fund goes to countries that have received and recognised large numbers of refugees, and is therefore seen as providing a modest form of financial compensation. However, as critics have pointed out, this criterion of distribution contradicts a second goal of the ERF, which is to help reinforce asylum reception in countries where the infrastructure is poor. If the goal is to create a level playing field between states through the convergence of protection standards, then more money should be invested in assisting states with inadequate facilities, rather than those currently receiving more (ECRE, 2004).

The fundamental problem with all of these burden-sharing systems is the lack of incentive for those receiving relatively less asylum seekers to participate. And even for major host countries, it is seen as risky to sign up to a binding system, the consequences of which may not be foreseeable. This explains to a large extent why EU attempts to date have resulted in watered down terms, or confused and contradictory criteria: they are essentially compromises between countries reluctant to concede control over decisions on admission.

- *Resettlement, protection in the region and prevention*

Over the last 5 years there has been a flurry of interest in proposals for refugee prevention, resettlement, and especially reception facilities for refugees in regions of origin. None of the proposals tabled are particularly new: for the most part, they recycle ideas from debates in the 1990s on protection in the region.

Yet the renewed interest is in itself significant. It reflects growing frustration on the part of many European governments at the continued short-comings of asylum systems. Despite the manifold restrictions introduced to try to deter or prevent people from seeking asylum in Europe, numbers of asylum seekers are perceived by many states to remain unacceptably high. Moreover, it is increasingly clear to both governments and refugee campaigners that those who reach Europe are not necessarily those most in need of protection; and that many of the most vulnerable remain trapped in regions of origin. Thus many have called for some combination of reception camps and/or systems for processing claims in regions of origin, often combined with the possibility for resettlement of a specified quota. Debates on reception in the region are often linked to proposals for refugee prevention (often dubbed 'containment' by critics), which similarly aim to reduce the numbers of people seeking asylum in Europe.

The UK has recently been at the forefront of such proposals. In 2003 the government put forward a controversial proposal for establishing 'transit camps' in the Balkans or Ukraine, where asylum applications for EU countries would be processed. A second UK proposal suggested setting up 'zones of protection' in regions of origin, initially as a pilot project in the Horn of Africa. The proposal was rejected by Sweden and Germany at a summit in June 2003. All the more surprising, then, that in August 2004 Germany – together with Italy – forwarded a similar proposal for reception camps, this time in North Africa. The Italian Prime Minister Berlusconi even travelled to Libya to discuss the modalities. While many of the practical details for the scheme remained vague, the gist seemed to be that irregular migrants and asylum seekers arriving on the southern shores of Europe could be intercepted, or sent back at the border, to these camps. This time resistance to the proposal came from Spain, France and Sweden.

Despite the many proposals, there has been no serious attempt to implement such a programme. This may be partly because of the critique levelled at such proposals on refugee protection grounds. But it almost certainly also reflects the immense legal, political and logistical obstacles to operationalising such a scheme. These apparently insurmountable impediments have not, however, stopped governments from repeatedly returning to these ideas, apparently convinced that this prima facie sensible answer to the problem of asylum can be made to work.

There has been some up-take of proposals for increasing refugee resettlement, and the European Commission recently commissioned a feasibility study to explore options for expanded programmes in the EU. However, at risk of being over-cynical, it seems doubtful if European states will be so keen to expand resettlement in the absence of any corollary decrease in asylum applications. In other words, a major part of the interest in resettlement seems to stem from the notion that it could partially replace the need for asylum processing in European countries. If it fails in this respect, then it is not likely to be particularly popular with governments looking for solutions to asylum management problems.

Perhaps surprisingly, efforts at prevention have had a better record. This may be because the goal of limiting refugee flows has tended to coincide with European foreign policy objectives in neighbouring regions. The EU's proximity policy aims to limit the spillover of ethnic conflict and instability in neighbouring third countries, which includes limiting large-scale refugee flows. This goal clearly underlay national and EU support for the NATO action in Kosovo, as well as the EU's own humanitarian contribution to the crisis, mainly through the European Community Humanitarian Office (ECHO). The NATO action and the accompanying EU assistance for refugee protection in neighbouring countries was a classic

example of an attempt to contain refugees in their region of origin. However, it also demonstrated the limitations of such approaches. The influx of Kosovo Albanian refugees into Macedonia threatened to trigger ethnic conflict, prompting EU countries to organise the evacuation of refugees from the region.

