



UNIVERSITY OF AMSTERDAM

# **International Migration: Processes and Interventions**

A study of governmental interventions  
in migration processes

commissioned by the Secretariat of the  
Commission of the European Union

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## Foreword

Since the rise of the modern nation-state, governments have always tried to regulate international migration, most often for economic reasons. As the European Union gains importance, the regulation of international migration enters the realm of European politics. This process coincides with growing migration pressure, from both the South and from Eastern Europe. Because the economic and other effects of uncontrolled flows of migrants are unpredictable and therefore undesirable, this pressure leads to a growing political concern for migration regulation. Two related questions follow from these developments: how to regulate migration, and how to do so at a European level. These were the fundamental questions posed in a study commissioned by the Secretariat of the Commission of the European Union. The terms of reference for this study phrase it as follows:

“The object of the project entitled *Migration: Processes and Intervention* is to develop a theoretical framework to analyse migration management by political authorities.

The project should have two major component parts, as defined below.

a. The theoretical aspects of migration management should constitute the main focus of the project. The project should construct a preliminary theory of contemporary migration processes, which would form the basis for a framework of migration management by the political authorities of receiving countries. The theory should highlight false assumptions or gaps underlying present policies to manage migration. It would characterise migration processes as the outcome of an interaction between specified variables. According to this theoretical framework, the extent to which a government could intervene effectively to influence migratory processes would depend on its influence over these variables.

The theoretical part should therefore be of direct relevance for the formulation of practical proposals for regulating migration.

b. The theoretical analysis should be complemented by an empirical study of the effects (both intentional and unintentional) of policy measures intervening in migration processes. This empirical section would supply the project with a more practical component, based partly on the responses of leading international experts in the field of migration management to the theoretical framework. A workshop would be established to discuss these commentaries and introduce any necessary refinements or supplements to the original theory.

The second section should therefore serve to test and fine-tune (parts of) the preliminary theory.

It should result in the production of a report elaborating a final and revised theory of government intervention in migration processes. This report should include a

number of case studies illustrating the theoretical conclusions.'

These questions led Professor J.M.M. van Amersfoort, of the Department of Human Geography at the University of Amsterdam and a Senior Researcher at the same University's Institute for Migration and Ethnic Studies, to develop a theoretical model in which all the variables which need to be taken into account in the regulation of migration flows are systematically brought together.

Once a first version of this model was designed, a group of international experts was invited to discuss its consistency and relevance in a workshop. Before the meeting took place, the participants submitted discussion papers which were then circulated. Some papers criticized the model directly, others sought to add empirical material in order to adstruct parts of the model. Papers were presented by Prof. Reginald Appleyard (University of Western Australia), Dr Grete Brochmann (Institute for Social Research, Oslo), Prof. Jürgen Fijalkowski (Free University Berlin), Prof. Kees Groenendijk (Catholic University Nijmegen), Prof. James Hollifield (Auburn University), Prof. Ulrich Jessurun d'Oliveira (University of Amsterdam), Prof. Mark Miller (University of Delaware), Prof. John Salt (University College London), Prof. Dietrich Thränhardt (University of Münster), and Dr Cathérine Wihtol de Wenden (Centre d'Études et de Recherches Internationales, Paris). Dr Robert Barsky (University of Western Ontario) and Prof. Saskia Sassen (Columbia University, New York) contributed papers, but were not able to join the workshop, which took place from 4 to 6 September 1995 in Amsterdam.

In this report the individual contribution of each of these experts could not be separately acknowledged. Rather, the papers presented at the workshop should be seen as an important constituent of the product as a whole. Although the model as such has not been fundamentally altered, the papers discussing its merits have played an important role. In part they substantiated the model, and in part they pointed out unexpected refinements. Furthermore, the empirical papers have provided much of the detail presented in Parts II and III. Another, more extensive publication is planned, in which these texts will be presented in their entirety.

Prof. R. Penninx  
Director of IMES

## Summary

This study contains four parts. In the first part the level of analysis is discussed and the relevant variables in migration processes and their regulation are spelt out. Subsequently these are brought together in a model. In Part II some hypotheses are formulated and tested on the basis of empirical material from several European states. Part III places these findings in the context of experiences from other parts of the world. In the final remarks (Part IV) the findings of this study are presented together with some recommendations.

Migration processes are basically determined by three sets of variables:

1. those within the sending society;
2. those within the receiving society; and
3. the characteristics of an often already settled immigrant population.

Only rarely do governments have entire control over all these variables. They often use only a limited number of instruments. Their jurisdiction does not extend beyond state borders, which means that regulation can only be fully successful when both sending and receiving societies act in concert. Furthermore, many of the instruments within the state's jurisdiction, which might in themselves be effective in regulation, collide with the principles of democratic, liberal states. Since this clearly applies to West European states, we have to take the role of these principles into account in our conclusions.

Our conclusions are arranged in three categories: firstly, on the ambivalent nature of international migration in West European states; secondly, on the relationship between the process of migration and the means for intervention open to those states; thirdly, on the restrictions and ambivalences in the implementation of regulatory policies.

International migration is an ambivalent phenomenon because some forms of migration are seen as beneficial whereas others are considered to be problematic. The first type of migration pertains to mobility within the European Union, and to highly skilled professionals from elsewhere; the second to unsolicited migration from beyond the EU's borders. However, both are directly or indirectly the consequence of a growing internationalization, economic and otherwise.

Out-migration is often the result of factors on which receiving societies have little or no direct influence. These factors are, furthermore, constituents of a long-term process on which short-term political actions seldom have the desired effect. Moreover, policies not only pertain to just part of the entire migration process, but furthermore, they focus on only a limited number of variables on the receiving side, in the main using legal instruments based on the non-citizenship of the immigrants.

With regard to the variables which, in principle, are within the receiving state's control, conflicting interests among actors within that state tend to frustrate the

formulation and implementation of effective policies. Interests vary between different sectors of the economy; politicians and bureaucrats have different views and thus are not always able to arrive at concerted action. There are, furthermore, practical limits to policy implementation.

In practice regulatory instruments have a limited impact. First, they affect only part of the total migration movement. Second, there is an inherent tension between liberal principles and human rights on the one hand, and the interests of the welfare state based on solidarity among its members on the other. Not only is it problematic to expel foreigners who have spent a prolonged period within the state's borders, but those aliens who reside legally in the state accumulate rights which induce further migration flows.

The report concludes with recommendations based on this analysis. A comprehensive future-oriented migration policy is advocated that embraces three elements: a preventive policy, a supranational policy to regulate unavoidable migration, and a future-oriented immigration policy.

## ***Part I* An analytical framework for migration processes and intervention**

### **1 Introduction**

People are always on the move. There have been no human societies without migrating people. But it is safe to say that, measured in absolute numbers, more people than ever before are now involved in migration processes. Several modern developments (in transport technology, in the scale of economies, in the growth of the world population) have contributed to this increase. The proliferation of migration movements in modern times has given rise to a growing number of measures aimed at regulating migration. Although developments in transport technology and the globalization of the economy have tended to make the world smaller and more uniform, at the same time the rise of the modern state has made the world more compartmentalized and politically dissected.

The state has become the dominant organization of modern times, interfering in an ever-growing number of aspects of daily life, including people's movements. This has led to a particular view on migration that can be summarized as follows:

- a. Migration becomes a different and specific phenomenon when people cross state borders. Researchers have come to accept the differentiation between *internal* and *international* migration as an essential one. The whole statistical apparatus – which determines to a great extent the way researchers look at things – reflects this state-oriented classification.
- b. As a result, the idea has become accepted that states have the right (if not the duty) to regulate migration according to their needs and/or political principles.
- c. The state does not act in isolation. States form systems (institutionalized for example in the UN), and migration regulation has become partly subjected to rules agreed upon within systems of states, or particular sub-systems. For example, there is an internationally accepted definition of the term 'refugee', and there is regulation of migration by citizens of the member states within the EU.

Although the right to control migration is generally accepted, and all states have a more or less elaborated apparatus for doing this (certainly with regard to international migration), the regulation of migration seems to be very difficult. The measures taken by governments only rarely achieve their aims. They produce unintended and often unwanted effects, and sometimes even produce results completely contrary to expectations. This does not necessarily mean that the assumptions on which the policy measures are based are false, but rather that they are fragmentary and fail to grasp the full range of relevant variables. The aim of this study is to come to a theory of migration regulation which spells out the full range of relevant factors. The objective of the exercise is to obtain a better overview of the possibilities available to states (or

supra-state organizations) for successful intervention in migration processes.

To achieve better insight into the practical possibilities of migration regulation, we start with a general conceptualization of migration processes. We will look first at the relevant dimensions and levels of analysis in migration studies, and indicate some practical problems which arise when we try to use generalized insights in concrete situations. These early sections apply to migration in general.<sup>1</sup>

In Part II of this report we pay attention to the situation in West European countries, to see how far theoretical considerations indeed enlighten our understanding of the effects of policy measures. We shall also need to address the question of the impact of growing European integration on the regulation of migration processes. The conclusions drawn from this exercise are to be seen as hypotheses, to be tested against a wider range of experience in other countries or parts of the world. In the time available, it has only been possible to do this in a tentative way, which is presented in Part III. However, we hope to develop the theoretical insights of this report further, and to test them more thoroughly in the near future.

## 2 Dimensions of space

Many theoretical discussions of migration have paid attention to problems of distance and scale. When does a change in residence have important consequences at the individual or social level?

The concept of geographical space as a relevant factor for the study of migration seems to be both self-evident and naive. The greater the distance travelled, the greater the chance that there are important consequences involved in the process of departure and resettlement. On the other hand it is obvious that geographical space in itself is often not very relevant, and that political, social, or cultural space, as indicated by state frontiers or cultural borders between languages and religions, are far more important.

The operationalization along which these dimensions of space are to be measured is not always easy to define. As long as we speak of geographical space it seems easy to measure distance in kilometres. But in many situations it is more appropriate to substitute for this measure the quantity of time or money it costs to bridge the distance between the new and the old abode. The operationalization of social or cultural space is in many cases even more complicated. A space dimension which is easier to operationalize, and is most relevant to our subject, is the political one. The rise of the state as the most effective and comprehensive social institution, amalgamating people,

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<sup>1</sup> Part I is generally based on a substantial and ever-growing body of literature. Leading journals have in the recent past devoted special issues to the subject, e.g.: *International Migration Review*, no. 87 (1989): 'International Migration, an assessment for the '90s'; and no. 98 (1992): 'The New Europe and International Migration'. See also: *The Annals of the American Academy of Political and Social Science* 534 (1994): 'Strategies for Immigration Control'. We will minimize notes in this report, unless of course a direct reference to a specific publication is appropriate.

territory, and government, has divided the world into territorial departments. This political compartmentalization of the world determines to a great extent how movements of people are perceived, classified and registered. Even the use of the term migration is affected by it, and so it is usually reserved for movements crossing an administrative border (state, district, municipality, etc.). Because the state frontier is perceived as the most important of these borders, the division between *internal* and *international* migration is generally accepted, implying that political space is more relevant for the analysis of migration movements than purely geographical, social, or cultural space dimensions. The growing importance of the European Union as a supranational agency is creating a new division of political space. It adds a new scale to which the distinction between *internal* and *external* can be applied.

States have always tried to intervene in migration processes according to their material or ideological interests. The main instrument of this has been the distinction between *nationals* and *non-nationals*. According to migration regulations now introduced for *internal* and *external* movements (for example the Schengen agreement), the distinction between *European Union national* and *non-European Union national* is becoming increasingly relevant.

As far as the official regulations are concerned, the redefinition of Europe or Western Europe as a political space is well under way. What the effect of these regulations will be on migration movements internally and externally remains to be seen. In comparing the EU political space with, for instance, the USA it should not be forgotten that cultural borders, such as those of language, are far more important in Europe.

### **3 Time dimension**

The second dimension often used in migration studies is that of time. Change of residence may be permanent, but may also have a temporary character. A number of terms are in use to describe temporary migrations (or migrations thought to be temporary). The idea behind this mode of description is of course that the causes and consequences of migration differ between 'permanent' and 'temporary' migration.

