



## *Innovative Concepts for Alternative Migration Policies*

### **Conference Report on the ICMPD / IMISCOE Workshop**

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The ICMPD/IMISCOE Workshop on Innovative Concepts for Alternative Migration Policies was organized by the International Centre for Migration Policy Development (ICMPD) and held in Vienna on 24/25 March 2006. The workshop aimed at finding determinants of the current migratory situation and policies and, based on this knowledge, innovative ideas for a number of migration topics were presented and discussed. Presenters – well-known scholars of migration theory and practice -, representatives of UNHCR, the European Commission and several ICMPD Member States (Austria, Bulgaria, Hungary, Poland, Slovakia and Switzerland) gathered for the 2-days workshop, and analyzed eleven concepts dealing with new perspectives for migration management systems in Europe.

The overwhelming majority of presentations concerned labour migration, identified as the most important migration phenomenon of the last decades. Apart from complex policy projects (T. Veenkamp, J. Crisp, T.J.P. van Os van den Abeelen, J. Doomernik), some new specifically targeted concepts were presented. One proposal considered the migration of elderly (J. Davies), two approaches addressed entrance policy (H. Kolb, M. Jandl), while one proposal sought to introduce conflict resolution strategies (F. Duvell) in order to better manage crises stemming from migration phenomena. This large panorama was completed by some new perspectives on the processing of international protection cases (J. Kumin), opportunities for co-development policies (J. Chaloff) and the impact of remittances on migration trends, reasons and effects (R. Münz).

In the following, the eleven presentations given at the workshop are reviewed.

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\* Researchers at the International Centre for Migration Policy Development (ICMPD). The views expressed in this article are those of the participants in the workshop only, and not those of ICMPD as a Vienna-based intergovernmental organization or of its member states.

**Jeff Crisp, *Temporary Migration Programmes: Potential and problems***

Temporary migration programmes (TMPs) gained negative reputation in the years after the Second World War. This was largely due to the unintended results that the programmes had in both Germany and the USA. Most of the criticism was directed at the fact that many of the temporary migrants eventually stayed in the destination country.

However, since 2000, there is again a growing interest in TMPs in several industrialized countries, as well as the European Commission and the Global Commission on International Migration. This correlates with the interest of several labour exporting countries, such as Bangladesh, Sri Lanka or the Philippines. Proponents state that the TMPs have the potential to create a 'win-win-win' outcome. Industrialized states, which at the moment are facing a growing demographic deficit in the labour market, would be able to fill the gaps on the labour market without having to deal with the long-term presence, the integration and also the ageing of the foreign workers. Developing countries, in turn, would be able to reduce unemployment and underemployment on their labour market, could benefit from remittances that migrants send home and, upon return, from the new skills the migrants have gained. Migrants themselves have the possibility to increase their income, gain new qualifications and broaden their experience.

Proponents are convinced that the development of global communication and transport technology of the past 40 years would favour the notion of circular migration, rather than permanent migration.

However, opponents remain sceptical and fear that TMPs would – like in the past – lead to permanent residence and family reunion. The only way to implement TMPs, they argue, is to make use of draconian measures to prevent migrants from staying in the country (like in the Gulf states). Migrant activists claim that TMPs would ultimately produce second-class citizens and would favour limited migrant rights and social exclusion. Furthermore, labour market implications for natives are considered, and it is argued, in addition, that irregular migration will be accelerated as regular migration might boost irregular migration through the creation of networks. Also, there is no clear proof of the beneficial effects of remittances on development. Moreover, the social splitting of families due to migration is a social cost that cannot be neglected either.

Jeff Crisp therefore presents the prerequisites for a better functioning TMP. In his view, TMPs should not be left to market forces alone, he rather sees state involvement in the labour market as a prerequisite. Further, potential migrants should be clearly informed about their rights, the conditions, and about the obligation to return. As Crisp points out, successful future TMPs should provide for an equal treatment of migrants, e.g. same salary, same working conditions including medical benefits etc. Inspections and employers sanctions should be implemented to guarantee this. Also, there should be a protection of jobs for EU nationals. The length of these contracts has to be considered carefully: it should be a restricted length that covers all costs that the migrants had, but should not be long enough for the migrant to integrate into the new society. Migrants

should also have the chance to change employers through transferable work permits rather than binding them to one employer and fostering dependency on employers. Furthermore, portable pensions and saving systems and a new visa regime that allows migrants to circulate between the country of destination and the home country are further measures to seduce temporary migrants to go back. Finally, the asylum channel should still be open, and people should be able to change their type of residence permit (e.g. become a student, marry a national, etc.).

Workshop participants pointed out that the main reason why the guestworker system in Germany resulted in many migrants staying was the imposed restrictions on movement at the end of the programme. This caused a considerable part of the migrant workers to stay in the country of destination.<sup>1</sup> Therefore, a new TMP with emphasis on circular migration is highly welcomed. An important question with regard to Crisp's TMP is how flexible the system will be in terms of changing the purpose of residence (from worker to student to spouse). Regarding the length, it was argued that it very much depends on the migrant's personal circumstances; in some cases, already a stay of three months could make sense. However, at this point it was argued that this could be a problem for employers as trainings are cost-intensive, and employers are therefore interested in retaining workers as long as possible.<sup>2</sup>

If the EU is to implement such a programme, concrete concepts are needed to clarify "who are the people that we want to integrate, and who are the people that we would like to see in a TMP". Also, with a EU-wide TMP, increased partnership is needed. The scenario was painted of the UK taking over a substantial number of skilled labour from one of the new EU Member States, which might leave the latter in need of temporary workers from abroad. In that case, it has to be clear for the UK to cooperate in a EU-wide TMP.