Another example was the smaller-scale Italian intervention in Albania in 1997. Operation Alba, as it was termed, had the explicit aim of helping to stabilise the country at the height of its political crisis, thereby preventing a mass influx of refugees into neighbouring Italy. It is widely considered to have been a success.

Labour migration and integration

In comparison to the areas of migration control and asylum, it is not self-evident why there should be added value to transnational cooperation in the area of migration and integration. As we saw in the previous section, European national approaches to immigrant integration, anti-discrimination and naturalisation have diverged significantly. And policies to recruit labour migrants will need to be tailored to the particular labour market, social and political context of each country. Moreover, as governments recognise the need for highly-qualified migrants, we may see an increasingly competitive dynamic between states keen to attract the best skills. This certainly does not appear to be an area lending itself to joint approaches.

In fact, much of the impetus for progress in this areas appears to have come from the 'spillover' from other areas of cooperation:
- the 1997 European Employment Strategy, which includes measures on the labour market integration of immigrants and ethnic minorities;
- the 2000 Lisbon Strategy for economic, social and environmental renewal, which stresses the importance of labour migration as a means of addressing labour gaps;
- policies to combat poverty and social exclusion, which define ethnic minorities and immigrants as particularly vulnerable to exclusion and discrimination (Nice European Council of 2000);
- the Single Market agenda, which has the goal of eliminating barriers to labour mobility between member states;
- and, of course, the migration control agenda described above.

Moreover, European states do share similar dilemmas and challenges in the fields of labour migration and integration policies, and can clearly benefit from exchanging experiences and good practice. Those countries with less experience of immigration – the 'old-new' and especially the 'new-new' immigration countries mentioned in the first part of this paper – can also benefit from the establishment of common standards in shaping their policy responses.

- *Convergence of labour migration policies*

In 2000, the European Commission called for a common framework for promoting the convergence of European migration policies. The so-called 'open coordination method' aimed to set common guidelines and targets on migration policy, covering such areas as the recruitment criteria and procedures, and treatment of labour migrants. These ideas were set out in a draft Directive of 2001 on the admission of third country nationals for employment. However, by the end of 2002 discussions on the proposed legislation had reached deadlock. The Commission's recent Green Paper on managing economic migration (January 2005) is more tentative in its proposals. It still makes the case for 'transparent and more harmonised common rules and criteria' for admitting labour migrants, but stresses the fact that decisions on admittance remain a national prerogative, and will stay this way.

In the meantime, the European Council requested the Commission to prepare annual reports on immigration and integration, the first of which was issued in July 2004. The report was prepared jointly by officials in JHA and Employment and Social Affairs. Indeed, the influence of the latter department is marked, with much of the report focusing on the economic case for labour migration, and the challenges of labour market integration and social inclusion.

- *Integration and anti-discrimination*

The rationale for cooperation on integration is a corollary of the agenda on employment and social affairs, free movement, and justice and home affairs. It was almost certainly given more urgency by EU enlargement, and the perceived need to set standards for the treatment not just of immigrant groups, but also long-standing ethnic minorities with a history of discrimination, such as the Roma.

However, while the EU has expressed the need for 'comprehensive integration policies', the measures taken in this area are to date somewhat disparate. There have been some attempts to develop guidelines for common principles and good practice on integration, although these are non-binding. In November 2004, the JHA Council issued a series of Conclusions on 'common basic principles for integration'. The document in many ways sums up EU states' ambivalence about moving forward on this issue. On the one hand it lists arguments about why it is important to develop a coherent EU approach, and guidelines to help improve national policies. On the other, it continually stresses the fact that national approaches to integration are diverse, and should remain so. The Conclusions have the rather modest aspiration of being a 'non-binding but thoughtful guide of basic principles'. The European Commission has meanwhile been supporting attempts to 'mainstream' integration into all areas of EU policy, and to develop a more coherent approach. It has been supporting efforts by the new 'National Contact Points on Integration' to develop best practice. In November 2004 the Commission produced a 'Handbook on integration for Policy-Makers and Practitioners', emanating from a series if discussions with the National Contact Points.