That is not to say that temporary migrations themselves do not differ greatly in terms of duration, objectives of the migrants, and economic consequences. For instance, we can distinguish between at least four types of 'temporary migrants', within the space of the EU:

- 1.a. labour migrants with low skill levels, particularly seasonal labour in agriculture;
- 1.b. highly skilled labour, particularly staff members of multinationals, bureaucrats in international organizations, etc.;
2. students;
3. retired people and other 'tourists' spending a greater or smaller part of the year away from their official place of residence.

It may be hypothesized that the growing effectiveness of the European Union as a political space may result in an increase of certain types of 'temporary' migrants such as students and pensioners. It would also be worthwhile to investigate whether the generally growing 'circular migration' of highly skilled officials is particularly important inside the EU, when compared with similar migration in the USA and Japan. This would provide an indication of the effectiveness of the EU as a political and economic area within the wider developed world.

However, the greatest problem in classifying migrations (or migrants) according to the time dimension is the uncertain base of the classification. Do we classify a migration as temporary in the perspective of the government, as for instance the European governments classified the migration of Mediterranean workers, recruited in the 1960s? Or do we take the perspective of the migrants themselves? (This assumes that we have a means of knowing their motives or intentions.) Or should we, the researchers, decide whether a migration is (or was) permanent or temporary, and at which point in time should we do that? It is not only a problem of theory or operationalization. The definition of a migration as temporary by the various actors has consequences for the further development of the migration process, albeit not always the consequences foreseen by the actors. This point is illustrated perfectly by the Mediterranean migration to Western Europe thirty years ago, which was defined then as temporary not only by the governments of the sending and receiving societies, but also by the migrants themselves; it is now generally considered to have been permanent.

#### **4 Levels of analysis**

In the previous sections we have alluded in a general way to the 'causes and consequences' of migration. Before we can become more precise on this point we must first spell out the implications of the levels of analysis which are available.

It is an unsolved problem in the social sciences that the units of analysis can not be added up without changing the characteristics of the units. It is obvious that the basic unit of every migration is a human being. Mobile individuals therefore form a legitimate unit of analysis. The motives of individuals can be looked upon as a 'cause' for migration, and all kinds of consequences such as levels of income and mental stability can be thought of as resulting from the migration experience at the individual level. It is perfectly correct to conduct research focused on individuals and to enquire into their motives, on the networks of individuals or households that have influenced their decisions to move or not to move, and on their perception of the duration of stay. However, such research will seldom provide the answers we are looking for. In many cases we are interested not in individual motives and in the consequences of migration for individuals, but in the movements at the aggregate level, and in the social consequences of migration. We are, in other words, interested in migration flows. On the aggregate level of flows very different 'causes' and 'consequences' come into play, for example demographic ones.

The fundamental difference between analyses on the individual and aggregate level is often obscured by a misleading terminology that suggests that we know the 'motives' of the individuals constituting a migration flow. We tend to classify flows as 'labour migration', 'refugees', and suchlike; however, these terms do not reflect individual motives, but computed 'causes' at the aggregate level (where, for instance, the flow is from an area with high to one with low unemployment) or residence titles (such as family reunification) determined by the receiving state.

It is very difficult or even impossible to step from one level of analysis to another. This is not to say that the causes and consequences on the macro- and micro-levels are unrelated. It is generally true that many people move from poor areas to more prosperous regions, but many people do not, some move in the opposite direction, and people moving with the general flow may as individuals have widely varying motives.

Because our interest at present is in developing a theory of migration intervention, our level of analysis will be of flows rather than of individual migrants.

When we concentrate on the study of migration flows we automatically address the causes and consequences of migration on the macro-level, be it in the countries (or regions) of departure or in the areas of destination. This does not mean that the migrants have no place in this approach. But they enter into the analysis less as individuals than as populations (or communities), being on the one hand the result of migration flows, and, on the other, influencing the further development of the flows, for instance by their demographic structure.

## 5 Explanations

When we use the term *cause* we enter the realm of explanation. An explanation is an answer to a question, that is to say the explanations we get, the causes we detect, are dependent on the questions we ask. In our questions we rarely, if ever, spell out the full range of factors relevant to the field of enquiry. For the most part our questions arise in a specific context in which much is known already, or taken for granted. Therefore our answers or explanations are generally only partly true, even when they are quite satisfactory in the context of the question posed.

The questions tend to single out factors (or conditions) on the departure side (the 'push' factors) or on the arriving side (the 'pull' factors), or sometimes concentrate on the intermediate structures that link the 'push' and 'pull' areas. Sometimes these intermediate structures are seen as passive, facilitating movement as do modern traffic connections. Sometimes they are seen as active agents such as commercial brokers, or entrepreneurs recruiting ethnic labour.

In the literature the term 'intermediate structure' can refer to a variety of things. In the linkage between the departure side and the destination side at least three elements need to be distinguished, which are regularly covered under the general term 'intermediate structure':

1. Technical means of transport or connection, such as airlines, harbours, etc.;
2. the means to make use of the transport links, such as information, money to meet the costs, facilities offered by recruiting employers and other brokers, etc.;
3. Travel and residence regulations enforced by state authorities, passports, visas, etc.

If we use the term 'cause' in the context of this study we must realise that there are basically two kind of 'causes':

- a. Causes which explain why people leave. We concentrate on the question of why certain countries (or regions) are expulsion areas, or in the classical terminology, on the push factors.
- b. Causes which explain the direction and size of the flows. We concentrate on the question of why people settle (or try to settle) in certain countries or regions.

Depending on the context, such as the moment when the question is asked, answers to 'b-type' questions tend to concentrate on classic 'pull' factors such as labour demand, and on the presence or functioning of intermediate structures. When we ask, for example, why there is substantial migration from Morocco to the Netherlands, we can point to several kinds of 'causes' in the development of the process, and in explaining the direction the intermediate structure can readily be seen as a cause of this particular migration.

Finally, we have to realize that in using the term 'cause' we simplify matters. There is always a cause behind a cause. When we, for instance, describe a high level of unemployment in a country or region as a cause of migration, we do not go further in explaining this high unemployment. In some analyses terms like 'near causes', 'proximate causes' or 'direct causes' are used to indicate that a further line of reasoning is possible.<sup>2</sup> To date the term 'root cause' has become popular, expressing the the idea that a more basic, comprehensive approach is possible and necessary. As indicated in our model root causes can be situated in principal on the side of the sending country as well as that of the receiving countries. On the side of the sending countries an example of such a root cause is the excessive demographic growth in many of these countries. In this perspective the demographic pressure is the root cause of more direct causes like high unemployment, wide spread poverty, political instability and ethnic violence. On the side of the destination countries the labour market is often seen as the root cause of a continuous immigration. Especially Saskia Sassen has pointed out that the globalisation of economies has led to the need for a flexible, non-unionised work force in highly developed economies. Her thesis is that such an informal, flexible labour market forms a inseparable part of the official economy and at the same time a pull factor for immigration, even when the official figures show a high unemployment rate. The development of

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<sup>2</sup> See for instance: Astri Suhrke, 'Analysing the Causes of Temporary Refugee Flows', in: Ron van der Erf & Liesbeth Heering, *Causes of International Migration*, Luxemburg 1995, pp. 201-208.

such a postmodern economy as such with its need for undocumented labour can thus be described as a root cause of migration.<sup>3</sup>

In addressing the consequences of migration it is useful to distinguish between demographic, economic, social, and cultural consequences. It may also be very relevant to analyse these consequences in their regional variation. This is even more the case if we enlarge our general frame of reference from the separate states to the European Union.

## **6 Causes, consequences, judgements**

An attempt to intervene in a migration process must in the end be based on a judgement. Migrations are considered to have a positive or negative effect and the intervention is supposed to enlarge the positive effects and to diminish the negative ones, or to stop or even reverse the flow when the total balance of effects is considered to be downright negative. It is, however, rare for all actors in the migration process to share the same judgement about the positive or negative aspects of a migration flow. In the first place we have to deal with the evaluations or expectations of the migrants and prospective migrants. Clearly these judgements will not be necessarily in harmony with the opinions of other parties such as governments. But even when we concentrate on the evaluation of migration flows, disregarding the individual level, the judgement of what is to be considered a positive or a negative effect is certainly not a simple, undisputed matter.

To start with the perspective of the sending society, several points of view can enter the evaluation; these can include the national government and regional authorities, but also specific economic sectors, such as agriculture or the building industry. It may well be that a certain migration flow has a positive effect on the national balance of payments, but a negative one on investment in agriculture, and so on. Moreover, migrations may be considered to have positive effects in the short run, but negative ones in the long term, and vice versa.

From the perspective of the receiving society, there is the same complicated picture. Employers in certain sectors of the economy may have an interest different from that of society at large. The effect on the whole of the national economy may differ substantially (both in its negative and positive effects) from the effects on particular regions. What may rightly be considered an alleviation of tensions on the labour market may put a strain on the public housing sector or the education system of a country. Such differences of effects of migration not only make it difficult to formulate a government policy, but also make the implementation of a policy, once formulated, much less straightforward than one would expect at first sight.

A further point that should be explicitly mentioned in this context is the relationship between policy objectives and the appropriate means to realise those objectives.

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<sup>3</sup> Saskia Sassen, *The Global City*, New York 1991.

## 7 Sets of variables in migration processes

A migration flow is a complicated interaction between a sending and a receiving society. Promoting or hampering the migration process may be done at either end of the route. If we imagine a situation in which no previous migration has taken place, we have only to deal with variables that are conducive to departure and ones conducive to settlement. But even at this level of simplification we have to deal on both sides with at least three variables, which are in themselves composite:

1. *The economic situation.* In this variable most attention is generally paid to developments on the labour market, but other indicators such as wage levels or the level of diversification of the economy can also be taken into account.
2. *The political situation.* In this general variable concrete indicators would include political stability, the occurrence of violence, and the oppression of ethnic minorities.
3. *Cultural definitions.* This implies such indicators as the role of the individual vis à vis the family or larger community, 'acceptable' work, and gender roles.

Behind these variables lie, of course, yet more variables which can be seen as the 'deeper' or 'root' causes of the migration process. In this way, demographic developments in many countries might be seen as a 'cause' of political instability and of a deteriorating economic situation. We shall not, however, in this project enter into a discussion of the 'chain of causes', because the more immediate 'causes' already make our task quite complicated. We have to go a step further, however, at the other end of the route; these sets of variables are conducive to migration, but they do not automatically lead to actual migration flows. They lead at first only to a more or less clearly defined government policy, which then may lead to intermediate structures which link the two societies. But as we have pointed out already, governments are not in full control of the intermediate structures, and neither are they the sole agents in the intermediate linkages. The linkages are also the result of the dimensions of space and time, influenced by technological developments in transport and by commercial agencies operating those transport facilities. Banks or brokers may help to bridge the 'money gap' between two societies. But all states contribute, if only passively, to structuring the route along which migration passes. States are engaged in formulating and upholding the construct of 'legality', which attempts to control the mobility of people. The construct of legality has three relevant aspects, by which migration is controlled. It defines the legality of:

- a. entering (or leaving) the country;
- b. residing in the country; and
- c. employment.