### **T.J.P van Os van den Abeelen: *A new European Employment Migration Policy***

T.J.P. van Os van den Abeelen considers the economic discrepancies between regions as the main reason of contemporary migration flows. The current migration control systems promoted by the prosperous states are not efficient and they cannot be so in view of the general will of many in less prosperous parts of world to escape poverty and uncertain futures. A paradoxical effect of control measures in immigration countries is an increase of abuse of the asylum systems as well as a growth of irregular entrances and irregular employment. The methods of entrance, that basically are unfounded asylum applications, forced or "paper" marriages or simply irregular stay and employment, result in concrete political, social and economic problems. The current challenge for migration policy is to find a right solution in the continuum between inefficient state control as applied up to

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<sup>1</sup> Although it was also pointed out at the workshop that by far the greater majority of "guestworkers" did not stay but returned

<sup>2</sup> In light of these arguments, the question arises what kind of job would be suitable/possible for temporary migrants. It can be argued that these migrants are highly likely to end up with so-called 3D jobs, i.e. the transfer of skills to the country of origin would be doubtful.

the present and the utopia of a world without borders –the main target of such a policy being the combating illegal foreign presence and employment. Especially the Southern European countries seem to be exposed to large irregular migration flows (consecutive regularizations in Spain and Italy do not solve the problem), which implies a need to elaborate new migration approaches.

In view of the demographic decline in all European countries, migration should be generally recognized as a positive phenomenon. Currently, two trends can be observed: a strict control of the massive flows of economic immigration on the one hand and on the other hand attempts to seduce highly skilled migrants to the EU countries. The public position towards migration phenomenon should be taken into consideration as well. From this perspective not economic but rather social and cultural problems are often arguments against immigration.

A precondition for the sustainable migration management in the future is a reduction of the economic fissures between regions of immigration and emigration, a goal to be reached only in close interlinkage between various policies: migration policies, but also trade, economic, development etc. policies.

From the migration policy side the solution could be a system of temporary employment migration with stress on the return circumstances facilitating migrant economic reinsertion in the country of origin's economic system as an active actor of development.

T.J.P. van Os van den Abeelen's proposal is a residence permit valid exclusively in the issuing EU country for a period of maximum seven years, which will determine its immigration quota. The criteria of admission would be established as a function of the following factors: preference for nationals of countries that will benefit from migrant knowledge, experience and capital acquired in his/her immigration country as well as for literate migrants with, if needed, some professional knowledge or experience. While on EU territory, migrants would be provided with the right to free education and professional training. The migrant's stay and work on EU territory would result in payment of an investment premium available after the migrant's actual return to his/her origin country. A rough calculation of the accumulated return premium available after seven years indicates that it would be in the order of some €30,000. Besides, a possibility of having access to a favourable credit system in addition to the investment premium could be considered. This temporary migration system should be correlated with measures combating illegal stay and illegal employment (both illegal stay/work and illegal employment should be penalized).

The proposed system is trying to satisfy both the needs of developed countries (flexible economic migration system in view of labour force shortages) and developing countries (a considerable assistance in addition to the conventional aid for development offered by the EU Member States) but is obviously not free of deficiencies concerning all parties: migrants can stay in receiving countries in spite of incentives to return, receiving countries can be unable to fully control migration flows and the effectiveness of

investments by migrants is doubtful when countries of origin would try to use their migrants' allocations improperly.

Concerning van den Abeelen's proposal discussants underlined a need at the EU level for an efficient temporary labour migration system. Besides, the European Commission has already undertaken some steps in this direction by elaborating a proposed approach to migration and development. In its concept of "migration profiles" it suggests evaluating the situation of the labour market of given third countries, and bringing together relevant information on migration issues with special attention to the brain drain phenomenon. The discussants opted for a stronger involvement of the source countries in the reintegration process providing returning migrants with more possibilities, financial support facilitating an easier start, tax benefits etc. In this perspective the future cooperation between immigration and emigration countries is seen as a partnership rather than one-way flows of finances, social and educational capital.

One of the doubts raised concerned the public attitude towards such a proposal. Potential migrants being young and starting their jobs would need substantial amounts for their professional training – areas in which countries might also lack resources for their own citizens. On the other hand, the idea that they would not be seriously rooted (founding families, engaging in financial obligations such as loans or mortgages) during the seven years stay in Europe was considered to be unrealistic. Moreover, the proposed duration of maximum length of stay for labour migrants (7 years) was considered too long compared to the relevant EU directive that grants a special status to third country nationals after five years. It was suggested that the length of stay with a TMP be struck between the short period of seasonal work and the long-term residence category.

Van den Abeelen argued that in the present situation of emigration countries the investment is needed and that money for consumption provided by emigrants' remittances are not enough for assuring a durable development. The investments should be productive and in a long-term perspective create more employment opportunities and in consequence attract potential migrants to return home.

An important remark concerned the possibility of failure of the returned migrant's investment. In such a case people would obviously try to come back to the immigration country rendering the proposal inefficient with regard to the illegal stay reduction. One of the answers to this obstacle could be more training on how to invest.

Another question highlighted the structural discrepancies in countries of origin, which contravene the stated co-development principles (that development should be sustainable and benefit all).

Critical remarks concerned also the practical value of this proposal. As a fact, Europe needs mainly (intermediate and highly) skilled migrants. These people, however, can normally stay and are therefore not a problem for return. In this light, the question was raised what Abeelen's proposal actually changes. In response, van den Abeelen argued that skilled migrants are not included in this project. The proposal, nevertheless, offers a

solution to many social and economic problems: Migrants, for instance, do not age in the receiving country, which means less costs for social security, and the money they get upon return contributes to the development of their home country.

**Theo Veenkamp: *Managing regular and irregular migration with the People Flow approach***

Theo Veenkamp's presentation took up the same topic as van den Abeelen's proposal but with different thinking. The concept presented in the workshop is a revised version of the first People Flow report of 2003. It is based on two starting points: the complex nature of modern migration flows and the inefficient migration management carried out by nation states. The characteristics of contemporary migration movements are: steady increase of migration scale and scope, new forms (more temporary and circular migration than permanent one) and increasing numbers of irregular migrants who, however, are able to arrange for their life within receiving countries' economic and social systems. The latter gives evidence of the failure of current migration policies. In addition, the stagnant definitions of voluntary and forced migration should be reformulated.