Three other sets of EU activities can be defined as relevant to developing common approaches to integration. First, there has been some legislation on the treatment of third country nationals who are long-term residents in EU countries. Legislation has been introduced allowing non-EU nationals who have been legally resident for more than five years to travel and work freely in other EU states (with some conditions). Similarly, new legislation on family reunion was agreed in January 2004, which expands the rights of the non-EU spouses and families of EU citizens to free movement within the EU.

A second area of legislation is on anti-discrimination. Two anti-discrimination directives were agreed in 2000, under the rubric of cooperation on employment and social affairs. However, their implementation into national legislation has been delayed in a number of states: indeed, the European Commission announced in July 2004 that it would take legal action against six countries which have failed to transpose the legislation into national law. Nonetheless, these pieces of legislation do serve the function of standard-setting in some European countries – indeed, difficulties in transposing them into national law are an indication of the fact that they do require substantial changes.

Third is the European Monitoring Centre on Racism and Xenophobia, which has been collecting information and analysing phenomena of racism, xenophobia, anti-semitism and Islamophobia, since 1997. In 2003, EU Ministers agreed to extent its mandate to become a Human Rights Agency. This would involve a more robust mandate and role, although there are some concerns it would imply a dilution of the Centre's original core mandate.

In sum, progress in this area of EU cooperation has been patchy. This reflects more than anything the limited incentives (or necessity) for harmonisation or cooperation, at least in comparison to the areas of migration control and asylum. It also reflects the fact that impetus for progress in this area comes from a number of different departments and agency, each with

a somewhat different agenda. Thus while there have been some important initiatives, notably the directives on anti-discrimination and treatment of third country nationals, it may be too early to talk about 'good practice' at the regional level. As in many other areas of EU cooperation, progress in the early stages appears to be rather fragmented and ad hoc, and it may well take several more years before a more coherent approach emerges.

4.   Good practice and lessons learned

In defining good practice, we need to be clear about the goals of migration policy, and thus the criteria for assessing different approaches. These criteria should be based on considerations of how far different policies realise the national economic, social and political goals of host countries; how they affect the rights and welfare of migrants and refugees; and their impact on development and stability in sending or transit countries. We can summarise these criteria from the perspective of the three sets of actors involved:

- For migrants and refugees:
    - Realisation of human rights
    - Socio-economic welfare and stability
- For host countries:
    - Economic prosperity
    - Security and migration control
    - Inter-ethnic and social harmony
    - Political legitimacy of responses
- For source and transit countries:
    - Economic prosperity and development
    - Security and migration control

Bearing in mind these criteria, this final section will consider which approaches could be considered to be good practice for each of the four policy areas (migration control, asylum, labour migration and integration), and question how far these experiences are replicable in countries or regions outside of Europe.

Migration control

The **integration of migration issues into external relations** is probably the single best means of addressing migration control problems. In this respect, the European Commission's efforts to integrate migration issues into its relations with third countries can be commended as good practice. The approach set out in the 2002 Communication on migration and development is based on the recognition that EU states must factor in the concerns of countries of origin and transit in designing policies. These include concerns about brain drain, remittance flows and treatment of their nationals in EU countries, as well their interest in keeping open legal channels for low- or unskilled labour migration. This approach has been most clearly put into practice in the context of the EU's relations with Mediterranean countries, and especially Morocco, where development assistance has been channelled into alleviating migration pressures in sending regions. Another example is the bilateral agreements between Italy and some of its Mediterranean neighbours, which involve establishing a quota for labour migration, 'in exchange' for cooperation on border control.

Replication outside of Europe? This type of approach requires close cooperation between officials dealing with migration, development and foreign policies. Such cooperation can be difficult, especially where the relevant ministries have no history of working together, and where development and foreign policy officials are hostile to integrating a migration-oriented agenda. It also implies building on already established patterns of political and economic cooperation with sending and transit countries. Where these conditions are in place, such an approach could be replicated in the national policies of single countries. However, it is unlikely that any other region could pursue such an approach collectively, given that the level of EU cooperation in external relations is so unique.