In those cases where states agree upon their mutual interest they may act together to bring about a controllable migration flow between their respective societies, by organizing recruitment, implementing special legal facilities, and organizing or subsidizing transport facilities. If states always acted in harmony and if their definitions of legality were the only relevant intermediate structures, the regulation of migration would be relatively simple. But reality is different, or very soon becomes so, once a migration flow has come into being. Though every migration flow has to start somewhere in time, the analysis of existing flows has to take into account an important third set of variables: the characteristics of the immigrant population. Since Charles Price coined the term 'chain migration' in his study of the migration of Southern Europeans<sup>4</sup>, it has been well known that, once there is a more or less settled immigrant population, it will exert a great influence on the further course of the process. The residing immigrants act as a 'bridgehead' for further migration, by bringing over wives and children, offering employment or at least shelter and an initial foothold. The migrant population can be described as a special case of the 'intermediate structure'. But its importance for the migration process is in general so great that it merits special attention. As with the first two sets of variables, several relevant characteristics can be distinguished:

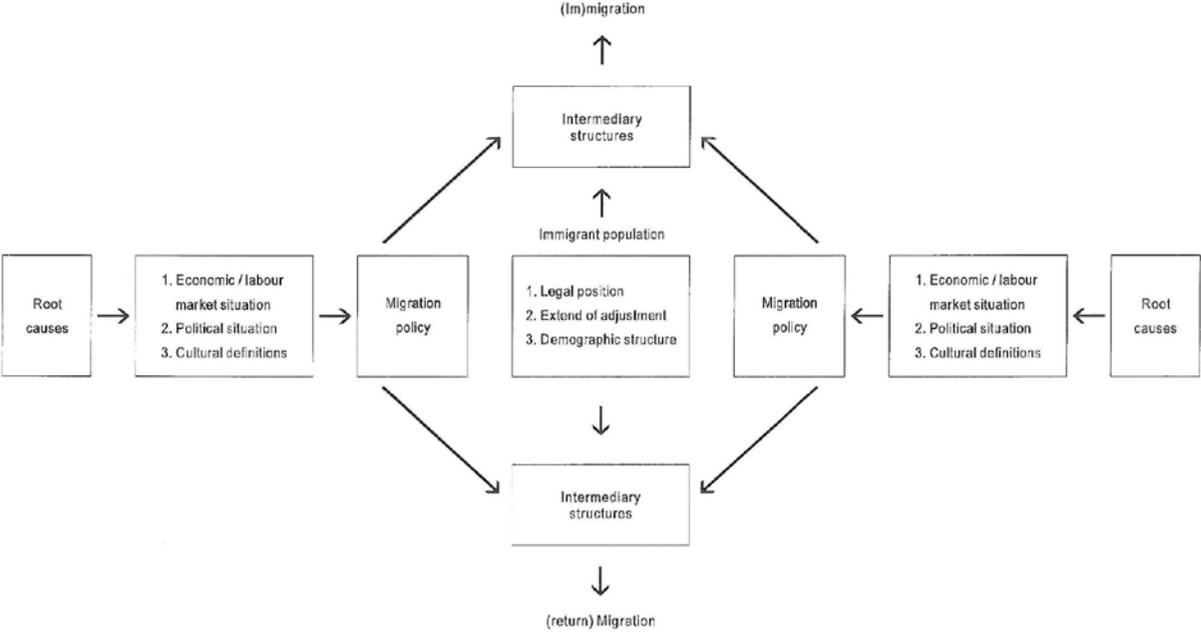
1. *The legal situation.* Immigrants differ in their legal status, and though they are in general not citizens of the receiving country, they may in the course of time strengthen their legal position (the so-called 'denizens').
2. *The level of adaptation.* The cultural distance between the migrants and the society differs greatly and may moreover change over time, as may their emotional bond with the country of origin. The inclination to function as a 'bridgehead' is influenced by this factor.
3. *The demographic structure of the immigrant population.* There is a general tendency of unbalanced populations to encourage further migration to redress the imbalances in sex ratio and age structure.

In Figure 1 we have brought together these three sets of variables and their connections in a heuristic model:

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<sup>4</sup> Charles Price, *Southern Europeans in Australia*, Melbourne 1963.

**Figure 1: Variables in migration processes**



When we survey the sets of variables relevant to the migration process, it becomes clear that what we call a 'cause' or a 'consequence' in a particular context is in reality a fragment of the total migration process. We rarely take into account the full set of variables. It is not even clear in all cases what we have to define as the 'total migration process', because only in historical cases are we able to include the time dimension. As was pointed out in Section 3, the time dimension is often of crucial importance in understanding migration movements both at the individual and aggregate levels of flow. It is also a dimension which enters – rightly or wrongly – into policy measures on migration movements.

## Part II Western Europe as an immigration area

### 1 Introduction

Only in recent years can Western Europe be regarded as an 'immigration area'. Most countries in the region have undergone a change from emigration country to immigration country. Spain, Portugal, and Italy were until recently 'sending' rather than 'receiving' countries. However, with the exception of Ireland, all countries of the present European Union are now countries of immigration, and as far as the European Union can be regarded as a unit, it is fair to say that it is an immigration area.<sup>5</sup> But it is also necessary to keep in mind that this is true only in a very general way: all countries have their distinctive migration history and characteristics. It is therefore not surprising that the study of interventions in migration processes has focused on the national governments as agencies. Although there are similarities in the experiences of West European states, their experiences cannot be seen as identical. The study of international migration processes in Western Europe has to take this into account.

There is no lack of descriptive studies of the migration to Western Europe. Partly this literature is made up of monographs concentrating on a certain country or a certain specific immigrant group, but for our purposes the studies with a wider, comparative framework are more relevant. Such studies, however, describe not only the migration process, but also the social and political consequences, the policies with regard to immigrant groups, and the problems in the fields of housing, employment, education, and the like.<sup>6</sup> These studies pay some attention to policies on migration control, but this is usually done with reference to the effects these policies have on an already settled immigrant population. Our aim here is both more limited and more ambitious.

In trying to use the existing studies for our purpose, a fundamental problem of classification arises. Many labels are used to characterize migrants and migration flows; they may be useful for an understanding of the history of a particular migration flow, but they tend to be analytically unclear, and to overlap. Sometimes the historical context is used (for example in post-colonial migration), sometimes a geographical direction (like South-North migration), sometimes an internationally recognized residence title (refugee migration), and sometimes a motive to give people a residence title (labour migration). For our purposes these characteristics are only relevant to the extent that they reveal something about the instruments (and their success) of governmental intervention measures.

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<sup>5</sup> Philip Muus, *Internationale migratie naar Europa*, Amsterdam 1993, pp. 31-70.

<sup>6</sup> See, for instance, the recent 'summarizing' reports by David Coleman in: *European Population Conference Volume I*, Strasbourg/New York 1994, pp. 281-367; and *International Migration: Regional Processes and Responses*, New York/Geneva 1994, pp. 41-76. One of the first attempts to take a comparative look was: Tomas Hammar (ed.), *European Immigration Policy*, Cambridge 1985.

A classification that seems to be relevant in all cases is one according to 'civic status'. All countries of the European Union make a distinction between:

- a nationals;
- b nationals of EU states; and
- c 'foreigners'.

With regard to the migration of nationals, West European states seem to have no means to intervene in migration processes. The concept of individual freedom and rights inherent in the status of holding the citizenship of such states includes the freedom of settlement. When states regard the immigration of nationals as undesirable, for instance from former colonies or dominions, they will change (or try to change) the status of nationals.

With regard to the rights of settlement of citizens of a supranational system like the European Union, the rights are well defined. It would be interesting to see what happens when these rights lead to migration movements which are regarded as undesirable by one or more governments.

The most interesting and complicated case is of course the migration of foreigners. All states have developed mechanisms of control that are based on this 'civic status'. Here the construct of legality that we discussed in Section 7 of Part I becomes important. Within this construct some foreigners may have a 'right of entry', because this is established in international law (all European states have signed the Geneva convention on 'refugee status'), or in the laws of a specific country (ethnic Germans in Germany, citizens of countries such as Canada and Australia in the United Kingdom, if they have an English grandfather, etc.). But normally a 'foreigner' has no right of settlement and has to acquire a residence title by one means or another.

Other characteristics used to describe migration flows usually have some relation to the classification of 'civic status', but it is not always clear which one. The most important label in this respect is *labour migration*, but it has different connotations, which need to be spelt out before we can use the term. Generally it refers to migration flows which find their origin in the labour demand of the receiving country, which has built the corresponding intermediate structure to secure the recruitment of the required labour force. There are, however, dangerous flaws in the concept when it is used to describe flows. The first is that, at least at certain stages in the total migration process, the migration flow also contains other people, notably dependants of the workers. The second is that the label suggests that migration is based on the motives of individual migrants. This is generally not the case. Family reunification for instance is a legal residence title that may or may not reflect the motives of the various decision-making individuals. The third flaw is that its use is often restricted to the migration of unskilled manual labour. It is doubtful whether that is historically accurate: the movements of more highly educated people, seeking the most suitable place to apply their skills, may have been far greater than is generally assumed. It certainly leaves out a substantial amount of migration, for instance between the developed countries, of highly skilled

labour in the modern world. For these reasons the term *labour migration* will be employed in this study in a specifically defined way. In the context of a study of governmental intervention in migration processes it seems best to define labour migration as the migration of foreigners whose residence title and work permit are interconnected. That is to say they have a work permit because they are needed, and they have a residence title because they have a work permit.

This brings us to the migration of dependants. They have no residence title of their own but a 'secondary' residence title. States like the Netherlands and Germany have altered the rights of dependent migrants, because they felt that the flow of dependants was growing too large and that many dependants were in reality 'looking for a job'.<sup>7</sup> In a discussion of the attempts of states to intervene in migration processes, the rights of migrants who hold a residence title to bring over dependants, and the rights which these secondary residence titles entail, are a most important issue.

At the end of this general overview, it is already possible to draw some tentative conclusions. The first is that the majority of measures taken by governments are not so much directed at the sets of variables identified in Part I, but at the derivative 'intermediate structures'. The main instrument states seem to have available is to allow (or deny) non-citizens a residence title, which assumes that illegal migration will not take place, or at least only on a limited scale. As we have indicated above, the instruments do not always appear to work in the expected manner, which then often leads to redefinitions of such concepts as 'nationals' and 'dependants'. A first hypothesis for further scrutiny in this regard is:

*1 The success (or failure) of a state to control a migration process will find its reflection in the maintenance (or adaptation) of the constructs and definitions that regulate the intermediate structures.*

A second conclusion is that in the West European tradition migration legislation is formulated in terms of individual rights, whereas the political aim is often to regulate a collective migration flow. To control a flow, a simple 'non-individual' quota system would be the most logical instrument, but this runs counter to the ideology of the liberal democracies. A second hypothesis for further testing is:

*2 Attempts to control migration flows by the use of legal constructs formulated in terms of 'individual rights' will not be successful.*

To illustrate our approach further and to give substance to our argument, it will be necessary to examine case studies, both from Western Europe and from other immigration countries in the world. To explore how far such an approach can take us,

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<sup>7</sup> Ph.J. Muus & R. Penninx, *Immigratie van Turken en Marokkanen in Nederland*, The Hague 1991, pp. 120-123.

we shall begin with the case of the Netherlands, for the simple reason that the authors know this case best; further, it is as good an example as any.

## **2 The Netherlands as an example**

### *2.1 Introduction*

Like other West European countries, the Netherlands changed from being an emigration country, which it was up to 1955, to a country of immigration in the 1960s. As is the case elsewhere, it is not the total immigration process that has drawn most of the attention of policy makers, but some specific flows which are considered to be 'problematic'. The increasing settlement of Germans, Britons, Americans, and Japanese does not enter the Dutch political debate.<sup>8</sup> There seems to be no sense that these flows require any further regulation beyond what already exists. There is also remarkably little attention paid in the academic world to these 'non-problematic' migration flows.

With regard to the study of migration regulation, three flows in particular command attention: migration from the Mediterranean countries especially Turkey and Morocco, migration from the former Dutch West Indies (Surinam and the Dutch Antilles), and the migration of asylum seekers.

### *2.2 Labour migration from boon to burden*

The Netherlands experienced great demand for manual labour in the 1960s, a situation mirrored at the time in other European countries, especially in Germany. In response to this labour demand a more or less spontaneous flow of migrants from Mediterranean countries like Italy and Spain came into being. Officially these immigrants needed a work permit and a residence permit, but in fact many entered the country 'as tourists' and acquired the necessary documents afterwards, when they had found a job. When the flow of migrants increased, the need for government intervention became more urgent. The Dutch government tried to control the migration flows by signing recruitment agreements with a number of countries. These agreements gave the governments of both the sending societies and of the Netherlands some say about where and under what conditions labour could be recruited. At this time all parties concerned – the respective governments and the migrants themselves – considered this labour migration to be a temporary phenomenon. During the short recession of 1966-67, the import of labour stagnated, and the days of labour immigration seemed to be over. But the economy recovered quickly and labour had to be recruited from more distant countries. During the

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<sup>8</sup> A yearly statistical overview can be found in the reports for the OECD, SOPEMI-Netherlands, the latest one being: Philip J. Muus, *Migration, Immigrants and Policy in the Netherlands*, Department of Human Geography, University of Amsterdam 1994.

period 1967-73 the Netherlands recruited in Turkey and Morocco in particular. Government control of labour migration was extended: it was no longer possible to apply for a work permit in the Netherlands. Prospective migrants had to apply for a work permit in their home country. In this way the government hoped to stop the flow of 'tourists', who entered the labour market as 'illegals', creating a whole system of 'black work', or black-market labour, especially seasonal labour in horticulture.