The present migration management should be understood as a system in which disproportional emphasis is put on control measures, which T. Veenkamp calls a "dangerous illusion". The outdated concept of homogenous nation state with a single culture painfully gives way to the factual diversity and transnationalism. Another big issue and big failure of the migration strategies implemented up to the present is the migrants' integration. The question how to assure all the elements indispensable for successful integration remains open.

In view of the above mentioned, the PF strategy tries to offer a new approach. The major need identified by the author is to create a situation of mutual benefit for migrants, the country of origin as well as the receiving country, achieved through the efficient capitalization of human resources and cultural diversity and the reasonable use of migrants' input into their economies of origin. The core question of the PF approach is the understanding of the migrants' motivations and mechanisms of receiving/arriving population interaction. The postulated innovation is to change governments' management strategies from border control to migration flow control and open the migration management system by introducing non-governmental partners. The improving possibilities to do so offered by new technologies have been underlined.

The innovative PF approach suggests restructuring the present thinking on migrants' admission into two tracks: one for target-oriented migrants and another one for so-called "explorers" (an unorthodox denomination for the innovatively perceived irregular migrants). The first track addresses those migrants that have a clear motivation to migrate. For this track a decisive privatization of admission management is recommended. The second track, meant for the potential irregular migrants, addresses those who have neither a pre-determined goal nor a clear counterpart apart from their private (family, friends) migration networks. The innovation of the concept relies on

providing “explorers” with a new category of legal status striking a balance between the inconveniences of the orthodox irregular stay and current residents’ fears about competition by explorers in the labour market. Such an “explorer” status should provide: registration at a private agency specialized in “explorers” issues (registration, realistic information on possibilities, assistance); a modest net salary; a gross salary, equal for all employees doing the same work; help with remittance transfer. The status would not provide social security nor a pension scheme. The migrant would not be integrated into the taxation system either. In order to level the disproportion in explorers’ and conventional residents’ access to the social system the following solution is foreseen: the difference between net and gross salary could be managed by the migrants’ agency and transferred into basic health care, basic education etc.

In T. Veenkamp’s presentation discussants identified as a real advantage the suggested necessity to understand migrants’ reasons, needs and expectations, concepts rarely discussed at governmental level. It has been underlined that receiving countries have some responsibilities; when accepting people, they should be aware of cultural implications – the recent Prophet’s caricatures crisis should be mentioned as a very serious cross-cultural misunderstanding. While trying to find possible obstacles for a successful implementation of the PF approach, discussants emphasized that the different levels of migration policy making (which is not only the responsibility of national governments) depend to a certain extent on the future voters’ points of view. This is especially crucial to note in light of the current discourse of fear caused by the “stranger” intrusion into national communities, strengthened by present security problems and social troubles of the welfare states. Voters should be provided with the following information: who are the migrants, what do they want (chances they want to exploit in the receiving country), what can they offer thereto (filling up labour market shortages, etc.)? The strong interlinkage between anti-migration attitudes and media coverage was highlighted in this context. The discussants agreed that high-level consultations are needed but that national administrations lean on officers that should understand this background. In consequence, appropriate distribution of information (possibly trainings) for journalists and other opinion leaders would be needed.

The suggested privatization of the migration management was a source of some discussants’ doubts. Recourse to the PPP concept (private-public partnership) as opposed to the suggested involvement of private agencies was evoked as a possible solution.

The system of People Flow, theoretically very attractive, has also been perceived as difficult to be implemented due to the economic differences between immigration and emigration regions. It could perfectly work between Europe and the US where the discrepancies in life standards are less accentuated. The discussants also wondered about the real efficiency of the PF approach with regard to the reduction of irregular migration. The risk of excessive bureaucracy discouraging migrants to get registered was pointed out as well as the PF strategy’s impact on the refugee system.

T. Veenkamp stated that, if the PF strategy were to be implemented, the number of asylum applications would decrease significantly. Regarding irregular migration it was

underlined that it obviously will exist and it is the innovative system's challenge to seduce migrants into registration. As the PF strategy is a "no control" approach, the bureaucracy should not be a discouraging factor. As foreseen, this system should create fewer problems for politicians than the operational problems now. Its open and reliable methods should convince the voting population that they see what happens and what will happen, an essential factor for the elections, which should neutralize voters' fears.

**Franck Duvell: *Applying sustainable conflict resolution strategies in disputes over migration***

F. Duvell's presentation criticized more recent approaches of conventional migration policies focusing on migration management, especially the structural exclusion of migrants from decision making processes. Moreover, he rejected interpretations of the principle of 'freedom of movement' for its radical individualism missing political regulation and control. Instead, analysing migration as a social conflict, he suggested a method that aims to address the conflict by way of sustainable conflict resolution strategies, which are characterised by integrating all stakeholders, in particular migrants, into the decision making process and which are based upon consensus processes for the mutual benefits of all.

Recent events (at the borders of the Spanish exclaves Ceuta and Melilla or similar events at the Greek-Albanian border, the US-Mexican border, German-Polish border, etc.) show clearly the conflict potential in migration, whereas present migration control appears inefficient, expensive and ethically problematic.

In this respect, two approaches are generally suggested: managed migration and freedom of movement – i.e. liberalizing (economic) migration. There have been several initiatives in the last years on suggested managed migration models, but most have the characteristic in common that migrants are excluded from policy designing and making. Managed migration is strict regimes, while irregular migration is ongoing, resulting in conflicting aims and no real solution. The other presented alternatives are, as mentioned before, freedom of movement, hence liberalisation of migration. F. Duvell criticizes that few of these models indicate how this could work in praxis. Persons who migrate often try to escape from misery, but then also often end up in misery, without a solution. Freedom of movement in this context represents individualism and migrants are put into unregulated competition - with winners and losers.