The EU's **association process** has helped bring democracy, stability and prosperity to neighbouring states in transition from communism. Through a generous package of financial and technical assistance, the EU has helped to prevent or contain inter-ethnic and social conflicts and promoted democratisation and human rights. Moreover, trade liberalisation and the increase in foreign direct investment in these countries has on the whole been immensely beneficial for these countries (as well as for the EU). The prevention of migration and more effective migration control is one of the explicit goals of cooperation, especially given that these countries are potential EU members, whose nationals will eventually have the right of free movement within the EEA. The countries benefiting from this close cooperation include the candidates for EU enlargement in Central and East Europe and the Western Balkans, as well as Turkey.

Replication outside of Europe? It is important to stress that much of the incentive for this close cooperation is linked to the prospect of EU enlargement. Member states have a strong interest in increasing the stability and prosperity of countries that will sooner or later enter the EU and enjoy its provisions on free movement. Similarly, (potential) candidate countries may find that difficult economic and social reforms are more palatable if they are seen as a necessary precondition for EU accession. This pattern of cooperation could characterise relations with countries set to enter regional arrangements, such as regional free trade regimes, although it is unlikely that it could be replicated on this scale outside of Europe.

Asylum and refugee policies

Burden-sharing between states can help alleviate the pressure of hosting large numbers of refugees in cases of mass influx. Such systems can also alleviate public concerns about the costs of assisting refugees, thereby potentially increasing public acceptance for asylum. Provided it does not involve undue upheaval or forced relocation, refugee burden-sharing can therefore enhance refugee protection. In the EU, successful attempts at burden-sharing to date have taken two main forms: inter-state financial transfers (the European Refugee Fund - ERF); and the evacuation of refugees from an unstable host country in the region, and their dispersal between European states (Humanitarian Evacuation Programme from Macedonia - HEP).

Replication outside of Europe? EU experience suggests that arrangements that bind countries into fixed systems for distribution (financial or dispersal) are unlikely to gain consensus, especially on the part of those countries likely to lose out. For this reason, schemes such as the ERF may only be feasible in regions where there is established cooperation in other areas, and thus the potential for "package deals" between different areas. More feasible may be voluntary arrangements for burden-sharing in cases of unexpected refugee crises, as in the case of the HEP.

The **Harmonisation of asylum systems** between different countries may potentially halt a downward spiral of refugee protection standards, and prevent "country shopping" between states. However, the EU experience suggests that such convergence may also be based on a lowest common denominator, and thus encourage a decline in protection. Nonetheless, it may be helpful for countries with non-existent or poorly developed asylum systems to base new legislation on common guidelines or good practice. In this sense, it is not the principle of harmonisation as such that is problematic: it is just important to ensure it does not take the form of regressive harmonisation.

Replication outside of Europe? The EU has a unique framework for and history of legislative harmonisation, which would be difficult to replicate in other regions. However, host countries in other regions with a longer experience of asylum may be able to play a role in assisting new asylum countries in their region to develop legislation and reception infrastructure.

Labour migration

Free movement of labour between countries within a region is a good means of enhancing the efficiency of labour markets and promoting a better match of supply and demand. Moreover, the extensive rights of EU citizens in other member states have contributed to a much smoother process of integration – for example, on the part of the Italian or Greek community in Germany. In this sense, free movement can be seen as good practice for labour migration and integration policies. However, it should be noted that mobility between EU countries and regions remains low. Only around 0. 1% of the population changed residence to another EU country in 2000. Moreover, European states have been less sanguine about the mobility of nationals from new CEE member states, because of fears about an influx of cheap labour and a subsequent displacement of native workers. Thus the EU has allowed states to impose a moratorium on free movement of labour from the new member states of up to seven years.

Replication outside of Europe? Provisions on free movement of labour are often seen as an important corollary to the liberalisation of flows of capital and goods. In this sense, it is not implausible to imagine similar free movement regimes for other regions with free trade agreements (as in the case of NAFTA, for example). This is also occurring (albeit in limited form) through provisions on service providers under the GATS. However, such liberalisation clearly becomes more controversial if it implies movement between countries with considerable income differentials and diverging labour market conditions. In such cases there is also a higher probability of brain drain.