After the oil crisis of 1973-74, the idea of a controllable flow of temporary workers proved to be an illusion. The first paradox was that many of the foreign workers, who had been so much in demand a few years earlier, were made unemployed. The second was that they did not return home, but brought over their families instead. The immigration of dependants increased not only the number of Turks and Moroccans in particular in the Netherlands, but it also changed the character of the immigrant communities completely. This flow of 'family reunification' was especially strong in the period 1970-85. After 1985 the process of family reunification was more or less completed, and yet another type of migration developed. The children in the immigrant communities grew up and reached marriageable age. As the ties with the country of origin were still strong and the cultural distance between the migrant communities and Dutch society was still considerable, they tended to look for partners in the sending society. Dutch law gives foreigners legally residing in the country the right to bring over their dependants and marriage partners. Once the immigrant communities had become settled, this resulted in substantial immigration flows that could not be regulated. It seems, however, that the flows of dependants and of marriage partners have now passed their peaks as far as Turkish and Moroccan migration is concerned. The number of eligible dependants has become very small, and in very recent years the numbers of marriages within the already settled immigrant community and the numbers of mixed marriages are both rising, whereas numbers of marriages with a partner from Turkey, and to a lesser extent from Morocco, are decreasing.

The Dutch government did not only try to prevent migration into the Netherlands. It took also measures to induce settled immigrants to return. Returning migrants could obtain a premium and facilities to transfer unemployment benefits and pensions to the countries of origin. Even more ambitious was the idea of stimulating return migration by means of development programmes in those regions of the sending societies which were heavily dependent on the income from migrant labour. Like similar measures taken by other West European governments, these met with, at best, only very partial success. The only country which attracted a high number of returning migrants was Spain. This points to a set of factors limiting the effect of regulation measures by the host societies: the factors which stimulate migration in the sending societies. Because the Netherlands had recruited labour from Turkey and Morocco in particular, the case of these two countries is especially interesting. The contrast with Spain, where the economic, social, and political situation developed favourably after Franco's death, is obvious. Demographic development in Turkey and Morocco continues to create population pressure, especially in the rural areas. The economies suffer from high inflation and severe unemployment. Turkey is characterized by political instability and violence. Morocco has been

politically stable, but under an autocratic totalitarian regime. These are factors which have a great impact on the decisions of people to leave their country or to return to it, and which are beyond the control of any West European government.

We can conclude that what was considered to be a temporary recruitment of labour led to the formation of settled immigrant communities. In 1992 there were 215,000 people of Turkish and 164,000 of Moroccan nationality legally residing in the Netherlands.

### *2.3 Migration as colonial inheritance*

Like other European countries the Netherlands received specific migration flows from countries that were once Dutch colonies. After World War II the transfer of sovereignty to Indonesia caused a relatively large influx of Dutch citizens from the new republic. The political debate surrounding this 'repatriation' focused on the definition of citizenship. A substantial number of Eurasians ('Indische Nederlanders') successfully claimed their constitutional right as Dutch citizens to settle in the Netherlands. In the case of the Caribbean colonies, the issue of citizenship has also played an important role.

In 1954 a new Charter for the Kingdom of the Netherlands came into being, which gave the inhabitants of Surinam and the Dutch Antilles Dutch citizenship. Few, if any, people will have realised at that moment the consequences this would have for migration between the Dutch Caribbean and the Netherlands. It has resulted in a continuous immigration of Dutch nationals from Surinam and the Antilles. To date there are 80,000 Dutch citizens 'born in the Antilles' residing in the Netherlands, but the most spectacular migration flow has come from Surinam.

The relatively small but steadily increasing stream of Surinamese immigrants caused the Dutch government to search for a means to call a halt to the migration after 1970. This migration so obsessed Dutch politicians in the seventies that it grew to be the principal reason for trying to end the relationship as defined in the Charter between the two countries. In 1975, partly because of coincidental internal political circumstances in Surinam, this attempt succeeded. During the negotiations on Surinam's independence, the Dutch endeavoured to prevent Surinamese citizens from coming to the Netherlands and even to deprive all those already settled in the Netherlands of their Dutch citizenship. When the proposed regulation proved quite unattainable, the Dutch delegation withdrew its proposal and even agreed to permit a free exchange of persons between Surinam and the Netherlands until 1980, constituting a transitional period of five years.

These policies created the impression, both at the time of independence in 1975 and again when the transitional regulation came to an end in 1980, that there would be virtually no further possibility of migration to the Netherlands. This gave rise to a great flood of 'last minute' migrants, first in 1974-75 and then again in 1979-80. It is a remarkable example of counter-productive policy: the measures resulted in precisely what they were intended to avoid.

Surinamese migration to the Netherlands is an interesting example for several reasons. First, it has been thoroughly researched. Dutch politics always had a keen

interest in this topic, and scholars in turn have been keen to analyse the policy making process and its outcomes. Discussions in Dutch parliament have been analysed, but also the minutes of the Council of Ministries to come to grips with that policy making process.<sup>9</sup> Secondly, it is interesting, because we can measure the outcome of the policy measures against the numerical expectations. Dutch policy has always aimed at minimising the influx from Surinam. In the years 1972-80, however, the additional objective became explicitly to promote remigration to the extent that that would result in a substantial decrease of the Surinamese population in the Netherlands. The National Statistical Office estimated that the measures would result in a decrease of at least 25 percent and possibly even 50 percent. Even with hindsight it is difficult to explain how such unrealistic expectations could get hold of politicians and forecasters. After 1983 policies became more realistic and aims to reduce the Surinamese population in the Netherlands were dropped.

In sum, Dutch governments have tried to control the migration from Surinam from the moment that the unintended consequences of the new Statute of the Kingdom of 1954 became visible. It grew to be an important political issue in the 1970s when the Surinamese population in the Netherlands amounted to 50-60,000. Official migration statistics show that the legal migration in the early 1990s is not lower than that of the early 1970s.<sup>10</sup> The total number of residents of Surinamese origin in the Netherlands has grown in the meantime from 120,000 in 1976, at the end of the 'beat the independence rush', to more than 228,000 in 1990 and an estimated 296,000 in November 1995, twenty years after independence of Surinam.<sup>11</sup> From the point of view of migration control, therefore, this represents a completely failed policy.<sup>12</sup>

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<sup>9</sup> Most of this literature is in Dutch. Key publications including many references to other works are: J.M.M. van Amersfoort, 'Van William Kegel tot Ruud Gullit. De Surinaamse migratie naar Nederland: realiteit, beeldvorming en beleid', *Tijdschrift voor Geschiedenis* 100 (1987) 475-490, and: Hans van Amersfoort & Boudewijn Surie, 'Reluctant hosts: immigration into Dutch society 1970-1985', *Ethnic and Racial Studies* 10 (1987) 169-185. A recent author who has had access to the minutes of the Council of Ministers is: Hans Budding, *Geschiedenis van Suriname*, Utrecht 1995, 289-299.

<sup>10</sup> An increasing but unknown number escapes official registration and numerical estimation, because their residence is illegal. Illegal residency has never been connected with Surinamese migration in the past. There are signals, however, that a serious problem is developing, at least in the major cities. Medical services, for example, are confronted increasingly with Surinamese in need of medical help, but not having any form of insurance. Such problems, although pertaining only to a small fraction of the Surinamese population, can easily be used in racist agitation.

<sup>11</sup> The estimate for 1995 is made in J. van der Heide, 'Twintig jaar na de Surinaamse onafhankelijkheid: Surinamers in Nederland', *Maandstatistiek van de bevolking* 43 (10) 19-21. In interpreting these figures one should keep in mind that the definition of Surinamese descent includes all persons born in Surinam (184,000 in 1995), plus those born in the Netherlands having at least one parent born in Surinam (112,000 in 1995).

<sup>12</sup> Detailed studies of the development of the Surinamese population in the Netherlands and forecasts for future developments are made in two recent masters' theses at the Institute of Social Geography of the University of Amsterdam. Unfortunately these theses have a very limited circulation; they can be found in the libraries of the

## 2.4 Policy on refugees and asylum: a compromise between irreconcilables

In the period after World War II, the immigration of refugees consisted initially of people displaced by the war from their homes and countries, and of people fleeing the expansion of Communist regimes in Eastern Europe. That picture has changed completely. Now refugees come from all over the world, where oppressive regimes, civil wars and ecological disasters make people flee towards more promising surroundings. A second important change lies in the legal status of the refugee-immigrants. Up to 1980 these people came to the Netherlands mainly as 'invited refugees'. This means that they had already acquired the legal status of refugee somewhere else (usually in a United Nations refugee camp) before entering the Netherlands. Since 1980 there has been a sharp increase in the number of people arriving in the country without any legal status (and often without documents) and requesting asylum, which means starting a procedure in which their refugee status has to be established. If they are unsuccessful in achieving recognition as refugees, these asylum seekers can be expelled. In 1980 less than 1,000 persons entered the country as asylum seekers. By 1991 their number had already risen to 21,000; in 1993 there were 35,399, and in 1994 more than 52,000 people applied for refugee status in the Netherlands. Other European countries have experienced similar developments.

What is the explanation for this sudden growth in applications for refugee status? As far as the situation in the receiving countries is concerned, it is evident that applications for refugee status took on a different significance after 1973. In the period of labour migration (1960-1973) it was possible for people (including refugees) to enter the country as tourists, to seek work, and then on the basis of employment to apply for permits for work and residence. Those wishing to flee the regimes of Franco, Salazar or the Greek colonels, for example, could do so much more easily as workers than as asylum seekers. After 1973, for those without access to a network of immigrant populations in the target country there remained only the possibility of an application for asylum, whether or not the motives were political.

There are, however, additional factors present, which increasingly induce people to flee. The first of these is the greatly improved world-wide communications network, of radio and especially television: in the last decade these media have significantly penetrated the entire globe, and Third World countries in particular. At the same time there has been a radical rise in the number of passenger-miles travelled, especially by car and by air. These two factors have resulted in a dramatic expansion of information about all the various possibilities and the geographical range available to refugees and asylum seekers, who have been able to present themselves in increasing numbers in West European countries from all corners of the earth.

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National Statistical Office and the University of Amsterdam: Judith Vocking, *Immigratie van Surinamers in Nederland 1980-1993*, Vakgroep Sociale Geografie, June 1994, and: Erwin Butzelaar, *Prognose Eerste en Tweede Generatie Allochtonen*, Vakgroep Sociale Geografie, May 1995.

The burgeoning flow of people seeking asylum has given rise to a number of categorical measures for fending them off. However, the execution of these measures has met with a number of problems. In the first place, procedures governing admission have tended to become very extended, partly because of overload on the organizations involved, and partly because of the legal protection which has become increasingly available in the welfare states. Legal rights and appeal procedures are fully utilized. After a negative decision about an application, if the stay has already been an extended one, expulsion is no longer thought to be opportune or permissible.

Because the official regulations are so difficult to implement, asylum policy has become deeply ambivalent. A status of 'tolerated' has evolved, lodged between acceptance and the increasingly common rejection of the request for asylum: this occurs when the application for asylum has indeed been rejected, but the risk involved in expelling the person concerned is deemed to be too great, at least for the present. What is more, there has recently been added yet another temporary status of 'displaced persons' for ex-Yugoslavs: they are offered temporary sanctuary in the Netherlands, while awaiting their expected return.

In virtually all the states of Western Europe a highly anomalous situation has arisen, where many thousands of asylum seekers have come to rest in a political 'no-man's-land'. They are not accepted as refugees, but neither are they sent back.

### **3 Regulating migration in practice (especially in the Netherlands)**

#### *3.1 Introduction*

When we take the theoretical framework developed in Part I and look at the regulating measures we have discussed so far, we come to the conclusion that the policy instruments aim at only a small part of the total migration process. We stated in our introduction to Part I that the efforts made to regulate migration failed to grasp the full range of relevant variables. This seems indeed to have been the case. The practical possibilities of intervention in the migration process seem to be limited to what we have called the 'intermediate structures'.