Based on these arguments, F. Duvell suggests enlisting sustainable conflict resolution strategies as an alternative. One has to introduce a concept to reconcile and reach a consensus, based on a high level of compromise, communication and participation of all stakeholders. Indeed, the outcome has to be mutually acceptable, while acknowledging (not eliminating) the differences. Some principles of sustainable conflict resolution strategies are, e.g., based on voluntary participation, offering equal opportunities as well as tolerance and respect for diverse interests, etc. The method most commonly used in

conflict resolution is the round-table of all significant stakeholders. The round-table setting should tackle unequal power relations, which shall thereby be neutralised. F. Duvell applies this also to issues of migration.

Such a dialogue is presented as an adequate method to address conflicts over migration issues in various settings, e.g. when people feel the need to migrate but before they make a choice where to go and before they leave; when migrants turn up at the border; when migrants already crossed an international border; or when migrants wish or are expected to return. Anybody who is involved and affected by migration processes has to be included and addressed by the dialogue. It is not acceptable to exclude migrants or any stakeholders on legal arguments or financial grounds. It should be a flexible process. Time and space must be allocated to each stakeholder to consult with their constituency and to voice their concerns to the other side – countries of destination and sending countries, and all this also on public TV. The actual challenge lies in the diverse interests and perspectives of governments, migrants, businesses etc. At the end of a sustainable conflict resolution process, solutions on the agreeable should be found (not focusing on holistic solutions).

Finally, one should also consider the creation of new institutions, which are not associated with any of the conflicting parties. That could also mean for example reforming or providing with an extended mandate an existing institution, such as the UN. However, it is not necessary to engage the round-table at a global level, but one should take into account the regionalisation of migration processes - not countries but regions are linked through migration - in these conflict resolution processes.

F. Duvell additionally pointed out that quite a number of examples exist where sustainable conflict resolution round-tables are already applied to: e.g. round-table meetings in Portugal or at local level in Lausanne and Fribourg (Switzerland) and France (including illegal migrants).

In brief, sustainable conflict resolution is about seeing a conflict from the other party's perspective. With respect to immigration the goal is to try to develop outcomes that enable populations to co-exist. The aim is to find a solution in which no one loses, in which no one is worse off and in which ideally everyone gains something.

The main discussant sketched the presented approach in a first reaction as unrealistic, or daring. Favourably noted was the fact that sustainability is addressed, since this is normally often overlooked. Five main criticisms have been made:

Firstly, which definition of conflict is used? Is it really solely a clash of interests? Is this not always the case with human interactions and, if so, it is not always possible to be solved.

Secondly, freedom of movement is not advocated. This, in turn means, that there has to be selectivity, which has the implication that there will always be those who are allowed to enter and those who are not.

Thirdly, even when all the stakeholders get around the table and discuss, Duvell's proposal will hardly work: there will always be more and less powerful stakeholders. And those who are more powerful are not likely to give up their power. To this point, F. Duvell acknowledged that power-relations are difficult to address, but also doubted if governments do really have power over human agency. Migrants also have power and gain power by vetoing.

Fourthly, communities have the right to their own future. At which stage shall we allow these new persons to discuss the future of the society? Certainly not from the first day, but there has to be a time when this is possible.

Fifthly, bilateral agreements and the local level were stressed. The city of Rotterdam was put forward as an interesting example in this regard: It is the only city in the Netherlands with a considerable number of Cape Verdiens, which would favour direct business relations between the city of Rotterdam and Cape Verde. F. Duvell acknowledges that cities are definitely in different situations than central governments,. Cities in the north or south of Germany, for instance, are in very different situations concerning the wish for more or less migration.

Another discussant pointed out that the current discussion goes more towards limiting the number of International Organisations. In this regard, it could make more sense to make use of already existing ones. F. Duvell's argument for a new institution stresses that the negative image, which currently existing institutions have with some of the stakeholders, makes it impossible for them to chair the round-table.

One discussant described F. Duvell's approach as applied philosophical policy and expressed interest in further information on respective examples at the local level. F. Duvell pointed out that there are examples in France in this regard of a social dialogue with all stakeholders, from top down, talking to each other, not only border guards and migrants. For facilitating conflict resolution, all have to have a say.

Finally, F. Duvell emphasizes that it would need further research to be able to provide more detailed examples in this respect, especially regarding the cases of Fribourg, Lausanne, France and Portugal, which he would be willing and interested to undertake.

### **Jonathan Chaloff, *Co-development – a myth or a workable policy approach?***

Jonathan Chaloff's presentation provided an outline of recent thinking on the co-development concept and principles as well as some actual examples of new policy approaches. His paper is the result of the work on concrete projects and a search for the positive impact of existing policies.

The term "co-development" was used first by the French in the 1980s and the policy was initially directed primarily towards diminishing the "root causes" of migration. In the

meanwhile, the policy concept has developed, aiming at migration's positive impact on sending countries and countries of destination. How can both countries develop and benefit?

J. Chaloff first addressed the question of who decides the length of stay of migrants? Every migrant has a different time line and target (before returning). And indeed circular migration is seen as positive for co-development. However, this is difficult to discuss in the current political framework. Receiving countries and their laws and policies rarely take into account the plans of the migrants. Sending countries do not consider this either. In negotiations, their primary interest focuses only on the access of their nationals to the respective country. Therefore, one has to work on both sides.

Procedural changes can also affect mobility and migration: visa delays for instance can discourage returns and the wish of some migrants to save their holidays for longer trips to their home countries is perceived negatively by some employers.

J. Chaloff also addressed the concept of the migrant as "development agent", i.e. as being active for his/her home country. The problematic point of this concept is the fact that there is no control over the individual migrant regarding the facts of how much the migrant does care about the home country or how the money earned is spent. Therefore the focus should not be on the individual but on the entire community. Several relevant projects exist in this regard. J. Chaloff outlined for instance one project, among others, in Albania, where a student association arranges short internships and apprenticeships in public administration and private businesses at home for Albanian students abroad. Students are exposed to job opportunities in their home countries and institutions are exposed to their standards abroad as well as critical judgments.