Expanded labour migration programmes have been introduced in a number of European countries, although attempts at a common EU approach are still in their infancy. It is not the place here to comment in detail on the effectiveness of different national programmes, or their

impact on migrants and on sending countries. However, it is possible to derive a number of very general lessons from national experiences. First, European experience suggests the need for caution about the unexpected consequences of temporary programmes: notably, the possibility that these can evolve into longer term settlement, and even chain migration. Labour migration should not be seen simply as a tool of economic policy, but as a decision with far-reaching and often unforeseeable social and economic impacts. Second, and linked to this, is the lesson that states should give serious consideration to integration measures from the outset. Failure to provide the necessary framework for incorporation can produce serious social problems further along the road. Third, there are strong arguments for taking a long-term view in recruiting migrants. Rather than introducing "stop-go" policies to fill current skills shortages, it may be preferable to recruit on the basis of human capital endowments (for example through points systems or flexible rules for graduates), rather than sector or occupation based schemes. Fourth, governments have found it easier to introduce transparent and efficient programmes when they have been politically brave enough to make a positive case for the economic benefits of labour migration. Taking a clear and positive stance on labour migration will be vital in the future, if governments are to generate consent for expanded policies.

Unfortunately, Europe can offer less in the way of lessons learned for **minimising the negative development impact** of skilled migration on countries of origin. There have been various debates and proposals in European countries, the EU and OECD about ways of encouraging brain circulation, engaging diaspora in business and development projects with places of origin, and better channelling and use of remittances. Particularly interesting for European countries is the apparent role of more robust rights in host countries in facilitating these types of transfers. While there may be some scope for this form of "win-win" approach, ultimately it must be recognised that the settlement of skilled migrants in European countries constitutes a serious net loss for sending countries. It is difficult to see any solution to this problem, short of halting the recruitment of skilled migrants, which would be highly unfeasible politically.

Replication outside of Europe? European countries have a rich experience of both labour migration and development cooperation, which (in principle at least) offers a good basis for developing "win-win" approaches. Moreover, the EU provides unique institutional structures for developing common approaches, especially in relations with third countries (see above). These lessons are all potentially relevant to other countries, especially OECD states recruiting high-skilled migrants.

Integration

European countries also have a rich experience of (more or less successful) approaches to integration. Over the past decade or so, many countries have realised the importance of facilitating access to **naturalisation** of long-term residents. The acquisition of citizenship not only encourages a sense of belonging and thus motivates integration, but also renders the status of immigrants more robust. Naturalised migrants have better opportunities for political mobilisation, and also create incentives for political parties to incorporate their concerns into political programmes.

Many countries are also placing renewed stress on the importance of **language learning** as an essential precondition for economic and social integration. Good practice in this respect includes investing more resources in promoting language learning and bi-lingualism for migrant and refugee children in schools, and facilitating access to language training for parents.

Common legislation on **anti-discrimination** has been adopted at the EU level. While the legislation falls short of the level of protection offered in Anglo-Saxon countries, it certainly brings added value for immigrants and ethnic minorities in many European states where such measures were previously non-existent. Finally, the **free movement of long-term residents** between EU countries is a welcome contribution to promoting the rights and integration of immigrants.

Replication outside of Europe? All of these lessons are potentially valid for individual host countries outside of Europe, especially those with less experience of integration. The efforts at common approaches to anti-discrimination and free movement may also be relevant to regions with high levels of inter-state mobility.

In sum, those policies which appear to offer the most interesting lessons for other regions and countries are:
- Involving source and transit countries in planning and implementing migration policies
- "Package" approaches to cooperation, which incorporate the concerns of source countries
- Better cooperation between different ministries/departments involved in migration policy
- Encouraging arrangements for multilateral burden-sharing in cases of refugee crises
- Liberalisation of free movement to enhance efficiency and integration in regional trade blocks
- Common legislative guidelines to ensure good practice in less experienced host countries
- More emphasis on language learning and naturalisation to promote integration

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