When we follow the line of reasoning of Part I of this report we see that governments have tried repeatedly to redefine the 'space dimension'. The United Kingdom, France, and the Netherlands have changed (or tried to change, as in the case of the Netherlands with the Dutch Antilles) the status of former colonies or that of their inhabitants in an attempt to limit the settlement of people in what was once the 'mother country'. This leads to the formulation of the third hypothesis:

*3 To the extent that geographical space loses its relevance as a factor in migration processes, political space and its concomitant definitions of 'internal' and 'external' become more prominent.*

This is not to say that the measures of intervention in this latter area have been really successful. The Dutch measures, for instance, intended to stem the migration from Surinam, analysed over a longer period of two decades after independence, have met with very little success indeed. The problem with evaluating this kind of measure is that we cannot know how the migration would have developed if no measures had been taken. To date only the redefinitions with respect to asylum seekers have met with a degree of success, though again it is not easy to assess whether the declining number of asylum requests is primarily related to preventive regulations.

Governments have also addressed the time dimension with their intervening measures. Repeatedly European governments have tried to keep labour migration temporary by classifying migrants as seasonal workers, 'guestworkers', and the like. It took the Netherlands a long time to recognise officially that it had become an immigration country, and Germany has not done so even now. As definitions on the basis of the time dimension proved to be more and more divorced from reality, policy instruments were developed to induce immigrants to return. We shall return to this point in Section 3.3.

A general point should also be made with regard to the causes and consequences of migration. With our model of the migration process in mind, we can observe that the causes and consequences of a migration process change over time. There is no single 'cause' or 'consequence', and hence policy interventions are always a reaction to particular causes or consequences at a particular stage of the total migration process. The present discourse about 'root causes' tends to obscure the fact that the causes of a given migration are constantly changing. Theoretically this leaves us with the problem of how to define a 'migration process', and of how much of the historical context we wish to include in our definition of a migration flow. At the start of the migration from Turkey to the Netherlands, the demand for labour in the Netherlands could be described as a 'cause', but after 1973 the demographic structure of the immigrant population became the 'cause' of this migration flow.

This may provide an explanation for why intervention is directed far more towards the intermediate structures relevant to a specific migration flow, than to variables governing the departure or the reception of the flow. If we define a migration flow as the expression of a long-term demographic interaction process, we can conclude that the political responses to migration can generally be characterized as short-term responses to part of the process.

### *3.2 Measures directed at the sending societies*

In recent political discussions the idea is often advanced that in one way or another the departure situation should be included in migration policy. However, there are in fact few instances of such policy measures. In so far as such measures are taken, they must in the first place rest on an adequate diagnosis, and secondly be comprehensive enough actually to influence the departure side. The Dutch government tried to keep the Surinamese in Surinam by giving that country a level of development aid that was

extraordinary, relative to the country's population. But the migration from this small Caribbean society to the Netherlands was more the consequence of cultural definitions and aspirations (and after 1980 of political instability), and the Surinamese made their way to the Netherlands in any case. The lack of influence that the Netherlands proved to have on the politics of a very small country and former colony makes clear that there is little scope for states to intervene in the economic, political, or cultural processes of another state. This is dramatically underlined in cases of civil war, such as in Somalia and Bosnia, but it also applies in less sensational cases.

With regard to the migration from Turkey and Morocco, the Netherlands was also engaged in an ambitious project (REMPLOD) which tried to stop the migration by a combination of development aid, the use of migrants' savings, and offering expertise and schooling to migrants willing to return, with the objective of enhancing regional development in areas particularly dependent on migration to the Netherlands.<sup>13</sup> It was an interesting experiment but it failed, an important obstacle being the reluctance of the migrants to return and invest their savings in small businesses, a reluctance which is understandable when one takes into account the meagre opportunities in the areas of heavy out-migration.

### *3.3 Measures aimed at the immigrant population*

We have argued that once a certain amount of migration has taken place, the immigrant population becomes an independent 'cause' of further migration. The West European countries have all been highly ambivalent in their policy with regard to the immigrant populations precisely because those populations tend to stimulate further migration. The dilemma for the receiving countries is that a strengthening of the legal rights of the immigrants is necessary in order to further their participation in society and to prevent the development of an 'ethnic underclass'. Countries like Sweden, and to some extent the Netherlands after 1983, have been guided by their wish to absorb the immigrants in the course of the generations. Germany has more stubbornly clung to the fiction that the immigrants are a temporary phenomenon and do not need to become full German citizens, even over the course of generations. But in all cases the immigrants have induced further immigration of dependants, fellow villagers, and marriage partners. In all European countries the rights to bring over dependants have been restricted in the course of time by setting age limits for children eligible to be brought over, or by limiting the time period permitted for family reunification. In the case of bringing over marriage partners, minimum income levels have been required in order to prevent fresh immigrants becoming directly dependent on the welfare state. Not all states follow the

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<sup>13</sup> REMPLD stands for Reinforcement of Emigrant Manpower and Promotion of Local Opportunities for Development. The project was executed under the general supervision of the Netherlands Universities Foundation for International Co-operation (NUFFIC) in The Hague. There is an extensive rapportage available, part of it in English and French. Final report: P.J.C. van Dijk et al., *REMPLOD Project. Slotconclusies en aanbevelingen*, The Hague 1978.

same reasoning, and sometimes contradictory lines of arguments are followed. In the Netherlands new immigrants who enter as dependants receive a work permit, because they are otherwise excluded from society and obliged to work illegally. In Germany the same immigrants are not entitled to work for an extended period, in order to make it less attractive to bring over dependants who are 'labour migrants in disguise'.

Germany, France, and the Netherlands have also taken measures to stimulate return migration among the settled immigrants by awarding premiums to returning migrants and by making it possible to 'export' part of their pensions and other incomes such as unemployment benefit. It is clear that these measures have not met with success, in the sense of being an alternative for an integration policy. The extent to which these policies have stimulated certain individual migrants is of course another matter. In this respect a distinction between the micro- and macro-level of analysis is necessary. Some studies even doubt whether these measures had any effect on the individual decisions, though of course those who were in any case intending to return did use the advantages offered to them. But it is safe to conclude that the objectives of these measures at the macro-level were definitely not achieved. As measures to diminish the immigrant populations in a substantial way, and to reverse the migration flows, the money spent was wasted.<sup>14</sup>

Immigrant populations and potential immigrants react to restrictive policy by embracing the remaining possibilities which still permit entry. Sometimes new restrictive measures are anticipated while they are being discussed in politics and before they become reality. Established immigrant populations function as a bridge not only for legal immigrants, but also for illegal ones, by providing assistance in finding them such things as shelter and work. Furthermore, there are a number of factors to be found at the collective level which generate migration; for example the structure of particular institutions within the immigration group can lead to the transfer of specific types of immigrants, like imams or teachers. The structure of particular economic activities within the immigrant population can also operate as a pull-factor for migrants – whether legal or not. An example is the Turkish clothing workshops in Amsterdam, which in their heyday employed an estimated number of 10,000 legal and illegal immigrants.

### *3.4 Admission policy in theory and practice*

As we pointed out in the first section of Part II, the opportunities for intervention in migration processes depend on the 'legal status' of the prospective migrants. Dutch nationals and citizens from other EU countries have a right to settle in the Netherlands. In Dutch legal practice, moreover, the rights of the dependants of people legally residing in the Netherlands are well established, as are those of 'refugees'. The Dutch courts have generally been liberal in interpreting the rights of asylum seekers, and of those who have resided in the country for more than three years: in general they are given the right to

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<sup>14</sup> For the Netherlands there is an extensive report written for the Ministry of Social Affairs: Ph.J. Muus et al., *Retourmigration van Mediterraneanen, Surinamers en Antillianen uit Nederland*, The Hague 1983.

stay. (A recent court decision stipulated this 'right' in a case involving a Vietnamese citizen whose asylum request had dragged on for a long time.) In 1992 an estimated 15 per cent of the immigrants to the Netherlands arrived without one form or another of previously settled right to enter, most of them embarking on the procedure of requesting asylum. This means that, for a democratic country with a tradition of independent courts, the opportunities for regulating migration are far more limited than is generally assumed, and it explains why governments have repeatedly sought to increase the scope of their admission policy.

In the case of immigrants who are affected by the admission policy, there is a general connection between the labour market situation and the degree to which admission to the country is granted. In practice, this has meant that most of the countries of north-west Europe have been highly selective in granting entry for purposes of labour since 1974, especially when it comes to unskilled and semi-skilled workers.

Although this relationship is generally evident, it would appear that economic interest is by no means unanimous. Even in unfavourable periods in the business cycle, certain sectors continue to experience difficulty in recruiting unskilled and semi-skilled workers, which results partly from the nature, quality, and remuneration of the work in question, and partly from the fact that social security payments to the unemployed are relatively high. Sectoral economic interest of this sort can lead to the creation or continuation of illegal employment, especially when the supervisory institutions effectively turn a blind eye.

Political as well as economic factors exert an influence. Post-colonial migration in a number of West European states is a clear example. But that apart, admission policy based on political grounds appears to work selectively: for example, the issue of who is in fact admitted under the refugee status, in terms of both time-scale and numbers, is significantly related to the political, religious, cultural, or ethnic links which the refugees have or claim to have with the country of settlement and vice versa. Such links appear to have an effect on admission policy for refugees and asylum seekers, influencing the extent of entry for certain categories.

In addition to the scope of policy, the applicability of policy is also subject to a large number of restrictions. In the first place there are limits in the sense of the instruments that can be wielded. Inspection of the movement of people when they cross borders is the most important instrument of migration regulation, but it is an instrument which lacks efficiency. It is perfectly feasible to make inspections more thorough and so increase the efficiency, but one runs the risk of damage to other interests like tourism, which benefits from a smooth passage at border points. In any case, it is quite possible for someone to cross the border legally, as a tourist for example, but thereafter to cease behaving like a tourist. Inspection amongst the domestic population is an alternative but highly imprecise instrument, quite apart from the ethical and administrative problems. There is recently a tendency towards operating checks 'at the counters of the welfare state' as a further alternative, but this instrument requires a extensive lead-time for development and also generates ethical and administrative problems.

These practical limitations on the instruments of policy are increased by the fact that

they must be carried out by police-type inspection organizations which have many other jobs to do and which must therefore establish priorities. In reality, illegal residence and illegal work are not given a high priority in the Netherlands in the range of assignments for the executive organizations, and in situations of this kind it is unlikely that measures to prevent illegal settlement will exert very much influence.

Secondly, applicability is also limited by ethical and political or administrative confinements: over-repressive execution or supervision clashes with moral and ethical principles, or is seen as working against the aims of policy directed at legal residents. In this way, strict application of immigration and inspection policy can have undesired consequences for policy on ethnic minorities in general.

## 4 Variations in the European experience

Up to this point, we have provided a general picture of measures aimed at regulating migration, taking the Netherlands as a starting point and as more or less representative of the West European experience. But, as we have already indicated, this is only partly true. There are similarities in the European experience, but we must not neglect the variety. We therefore briefly consider relevant aspects in the recent history of other EU member states, in order to correct and complement our analysis.