Migration happens from one local community to another local community in the destination country, therefore local authorities have more power and autonomy in this regard, as is, for instance, the case in Italy. There are a number of examples of low-scaled projects. In some of them the diaspora community has to come up with parts of the funding for projects in their home country.

In brief, it has to be noted that policy makers in receiving countries do not often think about issues outside of their area of concern and national interest. Similarly, sending countries might be more interested in sending population out of the country, than dealing with return. Migrants often do not consider investment (or return) because of weak institutions in home countries as well as Human Rights issues and corruption. Stakeholders on round-tables can play a role, but then the question is raised who represents these circular migrants, which is one of the reasons why they were ignored so far. People active in the area of migration and in the area of development should interact even more. Finally, policy approaches should emphasize possible positive co-development effects on sending and destination countries.

The main discussant stressed that in this migration policy debate it becomes obvious that the concept of the nation-state is not really adequate to deal with it, but that there is no

substitute for it. Local actors do play a role, whereas nation-states are less relevant for migration policies but more for integration and social policies. There are a number of studies that make clear that migrants are trapped in the EU countries because they would lose security and income if they returned. Circular migrants present a specific structure, similar to issues of dual citizenship (exclusive/multiple loyalties).

Another discussant raised the question about the reason behind the booming migration and development debate: Is it the large amount of remittances which was noticed only in recent years or the aim to give up conventional approaches? Is it a sustainable debate?

Moreover, circular migrant organisations do exist already and they could be the representations mentioned. J. Chaloff acknowledges that transnational organisations are stakeholders, but that one has to consider this carefully, since they often tend to represent themselves or are even “empty” organisations.

The vision was expressed by yet another discussant to turn the alleged disadvantage of multiple loyalties into an advantage (also concerning citizenship) by considering these persons as active promoters of democracy.

Another workshop participant explained that on EU level the persons working in the area of migration and development meet frequently (RELEX, AIDCO etc.). In particular, there are programmes like AENEAS for that. One recent project under this programme in Andalusia dealt with workers for strawberry fields from Morocco and facilitated cooperation and mechanisms to return between specific villages in Morocco and in Spain. Another discussant addressed the question of who decides in conflicting interests in this area, and asked whether mediation is possible in reality. Finally, J. Chaloff mentioned transnational welfare as an interesting topic for further research.

### **Rainer Münz: *New approaches towards migrant remittances***

In his presentation, Rainer Münz raised many of the same points made in relation to co-development, concentrating however on financial flows. There are 190 million migrants spread around the world. An estimated 500-600 million people depend on remittances sent by their relatives working abroad. From the total of 231 billion dollars sent as remittances in 2004, 171 billion, i.e. 80 percent, reached low-income countries. The remittances phenomenon is steadily growing with annual growth rates of 8 - 9 percent while the other financial sources coming from high income countries (FDI, ODA, investments flow) are vulnerable to fluctuations.

The above-mentioned amount of remittances can not be more than imperfect estimations due to the different channels (more or less formal) of transferring money to the countries of origin. The main receiving countries are China, India, Mexico, Philippines and South Korea. For some countries (Tonga, Palestinian territory) the share of remittances in GDP reaches around 40 percent. Israel, Tonga and Barbados head the list of major recipients of remittances per capita.

Positive short-term economic effects of remittances are: growing consumption, poverty reduction and currency effects (dollarisation/euroization of local economies). Among long-term effects, indirect growth effect through consumption, positive impacts on investment (depending, however, on local economic stability) as well as less unemployment and improved legal framework should be enumerated.

As negative impacts, remittances can cause a reduction of foreign exchange reserves, accentuate income discrepancies between families with and families without members abroad, the “Dutch disease” effect and, as already mentioned above, dollarisation/euroization of the economy.

The current remittances flows, seen globally as a positive phenomenon, lead in consequence to the following policy conclusions: there is a need to promote legal migration (through, for instance, networks of bilateral/multilateral agreements) as well as to promote circular migration due to the empirical observation that circular migrants send home more. Other issues to be tackled is to get diasporas engaged with their historical homelands, to promote transparent and reliable systems of transfer as well as to address the brain drain and a lack of possibilities for win-win solutions.

The discussants’ remarks concerned the need of reducing transaction costs in order to encourage migrants to send remittances through formal and transparent channels. In the discussion reference was made to the Spanish government’s troubles to convince immigrants to contribute to co-development funds with their transfers. Doubts were raised regarding the negative impact of remittances on local entrepreneurship when it is more comfortable to receive money from abroad. In the same line, it was underlined that on the one hand remittances could support local dictatorial regimes and on the other hand they could even increase poverty (case of Armenia). A counter argument to these doubts could be the Israeli case; equally, neither in India nor in China remittances have negative impacts on growth or economic reforms.

**Judith Kumin: *In-country “refugee” processing arrangements: a humanitarian alternative?***

In her presentation, J. Kumin noted that measures taken by industrialized countries to prevent irregular migration do not distinguish between persons seeking protection and other categories of people on the move. The need to provide access to asylum risks being neglected in the predominantly economic- and labour-oriented discourse on migration. . In the presenter’s opinion, countries with highly restrictive migration policies have a moral, if not legal, obligation to soften these restrictions with humanitarian protection measures. One such measure could be the establishment of mechanisms to admit persons in need of protection directly from their countries of origin.

The resettlement of refugees from first countries of asylum has traditionally been seen as a kind of safety valve, but is increasingly controversial. Although it without doubt

provides refugee protection and burden-sharing with countries of first asylum, resettlement has also become a target of criticism. Some observers see resettlement as a pull factor and as limiting the effectiveness of voluntary return programmes. Moreover, the possibility of fraud as well as security threats in refugee camps (where not everybody can be selected) should not be neglected. In this context, J. Kumin asks whether the resettlement of “refugees” directly from their country of origin might be a promising measure.