### 4.1 Germany

The Federal Republic of Germany (FRG) is by far the most important immigration country in Western Europe. Since the end of World War II and the founding of the FRG, the country has received millions of immigrants. That is not to say that immigration is looked upon in German policy as a regular aspect of the country's demographic development. Germany does not describe itself as an immigration country and tends to see immigration as the consequence of a series of historical incidents and accidents.<sup>15</sup>

This approach towards immigration is directly connected with the concept of nationality and citizenship as it has developed historically in Germany. Due to the specific process of state formation in the German world, the definition of 'German' has an ethnic rather than a legalistic character. In this conception it is almost impossible to lose one's 'Germanness', and it is equally exceptional to become a German. This definition of German nationality along the lines of *ius sanguinis* has great significance for migration policies. In the years immediately following the war, Germany felt responsible for millions of displaced persons of German ethnic origin. The newly

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<sup>15</sup> For overviews of the FRG's immigration policy see Hartmut Esser & Hermann Korte, 'Federal Republic of Germany', in: Tomas Hammar (ed.), *European Immigration Policy: A Comparative Study*, Cambridge 1985, pp. 165-205; Philip L. Martin, 'Germany, Reluctant Land of Immigration', in: Wayne A. Cornelius, Philip L. Martin & James F. Hollifield (eds.), *Controlling Immigration: A Global Perspective*, Stanford 1995, pp. 189-231, and: Dietrich Thränhardt, 'Germany: an undeclared immigration country', in: *New Community* 21 (1995) 1: 19-36.

founded FRG regarded it as its duty to offer these *Heimatsvertriebenen* a new home country. A related but different influx of people came from the Soviet-dominated German Democratic Republic (GDR). Again, internal political reasons (solidarity with fellow Germans) and external political reasons (the FRG and especially West Berlin were the 'window of the free world') led West Germany to welcome millions of *Übersiedler*. Although these migration streams had a profound effect on the population development of Germany, it was not perceived as immigration. The collapse of the Soviet domination over Eastern Europe has given this 'ethnic immigration' towards the German 'homeland' a new character. In the first place the GDR ceased to exist; East Germans became – almost overnight – German citizens and part of the nascent European Union. If there has ever been an illustration of the importance of the state's definitions in the field of migration, it is here. At the same time the immigration of ethnic Germans from other countries, especially the former Soviet Union, increased substantially. More people than ever were able to move, and because of political instability and economic decline, more people than ever wanted to move. In 1984 fewer than 1,000 ethnic Germans came from the Soviet Union to Germany; in 1994 the number was 213,214. This rise in the number of immigrants led German policy-makers to worry about the size of the 'German diaspora'. Whereas in previous years the immigrants were welcomed, and Rumania was paid substantial sums of money to release her 'ethnic Germans', now the need was felt to stem the flow. The German public became more critical of their fellow-Germans, who sometimes seem to have lost their German characteristics, such as the language, during their generation-long absence from the fatherland. In contrast to the previous welcoming attitude, a more restrictive policy was put into practice. Without denying the right of ethnic Germans to return, the German government became more restrictive in its definition of Germanness, and has postponed the immigration of some people who would previously have been considered eligible. At the same time the generous facilities for these kinds of immigrants, such as an extensive housing programme, were abolished or sharply reduced in the period 1990-93. Such facilities had been aimed at the rapid integration of immigrants into society and had been successful in this respect over the years. Now, however, they were evaluated in a different light, and seen not only as costing money but also as inducing even more people to come to Germany. The wish to control and reduce immigration led to a reduction in levels of welfare for existing immigrants. This contradiction between the desire to integrate on the one hand, and on the other to regulate strictly the migration flow, can be observed in other countries as well.

In Germany it is particularly in evidence when we also take the 'non-German' immigrants into consideration. Notwithstanding the great influx of people from Eastern Europe, the miraculous economic recovery led to shortages on the German labour market as early as the late 1950s. This resulted in labour migration from the Mediterranean area. The history of this labour migration is roughly similar to that of the Netherlands and need not be further elaborated here. However, a few points stand out as specific to the German case, especially when we take the immigration from the Communist world as reference point. As we have seen the policy with regard to 'ethnic

Germans' was not restricted to letting them in, but went further in absorbing them into society. This has never been the case with the 'guestworkers', even when the idea that this was a temporary phenomenon became clearly untenable. When it became clear that 'guestworkers' were in fact immigrants, measures were taken to make family reunification more difficult, and entry to the labour market for family members was restricted. This did not stop an immigrant population from coming into being, but it excluded them from German society. It is impossible to estimate what would be the present size of the Turkish population in Germany, had their social position had been stronger, but the restrictive measures certainly had a negative effect on their integration. The concept of citizenship is now slowly changing in Germany and the possibility of becoming a German citizen by naturalization is entering the political debate. However, the federal structure of Germany allows for great regional variation in the implementation of this new line of thought. The rate of naturalization of first- and second-generation immigrants in Germany as a whole is much lower than in other West European countries, and in some regions within Germany it can still be virtually non-existent, for example in Bavaria.<sup>16</sup>

As was the case in other EU member states, Germany saw the number of asylum seekers rise spectacularly after 1980. As a prosperous welfare state, geographically close to Eastern Europe, Germany received by far the largest numbers of people claiming refugee status. In several cases this was strengthened because migration links already existed, for instance with the countries of the former Yugoslavia. Moreover German law, as formulated in the shadow of World War II, was particularly generous in granting the right of asylum. Under pressure from the great influx, it became more restrictive. Concerning its asylum policy, Germany has also been in direct contact with the governments of sending societies, such as Poland and the CIS countries, in order to reach a common approach. This is particularly relevant with a country like Poland, where asylum seekers and other undocumented migrants have tended to be able to pass through.

Finally it is necessary to record a form of migration control which operates by means of 'sub-contracting' labour and by company transfers. It is a form aimed at solving certain imbalances on the labour market, without giving the contracted labour any foothold in society. Forms of this kind of temporary and often seasonal labour can be found in all countries, but present-day Germany appears to make use of this particular form of immigrant labour most extensively. It takes two basic forms. In the first, a foreign employer posts workers for a certain period in another country; the workers stay formally under contract to the employer in the home country. This is also true of the second form, in which an employer actually operates for a specific job in a foreign country, bringing his own labour force with him. This form occurs regularly in the

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<sup>16</sup> A recent concise overview of the German situation can be found in 'Aus Politik und Zeitgeschichte', Beilage zur *Wochenzeitung Das Parlament* (B35/95, August 25, 1995).

construction industry in Germany, where East European subcontractors (and to a certain extent Dutch, Portuguese, and British ones as well) can in this way work more cheaply than can German firms.<sup>17</sup>

#### 4.2 France

Though at first sight the present migration situation in France is similar to the one in Germany, to the extent that there is a mounting anti-immigrant mood in public opinion and France has taken measures to regulate further immigration more strictly, the historical background of the migration situation could hardly be more different. France is the only West European country which has considered itself to be an immigration country for some considerable time. In the nineteenth century already the particular demographic development of France led to concerns about French numerical strength, compared to England and the emerging German state. For demographic reasons immigrants were welcomed. At the same time the revolutionary background of the French Republic had established a firm belief in the assimilationist strength of French culture, and the feasibility of making French citizens out of anyone settled in French territory.<sup>18</sup> The French conception of citizenship is (or was until very recently) rooted in the *ius soli*, and considers everyone born in France to be French. This assimilationist approach was also part of French colonial policy. The French school system can be characterized as strongly centralized and strongly assimilationist. French colonial policy, in particular in the 'overseas *départements*' but also in other parts of the French empire, created in this way a cultural and political space conducive to the establishment of migration links. Whereas immigrants to France in the nineteenth and early twentieth centuries came mainly from countries like Italy and Poland, migration after World War II took on a more and more 'post-colonial' character.

Two developments seem to have given the French immigration debate a sharp turn in recent decades. The first is, as in other developed countries, the new phenomenon of ongoing immigration in a period of high unemployment. Even though the classical immigrant labour-absorbing industries such as textiles, coal mining and car assembly

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<sup>17</sup> A recent overview of this form of migration and migration control in Europe can be found in: Kees Groenendijk & René Hampsink, *Temporary Employment of Migrants in Europe*, Universiteit van Nijmegen, Faculteit der Rechtsgeleerdheid 1995.

<sup>18</sup> The literature about immigration towards France is substantial. An overview of historical studies can be found in: Gilles Verbunt, 'France', in: Tomas Hammar (ed.), *European Immigration Policy: A Comparative Study*, Cambridge 1985, pp. 127-164. Articles on developments of French immigration policy can be found in: Robert Miles & Jeanne Singer Kérel (eds.), 'Migration and Migrants in France', Special issue of *Ethnic and Racial Studies* 14 (1991) 3. See also: Dominique Schnapper, 'The Significance of French Immigration and Integration Policy', in: F. Heckmann & W. Bosswick (eds.), *Migration Policies: A Comparative Perspective*, Europäisches Forum für Migrationsstudien, Bamberg 1994, pp. 91-103; Cathérine Wihtol de Wenden, 'The French Response to the Asylum Seeker Influx, 1980-1993', *Annals of the American Academy of Political and Social Science* 534 (1994) 81-90; James F. Hollifield, 'Immigration and Republicanism in France', in: Wayne A. Cornelius, Philip A. Martin & James F. Hollifield, *Controlling Migration: A Global Perspective*, Stanford 1995, pp. 143-179.

were in deep crisis, immigration continued. The second development was the failure of the traditional assimilationist approach to the new immigrants, especially the Muslim immigrants from the Maghreb. They were not absorbed on the labour market, they remained excluded from French society, and became the subject of an increasingly xenophobic political discourse as 'alien' and 'unassimilable' to French culture. The political right was successful to the extent that the citizenship laws were partly revised in July 1993, making it more difficult for second-generation immigrants to become French citizens. However, a more nationalistic mood is not the only source of the desire to have more control over immigration. Another reason comes from a very different political direction, from those in favour of implementing the welfare state for legal immigrants, with regard to access to housing, health care, the school system and other institutionally arranged forms of welfare. In order to be able to treat immigrants just like other citizens, their numbers should not exceed the capacity of these institutions to absorb them. This line of thought had been expressed some time earlier for a typical welfare state like Sweden by Tomas Hammar<sup>19</sup>, who argued that responsibility for immigrants implied a control over immigration.

In the case of France the feeling of having lost control over immigration is made more acute by the demographic and political developments in former colonies, especially Algeria. France feels itself the victim of developments for which it has no responsibility, and which it cannot control. In this sense the French situation is very similar to that in other European countries.

### 4.3 *The United Kingdom*

The United Kingdom (UK) has experienced net immigration over the past decade, and is in this sense an immigration country. However, in several ways the migration situation differs from that in continental European countries. The first striking difference is that the UK had a net migration deficit (or negative surplus) in the years between 1965 and 1985. The UK seems to have been heavily involved in different migration processes at the same time. For a long time Britain has been a country of emigration, but even when it was exporting population to its overseas dominions and territories, it was also a country of immigration, especially for the Irish.<sup>20</sup> This double reality, of exporting and importing labour at the same time, seems still to be the case. In labour migration the UK still has a slightly negative net migration, as the outflow of employed British workers is not fully compensated by inflows of foreign workers.<sup>21</sup> Even if we restrict ourselves for

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<sup>19</sup> Tomas Hammar (ed.), *European Immigration Policy*, Cambridge 1985, p. 273.

<sup>20</sup> Zig Layton-Henry, 'Great Britain', in: Tomas Hammar (ed.), *European Immigration Policy: A Comparative Study*, Cambridge 1985, pp. 89-126.

<sup>21</sup> John Salt, *Foreign Labour and the U.K.* Paper for the workshop 'Migration Processes and Interventions', Amsterdam, September 1995.

a moment to what is actually documented in labour migration, it is not easy to get a total picture. Britain has a system of work permits, the operation of which is more complicated because alongside the employers, several government ministries are involved.<sup>22</sup> As we have seen in the Netherlands, the interaction of factors and agencies on the side of the receiving country forms in itself a complex sub-system in the total migration process. But it is clear that the work-permit system favours the immigration of skilled people. The circulation of highly skilled labour reflects the globalization of the management class, and seems to be little influenced – if at all – by the overall employment situation. It is possible that the UK is especially affected by this modern form of labour migration because of the international status of the English language and the function of London in the financial world. The nature of this kind of labour migration is very different from the classical form of labour migration of unskilled workers filling the lowest ranks of the occupational ladder. This explains partly why immigration nowadays seems to be only loosely connected with overall unemployment figures. The other part of the explanation is of course that a great deal of immigration is not classified as labour migration. Immigrants enter on a different residence title, as dependants of a settled migrant, as asylum seekers, or as tourists without resident title.

Apart from the system of work permits aimed at controlling the labour part of the migration process, Britain has taken a large number of measures to control other forms of migration. Although the UK has not recruited labour to any great extent in its colonies, the country experienced a great influx of the classic labour immigration type in the decades directly following World War II. The establishment of immigrant populations from the former colonies led to continuous immigration, and the fear of even more. This in turn led to a series of laws redefining citizenship and the right to enter the UK, and to the distinction between citizens of the 'new' and 'old' Commonwealth.<sup>23</sup>

It is difficult to assess what effect these measures have had on the decline of immigration and on the social position of immigrants in Britain. It is even more difficult to estimate what the legislative measures have contributed to the phenomenon of illegal residence. The experience in other parts of the world indicates that where immigrant populations are present they tend to serve as a bridgehead for newcomers: stricter regulations make part of the migration process invisible and lead to a certain number of 'undocumented' immigration. In this the UK is unlikely to differ radically from other countries.

Finally, because Britain experienced mass migration earlier than other European countries in the post-war period, it illustrates another issue particularly clearly. The

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<sup>22</sup> J. Salt & R.T. Kitching, 'Labour Migration and the Work Permit System in the United Kingdom', *International Migration* 28 (1990) 267-294.

<sup>23</sup> See for instance: David Coleman, 'Immigration Policy in Great Britain', in: F. Heckmann & W. Bosswick (eds.), *Migration Policies: A Comparative Perspective*, Europäisches Forum für Migrationsstudien, Bamberg 1994; Zig Layton-Henry, 'Britain: The Would-Be Zero-Immigration Country', in: Wayne A. Cornelius, Philip L. Martin & James F. Hollifield (eds.), *Controlling Immigration: A Global Perspective*, Stanford 1995, pp. 273-295.

immigration of dependants and asylum seekers, and the coming of age of the children of immigrants, must all have an impact on the numbers of people entering the labour market. Saskia Sassen has advanced the thesis that in all globalized economies there is a need for a flexible workforce on the less formal side of the economy.<sup>24</sup> Once immigrants of whatever official category have arrived, they must obtain some money in one way or another, and they fulfil the demand for a non-unionized, diffuse, and highly flexible workforce. The crux of the Sassen thesis is twofold. The first point is that this 'informal' or 'shadow' labour market is not separated from the official one but forms an indispensable part of it. The second point is that this informal labour market goes on to absorb and attract immigrant labour even when the official labour market shows high unemployment figures.

The European countries have all tried in some way to take sanctions against employers employing illegal immigrants or legal residents in an illegal way. The aim of this policy is of course to diminish the 'pull' factor of a labour market for immigrants, whether official or informal. But we need to consider the possibility that a pool of labour which is not absorbed on the regular labour market creates its own 'informal' labour market, which in its turn may offer new opportunities for legal and illegal newcomers. The interaction between labour market developments and migration flows seems to be more complex than suggested by official labour migration, as regulated by the highly complex work-permit system. This point is not exclusive to Britain, but it is more readily apparent there, because Britain displays most clearly the paradox between ongoing immigration in times of high unemployment and economic decline.

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<sup>24</sup> Saskia Sassen, *Transnational Economies and National Migration Policies*, Amsterdam 1996.

### *Part III* **Experiences in other parts of the world**

## **1 Introduction**

Although our analysis has been focused on Western Europe, it would be unwise to neglect developments in other parts of the world. There is a much wider range of migration taking place in the modern world than the processes which affect the EU member-states as sending or receiving societies. In terms of Western Europe as an immigration area, it is informative to compare, however briefly, the intervention strategies applied by receiving countries in other parts of the world. If the situation in the various countries of the European Union is anything but homogeneous, we can expect even greater variation in other immigration countries further afield.<sup>25</sup> Our purpose in this exercise is simply to highlight intervention policies which may help to put the European situation in perspective. It also provides an opportunity to assess the validity of our hypotheses and conclusions reached so far. Some countries such as the USA, Canada, and Australia, can be considered classical immigration countries, with a long-standing policies aimed at regulating migration, which in principle they consider to be beneficial. For others, such as Japan and the countries of the Middle East, immigration is a recent phenomenon. Japan more or less reflects the European experience, having been an emigration country before the war and having become a receiving country only recently. The labour-importing oil economies of the Middle East merit attention by the sheer number of immigrants they employ, though it is clear that their situation differs in all other aspects substantially from the European countries.

In the following sections we will try to evaluate the Australian, Japanese, and Middle Eastern situations, because these three cases represent intervention policies that claim to be successful, compared to the European and American cases where migration regulation seems to be less effective.

## **2 Australia**

Relative to the size of its population, Australia has a very large number of immigrants and Australian-born children of immigrants. In 1992, 60 per cent of the population belonged to one of these two categories.<sup>26</sup> Although it is clearly an immigration country, that does not prevent Australia from also being an emigration country: each year between 20,000 and 30,000 people leave the country to settle elsewhere. Because the

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<sup>25</sup> See for instance: Miroslav Macura & David Coleman (eds.), *International Migration: Regional Processes and Responses*, United Nations, Economic Studies no. 7, New York and Geneva 1994.

<sup>26</sup> Katharine Betts, 'Immigration to Australia: A New Focus for the 1990s?', in: F. Heckmann & W. Bosswick (eds.), *Migration Policies: A Comparative Perspective*, Europäisches Forum für Migrationsstudien, Bamberg 1994.

fertility rate is somewhat below reproduction levels, it is estimated that some 40,000 to 50,000 immigrants a year are needed to bring about long-term stability in the population. However, that is not the target of Australian immigration policy, which aims at a much higher number of immigrants, in the range of 75,000 to 80,000 a year. Australia considers itself a country whose development will profit from a larger population. Its policy, however, is concerned not only with numbers, for clearly the country could easily attract many more immigrants than the present targets. Australian immigration policy has always focused on the question of eligibility, on the selection of immigrants. For a long time Australia only welcomed English-speaking immigrants; after World War II it gradually expanded its definition of eligible settlers to include other Europeans. Australian immigration laws used to be unashamedly racist. But in 1973 this aspect of the policy was fundamentally changed and the country adopted an ideology of multi-culturalism, which was particularly relevant for potential immigrants from the relatively nearby Asian countries. Since then Australia has tried to select immigrants mainly according to educational qualifications. Like the West European countries, Australia has also been confronted with rising numbers of immigrants who claim asylum, many of them having previously entered the country on a different title, such as overseas students and trainees. In the meantime, competition for jobs at various skill-levels has become more intense and public opinion has become very critical of further immigration.

In principle Australia has a clear immigration policy that allows a certain number of immigrants with certain qualifications to settle in the country. However, the implementation of this policy is not without its difficulties. The control over entry in the Australian case is relatively easy. Although there has been some illegal immigration of 'boat people', the general opinion is that very few immigrants enter Australia unnoticed by the authorities. The problem arises later, when people who have entered the country by one means or another then claim to be refugees. The legal proceedings for establishing whether or not an applicant should indeed to be considered a refugee can take as long as three years. This means that, just as in Europe, we see the emergence of a class of 'tolerated people', residing in the country for prolonged periods, but without clear legal residence title.

In 1992, the Australian government passed a new Act that intended to increase control over those who have overstayed their residence permit and other illegal residents, but it is not yet clear whether the Act is actually leading to more expulsions and to smaller numbers of people of uncertain status.

The Australian situation, though historically very different, shows in its present form remarkable similarities with the European one. We witness the same processes that make effective management of the migration process very difficult, if not impossible.

### **3 Japan**

Like the West European countries (with the exception of France), Japan has never considered itself to be an immigration country. In fact in the years before World War II,

many Japanese emigrated to the USA, Latin America, and Hawaii. Japan has a definition of citizenship that is even stronger than the German one, based on the notion of *ius sanguinis*. This implies that the notion of immigrants ever becoming full citizens is alien to the Japanese self-image as a country and a nation. Nevertheless, like all other highly developed countries, Japan has *de facto* become a country of immigration. Japan's economic expansion has made it attractive for descendants of former Japanese emigrants to migrate to the land of their fathers and to become 'resocialized' as 'true Japanese'. In the meantime, descendants of Korean immigrants, who in some cases have resided in Japan for generations, are still discriminated against and not considered to be Japanese.

It is not only descendants of former emigrants who have migrated to Japan. The country has become an economic leader in the world with strong economic connections with its neighbours and beyond. Economic growth has fuelled labour demand. In the meantime the traditional labour reserve of the rural population has become exhausted, and Japan is peculiar in combining a low fertility with a low participation of women in the labour force. Officially Japan has avoided the need for 'guestworker' immigration by exporting important parts of the production process through capital investment in countries like Singapore, Thailand, and Malaysia. In reality, however, there are substantial numbers of foreign workers in the country. Japan has a great number of people who are officially students or trainees, but it is well known that many of these immigrants are in fact workers, with the construction industry in particular employing an extraordinary number of 'trainees'. Today some 300,000 of these immigrants are residing illegally in Japan, having overstayed their temporary visas. It is safe to assume that they are workers, and that they have probably never been anything else. However, the total number of immigrant workers in Japan, legal and illegal, is still relatively low, and forms only about one per cent of the employed population.<sup>27</sup>

At this stage Japan seems to be only mildly affected by international migration compared with Western Europe. But this might well change in the near future. The unwillingness of the Japanese government to act upon the issue of illegal residents points to a discrepancy between the political view on immigration and the needs of the labour market. Japan has a rapidly ageing population, and will experience serious labour shortages in the beginning of the next century. It seems likely that Japan will find it increasingly difficult to control immigration and to prevent the growth of an immigrant population. When that comes about Japan will be increasingly confronted with the question of the social position and legal rights of these immigrants.

#### **4The Middle Eastern countries**

The Middle Eastern oil-exporting countries provide a very different setting for

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<sup>27</sup> For discussions on current immigration in Japan see the special issue 'Japan and International Migration' of *International Migration* 31 (1993) 2/3.

immigration control compared to Western Europe. The percentage of immigrants in the workforce is uniquely high<sup>28</sup>, but the role of these immigrants in society has remained restricted to their economic contribution. Immigrant populations as such have not developed. This is the result of a conscious policy of social exclusion of immigrants. The Middle Eastern countries have never considered immigrant workers as potential fellow-countrymen. Workers from neighbouring Arab countries have only very limited rights, not to mention the Asian immigrants. They are not allowed to join or organize unions, to strike, or to engage in collective bargaining. Generally they have to hand over their travel documents on their arrival, and in Saudi Arabia they are not even allowed to travel internally without written permission. The availability of an unlimited supply of foreign labour makes it possible for the oil-exporting countries to create a labour reservoir which meets their demands of the moment in terms of size and cost (wages). Contracts are usually for a year, but always temporary, and with few exceptions there are no rights to bring over family members. Many workers are brought in by foreign employers who act as subcontractors, a control technique we have already discussed briefly in the case of Germany.

But for this control policy to be successful the factors on the sending side of the migration flow need also to be favourable. The sending societies are willing to comply with the wishes of the labour-importing countries. They agree to provide the necessary passports and other papers only in accordance with recruitment practices agreed upon by the receiving countries. The close co-operation of the sending societies with the recruitment agencies is an inseparable part of the total migration control system. The reasons why the sending societies, particularly the various Asian countries, are quite willing to comply with the wishes of the immigration countries are not difficult to see. Compared to their own economies the Middle East countries provide high wages, and the control system ensures that these flow back as remittances to the sending societies. Sending out superfluous labour and getting remittances back offers at least some relief to countries suffering from heavy demographic pressure.

The interesting point in the Middle Eastern case, in terms of the management of migration, is that the sending and receiving governments have agreed upon a policy that prevents an immigrant population from coming into being and becoming (in terms of our model) a relevant actor in the total migration process. Under these conditions the legal constructs of rights (of entry, residence, work, and working conditions) can be effectively used to control the movements of people, to let them in and to send them back according to the needs of the receiving countries.

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<sup>28</sup> For documentation see: Manollo Abella, 'International Migration in the Middle East: Patterns and Implications for Sending Countries', in: Miroslav Macura & David Coleman (eds.), *International Migration: Regional Processes and Responses*, United Nations, Economic Studies no. 7, New York and Geneva 1994, pp. 163-181. The countries considered are: Saudi Arabia, Oman, Kuwait, Bahrein, the United Arab Emirates and Qatar.

## *Part IV* **Final remarks**

In this report we have developed a theoretical approach to governmental interventions in migration processes. Our aim was to gain a better understanding of the difficulties governments experience when they want to intervene in migration processes. To do so we have developed a model that allows us to describe migration processes in an analytical way, making us aware of the different sets of variables relevant to the process. These sets of variables represent factors determining the migration process in a) the sending societies, b) the receiving societies, and c) in most cases the settled immigrant population. We have complicated this simple analytical model by stressing that, in many instances, these different sets of variables interact and influence each other.

In theory it is possible to regulate migration when these sets of variables are under the control of governmental authorities. But it is not only theoretical. In the example of the labour-importing oil economies of the Middle East we have seen that under special conditions even large-scale migration processes have been kept under effective control. However, it is clear that this case differs substantially from the situation in Western Europe in terms of societal structures, political traditions, and definitions of individual rights, both on the receiving and on the sending side. We shall therefore restrict our further comments to conclusions that are relevant for the situation in present-day Western Europe. We have arranged our final remarks on the regulation of international migration in the West European context in three categories: first on the ambivalent nature of international migration in the present welfare states of Western Europe; second, on the relation between the migration process and the instruments available to West European states; and third, restrictions on and ambivalences in implementing migration policies in these states.