Advantages of this proposal consist of providing protection for people in need and discouraging persons in need of protection from taking the risk of the often dangerous journey in search of refuge. In regions threatened by humanitarian crises, this measure could reduce refugee pressures and inter-state tensions. Such programmes could spare refugees the hardship associated with a stay in a first country of asylum. Furthermore, the condition of a minimum level of cooperation between countries of origin and receiving countries could contribute to strengthening international relations and reinforcing respect for basic human rights.

The main objections arise from the fact that such in-country processing could serve as an alibi for even more restrictive measures by asylum countries to block asylum-seekers’ access to their territories. There is also the risk of attention being drawn to candidates for departure who might be at risk at the hands of authorities in countries of origin. Finally, such programmes require the co-operation of authorities in countries of origin, which might not be forthcoming.

Being aware of all these risks and inconveniences, J. Kumin suggests that the proposal could still be worth pursuing in the framework of European efforts to expand prospects for legal migration. The example of the UNHCR-Vietnam Memorandum of Understanding setting up the Orderly Departure Programme in 1979 as well as the US and Canadian experiences with source-country processing arrangements lead J. Kumin to this conclusion. Whether European countries would undertake such programmes remains to be seen. The fact that traditional refugee resettlement is still under-utilized in Europe -- in spite of the Hague Programme’s recommendation – does not bode well.

The discussants of J. Kumin’s presentation agreed that either in South-North or East-West migration movements there are still people who meet the criteria of the 1951 Refugee Convention, thus there would be candidates for orderly departure arrangements. Some discussants took a more optimistic view of possible expanded European involvement in resettlement schemes. It was mentioned that the European Refugee Fund will be modified in this direction. Quoting the example of France, it was stated that many European countries have little or no experience with resettlement, which implies need of assistance. Others saw difficulties in reaching consensus on the countries to be targeted for orderly departure arrangements, and made a link to the EU problems with elaborating a common list of “safe countries of origin”.

**John Davies: *Overcoming moral deficit in migration policy by listening to Southern migrants. The case of the orphan pensioners***

John Davies outlined a moral deficit of current migration approaches based on ambiguous human rights interpretations and insufficient attention paid to the migrants' opinions and needs resulting in migration contests and crises. His proposal, starting from the study of Albanian elderly, draws a picture of pensioners as mere recipients of remittances sent by younger generations; victims of care drain, worthless in their roles of parents and grandparents and inactive though still in working age (50s). In view of the above, Davies postulates the establishment of a more flexible migration policy towards the elderly.

In the current political discourse, migration is perceived as a problem. The need of return and non-settlement measures is seen as crucial. Another important question of debates on migration is social integration of the immigrants who are often seen as a threat for the host country security. Encouraging migration of elderly could be a response to these concerns. The family background in the receiving country could prevent young migrants from engaging in criminal activities. The stronger links with the country of origin provided by the older generation should serve as an incentive to return. The complete family would be able to better manage the income as well as to better plan the labour division between its members, bringing, as one of its consequences, higher female labour force participation in host country labour markets. Such a policy should be rendered successful by the introduction of flexible mechanisms of admission that would give migrants the impression of rules stability, which would impede the strategy of durable settlement. In J.Davis' approach all countries contiguous to the European Union could be beneficiaries of such a policy.

The negative sides of such an approach would be the reinforcement of existing social inequalities, reduced young migrants' interest for integration through rooting them deeper in the home country traditions as well as the danger of inappropriate skills for effective childcare.

The discussants underlined as a positive fact that the motives of migrants themselves are taken seriously. J. Davis's proposal tries to reduce the inter-regional and social frictions, postulated in several previous presentations. Flexibility in "selling" EU migration policies to migrants and a need of not being perceived as an exclusively Western club that the others do not want to listen to were highlighted as well.

It was pointed out that there is an increasing number of irregular migrants above the age of fifty in Germany and elsewhere, a case that confirms J. Davies' hypothesis on more stable labour market strategies of elder migrants as well their resistance towards the criminal milieu.

Once again the public opinion was evoked, especially in the context of possible threats for social insurance and social security systems that elder migrants could cause. In J. Davies' argumentation, the importance of the social security system is a myth, moreover

the unemployed young migrants can constitute a bigger danger for security systems than their professionally stable (grand) parents.

### **Jeroen Doomernik: *Open Borders, Close Monitoring***

At the moment, policies and practices of migration control are manifold in the EU members states. There is, however, a general agreement under the current regime, that restrictive policies are required in order to tackle “the problem” of migration. The political climate is such that migration, in fact, is connected to “problems”, and “threats to security, the economy and the labour market”.

Nevertheless, the prevailing measures have not proven to hinder migrants from coming. On the contrary, these restrictive control measures currently “produce” more irregular migration in the Southern EU states, while they “create” asylum seekers in the Northern EU states. Furthermore, migration has become more expensive (in terms of smuggling fees for migrants and asylum procedure costs in application countries), and more dangerous (thousands of people have died while trying to reach Europe). Moreover, J. Doomernik thinks that the asylum systems all over Europe has deteriorated in the past decades, thereby failing to adequately protect those in need of such protection.

This is why J. Doomernik makes the case for open borders. Everybody who is in the country, he says, would be legal. He applies two fundamental criteria; the moral and the practical criteria. The moral liberal criterion states that there must be severe grounds for a justified limitation to an individual’s freedom of movement or infringement of his/her liberties, be it a citizen or an alien. In practical terms, open migration can be argued for by the cost effectiveness of the proposal, in fact, J. Doomernik’s concept requires much lower costs in the field of migration control.