### **Contradictions and ambivalences in welfare states**

The combination of two developments of recent decades has had a powerful effect on international migration and the way it is perceived. The first is that of growing internationalization in nearly all domains of society. Financial markets have detached themselves from national frameworks and national authorities; in the wake of this free movement of capital, economic activities and products are also less bound to national territories. New technologies of information, communication, and transport have contributed to this new financial and economic order, and at the same time they contribute to internationalization in the cultural and political domain. Such developments in internationalization are historically speaking not new, but their extent and intensity are: capital, production units, and consumer goods, but also information, ideas, and cultural products are bridging frontiers and geographical distances more easily than in the past. Increasing mobility of people is the unavoidable consequence or – more

precisely – an integral part of that process. Some of the international migration is *directly* related to internationalization: posted managers and workers in transnational companies and institutions, together with professionals, artists, and scientists. Some of these international migrants come – unsolicited – to Western Europe as an *indirect* consequence of internationalization. There seems to be a consensus among both politicians and academics on the point that migration pressure, here provisionally defined as the number of migrants who are motivated to move and who would do so if opportunities allowed, has risen significantly in recent decades.

The second development is that of the growth of the welfare state in Western Europe on the foundations of a democratic political system. Based on the experience of continuous economic growth, West European countries have developed welfare states in which minimum standards of living, social security, and political and social rights are guaranteed to citizens within their territory. These developments started as 'national projects', often as a direct follow-up to the national reconstruction policies after World War II. In recent decades, internationalization has complicated these originally national projects in different ways. Firstly, as a consequence of internationalization, the direct authority of states over financial and economic developments has diminished significantly, while at the same time continuous economic growth remains the basis of any welfare state. Secondly, in the international division of labour that came into existence in the aftermath of the first oil crisis of 1973, most West European countries restructured their economies in such a way that economic growth was primarily based on capital-intensive, 'high-tech' production on the one hand, and services on the other. The effect is that, contrary to the experience of earlier phases, continued economic growth now goes hand in hand with the structural unemployment of part of the working population, both indigenous and immigrant. Thirdly, international migration complicates things further: not only have new migrants, particularly the unsolicited ones, become a politically sensitive issue often defined as a burden on the welfare state, but there is also the crucial question of whether the settled, more or less permanent immigrant populations (which often date from the period before 1973) are defined as an integral part of the welfare state, with equal rights and duties.

In the light of these developments, international migration has become an ambivalent phenomenon, both in national policies, and in supranational ones, such as those of the European Union. On the one hand international mobility and exchange is viewed in principle as advantageous, and is therefore stimulated. What was originally the 'free circulation of labour', and later applied to all EU citizens within the EU area, together with exchange programmes for academics and students, are manifestations of the endorsement of what could possibly develop into 'a right to migrate'. On the other hand, the EU states have developed, both separately and to some extent collectively, a range of restrictive admission policies in relation to citizens of non-EU countries, or more precisely, in relation to the mounting pressure of unsolicited migration from those countries. Discussions on immigration and migration policies focus primarily on this category.

## **Processes of migration and policy instruments**

If this forms the context in which migration policies are conceived and implemented, the next and more concrete question is whether the instruments of policies are geared to and capable of influencing migration processes. Our material relating to West European countries leads us to formulate a number of conclusions (and some recommendations) on this point.

*a Intervention in the range of variables on the sending side by governments of the receiving side is exceptional.*

In general, out-migration is the consequence of long-term developments in the demography, economic development, ecology, and political life of a sending society. Examples of policy instruments of countries of destination which try to influence factors in the countries of origin are limited, and furthermore, their measure of success is limited. The most important reason for the failures has been that the interests of the parties concerned (national governments, regional authorities, employers, and individual migrants) were not congruent.

The limited success is understandable in view of the fact that long-term developments are difficult to steer. Furthermore, the governments of the migrants' countries of origin are not very eager to have other governments meddling in affairs which they consider to be in their exclusive competence.

*b Migration regulation is often a short-term political answer to a long-term process.*

Having said that migration processes and the build-up of migration pressure are long-term processes, we now turn our attention more closely to the kinds of answers that have so far been provided in West European countries. Policy instruments within these countries of destination are often formulated under direct pressure from public opinion, for example in times of high unemployment or after an alleged increase in immigration. Developments in the aftermath of the first oil crisis made this clear. Such potent social, psychological, and political forces, however, are not the best consultants for effective migration policies. In the first place, they tend to concentrate only on the final part of the migration process, and so focus on restrictive admission policies or on reducing the size of the immigrant population. Furthermore, the implementation of such imbalanced policies may be quite counter-productive, for they create fear in the sending societies and among the immigrant populations that existing migration movements may be brought abruptly to an end. This has led regularly to an unintended increase in immigration through the anticipatory behaviour of potential migrants. This in turn may lead to further frustration for the public and the politicians in the receiving society.

*c Policy instruments focus only on part of the migratory movements and on a limited*

*number of variables even within the subset of variables on the receiving side.*

Policy measures tend to be limited to what we have called the construct of legality (of entry, residence, and work). Essentially that construct distinguishes between a) citizens, b) non-citizens having a right to enter, based on international obligations, and c) non-citizens whose legal residence is directly subject to admission policies. A first consequence is therefore that a large part of the total migratory movement, namely the categories a) and b), cannot be steered by such instruments. The awareness of this fact sometimes leads states to reformulate the criteria which assign individuals to certain categories, as happened with Commonwealth citizens in the UK, and with the Surinamese in the Netherlands.

In principle the construct of legality may regulate the admission of immigrants under category c), but in practice the impact of this construct is not as direct and clear as might be expected. The implementation often turns out to be problematic and ambivalent. We shall return to this point.

There is another way in which the legality construct becomes problematic, as the duration of stay of migrants increases, and they in fact become immigrants. Here the dilemma of the welfare states become clear: should they offer these immigrants equal rights and opportunities, and facilitate their naturalization in order to include them fully in the welfare state, or should they continue to stress the immigrants' exclusion from membership, and take the risk of not integrating them fully?

This brings us to a further basic dilemma in the regulation of international migration in West European societies:

*d There is a tension between the definition of individual rights and the management of migration flows.*

There is no direct relation between the wish to control migration movements as a whole and taking decisions relating to individuals who want to enter a country. The control over flows presupposes a management definition in terms of numbers, as is the case in quota systems. The judgement of individual cases, however, is done on the basis of the merits of those individual cases in relation to admission titles available, such as labour-market vacancies, international obligations like those for refugees and asylum seekers, and nationally acquired rights of legally resident immigrants such as family reunion or marriage partners. With the exception of the first title of admission (labour-market vacancies), quota systems cannot be implemented without running the risk of violating or limiting the rights of individuals. There is therefore an inherent tension between these two approaches to migration, which is dramatically brought to the fore in the asylum crisis of the last decade.

*e Settled immigrant populations are an important factor in the total migration process.*

Under the condition of continuing migration pressure in the country of origin, and taking

into account that a longer duration of stay in welfare states leads to increasing rights for immigrants including the right to bring in relatives and partners under certain conditions, a settled immigrant population may contribute to further immigration. This can be prevented, in theory and under certain conditions even in practice, by very strict control over these populations and restriction of their rights. This is, however, contrary to integration policies aiming at their full participation in society. The social costs of such a development, which ultimately would lead to minority-formation amongst immigrants within West European states, may also be considerable. It is important to note in this context that the impact of such chain migration may be sizeable in the first phases of the migration process, but also that the extent of immigrants' integration determines the duration of these phenomena: family reunion is limited in general to the first generation, and immigration of marriage partners becomes less probable, the more the second generation is integrated in the country of settlement.

## **Restrictions and ambivalences in implementing migration policies**

Apart from the factors inherent in democratic welfare states which limit the potential instruments for the regulation of international migration, such as the ones we have discussed briefly under conclusions (c), (d), and (e), there are additional factors in the implementation of established policies that limit their impact. Some of these have already been mentioned in passing.

First of all, the implementation of restrictive policies relating to certain categories of foreigners may in practice interfere with important policy aims in other areas. A smooth passage for mass tourism, and the stimulation of exchanges of academics, artists, and professionals, for example, may in practice be hindered by extensive control of the international movement of foreigners in general by visa regulation, border controls, and the like. What is effective for one set of aims may prove counter-productive for a second set. This is even more the case if there is no consensus on restrictive policies, and if certain parts of the immigration society have an interest in the presence of immigrants: the overwhelming majority of illegal residents in Western Europe seem not to have entered illegally in the first place. As long as there is a labour market for 'undocumented' work, for illegal residents or legal residents excluded from the official labour market, the regulating effect of passport and visa measures will be limited.

Implementation of restrictive admission policies may also clash with ethical values in a democratic society. Inspection in the homes of the general population, or in businesses, to check on legal residence or work, or operating checks at the counters of welfare state institutions including education and health services, are theoretically possible, but meet with resistance on ethical grounds.

In democratic states which have developed a highly accessible system of justice, the courts themselves and lengthy judicial procedures may limit the effectiveness of policy implementation.

Lastly, a very important factor that limits the effectiveness is a practical one: the

organizations which have to implement the policies often have many responsibilities and other priorities, given their limited resources. If we relate this to an earlier conclusion that policy formulation often takes place under public pressure, the outcome may become 'symbolic policies': public formulations reflect such public pressures in stressing restriction, but are not backed up by the means to implement the policies.

The picture that arises from the foregoing analysis may seem somewhat pessimistic about the prospects of and opportunities for regulating international migration. If the target of such regulation is complete control over migration by the countries of destination, that impression would be correct. In a globalizing world as we have described it, the mobility of people will be an inevitable consequence. Democratic welfare states actually stimulate and take advantage of part of that mobility, but at the same time lack effective instruments to control unsolicited immigration completely. If, however, the target is to help prevent much of the unsolicited migration, to regulate better on a supranational level that migration which is unavoidable, and to prepare for the long-term consequences of actual immigration in the countries of settlement, then a great deal can be done. And it can be done in keeping with the values of democratic welfare states, of international obligations, and of human rights in general.

This requires, however, the conceptualization of a comprehensive, internationally co-ordinated, long-term migration policy. Such a policy would have three elements.

### *1. Preventing migration*

A policy of this nature should aim at removing the fundamental causes of international migration and eliminating the necessity of leaving regions of origin by strengthening the factors which bind people to the place where they live and which offer them alternatives to migration. Few initiatives have been taken in this direction to date, and their effectiveness has been limited, as we have seen. Nevertheless the development of a migration policy that includes such factors is inevitable. Based on past experience and our analysis above, such an approach should be based on the following principles:

- a better, scientifically based insight into the long-term mechanisms of ascending migration pressure in countries of origin, which will enable the identification of points at which policy could possibly influence that process;
- identification of the common interests and the strategies of relevant parties in the countries both of origin and destination, as a basis for policy instruments;
- the establishment of a broader framework, for example within the EU, to initiate and co-ordinate efforts which must include policies in different domains at the same time: financial, economic, and trade policies, demographic policies, development co-operation, political co-operation, and the like.

## *2. Regulating unavoidable migration at a supranational level*

Migrants and refugees often end up in a vacuum: they have used their 'right of exit', but do not have a 'right of entry'. They often fall between national legislations and the policies of admission of states, and are then shunted from one to the other. There is an imperative need for the development of supranational policies and co-ordination, of which standard procedures for individual cases and methods of sharing costs and consequences should be key elements.

## *3. Future-oriented immigration policies*

The public pressure on the formation of immigration policies and their predominant short-term character leads us to conclude that policy makers and politicians should be aware of the dynamics of the political system in which migration policies are formulated, and of the vulnerabilities attached to it. Research and analysis of both the policy-making process and the process of migration itself may contribute to avoiding the mismatch between instruments of regulation and the process of migration. Such research may also yield clear data and analyses which contribute to a sound political discussion of the migration phenomenon.

Acceptance of the fact that in the context of a globalizing world most West European countries are and will be in fact immigration countries may help to establish a basis for future-oriented policies. It may be the case that in the present situation, labour-market conditions in many European countries do not favour large-scale immigration, particularly of immigrants with low skill levels. Demographic developments in West European countries, however, will lead to a decrease in both working and total population in the near future. Present policies could anticipate in two ways these expected developments: in the first place they could keep the present unused labour potential – both indigenous and immigrant – employable in the future through employment and educational policies. Secondly, they could create a reception policy for present-day immigrants and refugees which takes the future needs of the labour market into account.