From an economist’s point of view, the labour market should be left alone in order to benefit all parties involved. The protection of the natives on the labour market is a very powerful and often invoked argument against open borders. However, as J. Doomernik points out, research has shown in both cases, that imported labour tends to be complementary to native labour, and little evidence of wage dumping was found. Therefore, Doomernik sees no justification – other than lessen the fears invoked earlier – to restrict access of immigrants to the labour market.

However, there is one exception. In welfare states different rules apply. Since welfare states cannot afford to provide for all migrants coming through open borders, migrants should first pay insurance and taxes for a certain time (to be defined), before they themselves can benefit from the system. For a while, they would be 2<sup>nd</sup> class citizens, but – so J. Doomernik’s argument goes – this is already reality: in the Netherlands around 1.5 percent of the population has an irregular status.

Opponents of this proposal would argue that Europe would not have the capacity to host “everybody”. However, J. Doomernik counters this argument by pointing out that open borders would also create more (return) emigrants.

Of course, open borders also demand some few basic rules: everybody is welcome, unless he/she poses a serious threat to society or breaches the law. In this case, the person should be expelled. It is therefore important to create a common database in which all migrants are registered with biometric data. Refugees in need of protection have the chance to apply for asylum when registering.

The discussant clarified that his concept more or less already applies to the EU as a common market and area of free movement for Union Citizens. The question is now whether it is to be extended to the whole world (the so-called third countries outside the EU). One consequence of this proposal is that the border guards will be out of work. They could, however, be used in the field of the labour market, such as to implement sanctions and make inspections. In fact, as J. Doomernik recognises, open borders would not eliminate control measures entirely, rather they would imply a redirection of control measures from external borders to internal controls, especially on the labour market.

A problem with this proposal identified by a discussant is seen in the fact that people in a welfare state cannot be excluded from certain public goods, such as streets, security, etc. Therefore, it is suggested, it would make more sense to put a price on the use of all the collective goods.

A moral dilemma is also connected with the question what to do with people that end up outside the system. In this case NGOs could take over some tasks. Of course, as was brought up by another participant, the question applies here: what consequences do we prefer? Yet another opponent mentioned the possible reluctance of people to register due to increased bureaucracy. J. Doomernik, however, suggests creating sufficient incentives to register, such as no work authorization without registration.

### **Michael Jandl: *The Development-Visa scheme revisited***

The DV scheme proposes a market-based migration control policy whose objective is to tackle irregular migration, to substitute irregular migration for legal migration and to cut out human smugglers.

Today the facilitation of illegal entry into states for profit by human smugglers accounts for the overwhelming share of illegal entries to European countries. Human smuggling activities – even if they do not lead to trafficking in human beings – imply the following problems: they have been linked to organized crime, they pose a threat to sovereignty and the internal security of states and they exploit human beings in desperate situations. Human smuggling is a highly lucrative business. For example, several thousand Euros are paid from Eastern European countries to reach Western Europe, and despite the high sum of money paid, the journey is often dangerous and time-consuming. Furthermore, the

money paid to the smugglers constitutes a considerable drain on already scarce resources for development in the countries of origin.

The DV scheme therefore aims to curtail irregular migration and human smuggling; a reduction of migration in general is not suggested. Rather it proposes an innovative approach for substituting irregular migration by regular, authorized migration.

The rules that M. Jandl puts forward are simple. Anyone who wishes to migrate should be able to buy a legal entry permit (Development Visa) at roughly the price of currently prevailing smuggling fees. The DV scheme is not exclusive, which means *anyone* eligible can apply for it. Other “free” visa systems (e.g. student, tourist, migrant worker) could run parallel to it. All the applicants will be fingerprinted. In that way, visa violations (overstay, etc.) can be tracked, and non-complying DV holders will be excluded from the scheme in the future. The DV is an all-purpose visa, i.e. it is not tied to the labour market. However, if the DV holder is found to engage in irregular employment, he/she will be expelled from further participation in the DV scheme. There will be a quota system, with the quota lying at a similar magnitude as the current demand for smuggling services. Lastly, the DVs will be issued for one host country only. It will be the task of the EU JLS Council to decide on the quotas for every host country each year.

The core of the DV concept lies in the tripartition of the DV fees. The fees for the DV are to be divided into three equal parts. One third will go to targeted development programmes in the sending country. Another third is a return incentive and will be reimbursed as a starting help to the DV holder upon return. Should the DV holder not return within the specified time limit of the DV (for reasons such as overstaying, gain of legal residence in the host country through marriage or work related stay, etc.) the money will not be reimbursed. Lastly, one third will go to the DV Social Security Deposit (DVSSD), which will cover basic social security, such as medical costs in cases of emergency only.

If the migrant, however, takes up legal employment and pays regular social security contributions, the last third (from DVSSD) will be reimbursed upon return as well. This is, according to M. Jandl, a clear incentive for migrants to take up legal work.

In order to apply this scheme to reality, the issuing of DVs has to be coordinated among the EU member states. Then, quotas for every country of origin and every country of destination have to be agreed upon, and adjusted after every year. Prices of the visas have to be settled and time limits for stays have to be agreed upon. M. Jandl suggests a limited time frame between one and three years.

It is important to mention that under the DV scheme, the asylum channel could be accommodated as well. One option could be that DV holders could apply for asylum and if asylum status is granted they would receive a full refund of the DV fees plus integration assistance. However, if their application is rejected, they would lose the right to stay in the host country and would not get any reimbursement from the DV scheme apart from the return incentive.

M. Jandl's DV scheme requires the full cooperation of the source countries in its implementation. Therefore, the DV scheme should not be applied in failed states or states that systematically violate the human rights of their citizens.

The main discussant commented that the holistic view of the proposal is innovative but since holistic approaches to migration management are quite new there is not much experience yet. One interesting observation addressed the possible competition among sending states for the quotas (as higher visa quotas directly result in more money for development). Another question raised was whether or not to include people in transit. If they were to be included it has to be decided to which country the development sum goes.

The concept, however, is not in its final stage yet. For opponents it would be easy to portray the concept as just another visa scam. The current political climate surrounding this point at present prevents the concept from being discussed seriously. More optimistic participants argued that this concept probably gives room for a more targeted approach (possible advantages: e.g. possibility of testing it on a small scale level and in pilot regions; monitoring the implementation by responsible authorities and evaluating the effects by sound parallel research; complementing rather than replacing existing visa-regimes). Therefore, it was argued, that the feasibility might be higher than that of the more revolutionary ideas. Anyway a high degree of public relations input would be needed to advocate this scheme.

The incentives of buying such a visa for relative high costs (starting at around 4,000 €) have been questioned, when one, as a matter of fact, could apply for a tourist visa at a cost of €15. Tourist visas, however, are not easy to get under the VIS, which currently and in the future leaves a substantive amount of people with the option of paying a much higher price to enter Western Europe (i.e. smugglers).

It is furthermore feared that it is unrealistic to regulate the labour markets. M. Jandl counters this argument by referring to various experiences of the labour markets within the EU that show very different grades of regulation, such as Sweden and Italy. In this context it was pointed out that the crosscutting responsibilities within governments might also pose some problems. It could, for example, prove difficult to convince the labour market authorities to enforce a higher level of regulation (since they are responsible for work admissions), whereas other sectors like the police (who benefit from reduced smuggling) and the development-policy side (more funds for development aid) stand to gain from it more.

### **Holger Kolb, *Pricing Entrance Fee for Migrants***

The concept that is put forward by Holger Kolb is in line with Gary Becker's (1992, 1996) concept of pricing entrance fees for immigrants. According to H. Kolb it is a concept that moves away from the current immigration socialism towards a market-economy approach.

Current migration regimes are neither effective nor efficient. Oversized bureaucracy, misallocations and suboptimal service are the results. Furthermore, the more and more restrictive immigration policies put thousands of willing migrants' lives at risk.

Therefore, Kolb suggests putting a price as an entrance fee on permanent residence permits for European countries. The price would equal the individual costs of the sum of the collective goods consumed, such as streets, security, welfare etc.

Aside from the price, the criteria for entrance are very few: everyone who can pay the price and is neither a terrorist, nor a criminal nor suffers from contagious diseases can enter the country.

The result of this concept would be increased efficiency and a very small bureaucracy. Migration is to be understood as an investment process. In this light, it can be assumed that the majority of individuals striving for a residence permit in Western countries will be young, rather skilled and ambitious.

It can be argued that this system only allows the solvent migrants to come to Western countries. However, it should be noted, that this is already the case under the current system, as smuggling fees often reach very high sums (e.g. up to US\$ 45,000 for the USA).

H. Kolb also suggests the introduction of private bank credits for migrants to pay for the entrance fee. In that way, the incentives to migrate legally are even bigger. Irregular migrants who are not able to pay the full price for the journey to the smugglers are often exposed to criminal and violent gangs who act as debt collecting agencies for the smugglers. Having this in mind, the concept is likely to become an instrument to combat human smuggling.

Obviously, this concept is not free of obstacles. Even though the main regulation should be left to the market, the government still needs to implement state guidelines, and the entrance fee has to be set by a political decision.

Another issue is family reunion. Here it can be discussed whether there should be a package price for the whole family or whether any subsequently following family member should get a price reduction. Further, it should not be neglected that some migrants only would want to stay for a limited amount of time. There must therefore be regulations to pay back some amount of the entrance fee already paid.

As H. Kolb mentions, the implementation of this concept, in light of the current political discussions, is highly unlikely. Although the right to immigration is not a core right, selling it may be perceived as highly immoral (even though some elements of "selling" immigration rights for a "price" of 1 Mio €(or the creation of 10 new jobs) are common in current systems as in the "investor-schemes" in the US or Germany). Furthermore,

politicians and bureaucrats would hardly favour such a concept that in fact curtails their power and budget and would lead to a complete winding up of whole bureaucracies.

Other discussants feared that there will not be a reduction of bureaucracy but rather a shift of bureaucracy as the labour market would need regulation in order to be held up. Other provocative comments suggested going even so far as to sell the right to have children. This was meant as an indication to where free market policies can lead society. However, H. Kolb pointed out, that contrary to the right to found and to live with a family there is no universal right to immigration. Market-based solutions in many cases are suspected of being immoral. This also seems to be the case for the proposed entrance fee for immigrants, although in the view of the author nobody would be made worse off compared to the present system.

**International Workshop on**  
*Innovative Concepts for Alternative Migration Policies*

**Vienna, 24./25. March 2006**

IMISCOE workshop organized by:  
International Centre for Migration Policy Development (ICMPD), Vienna

Venue: ICMPD, Gonzagasse 1, A-1010 Wien

Participants:

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Jonathan Chaloff – CeSPI, Italy  
Jeff Crisp – GCIM/UNHCR, Geneva  
Galina Dargova – MoI, Bulgaria  
Margarita Delcheva – MoI, Bulgaria  
Jeroen Doomernik – IMES, Netherlands  
Franck Duvell – COMPAS Oxford, UK  
John Davies - MRC Sussex, UK  
Helgo Eberwein – MoI, Austria  
Han Entzinger – Erasmus Universiteit, Rotterdam  
Michael Jandl – ICMPD, Vienna  
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Brigitte Suter – ICMPD, Vienna  
Theo Veenkamp – DEMOS, UK  
Karin Zürcher – BFM, Switzerland

Project Organizer: Michael Jandl

## Workshop Programme

### Friday, 24.3.2006

- 13:00-13:15 Michael Jandl: Welcome
- 13:15-15:15 Jeff Crisp (GCIM/UNHCR): Temporary Migration Programmes: Potential and Problems  
T.J.P. van Os van den Abeelen (ACVZ, Netherlands): A New European Employment Migration Policy  
Theo Veenkamp (DEMOS, UK): Managing regular and irregular migration with the People Flow approach
- Discussants: A, B, C
- 15:15-15:30 Tea/coffee break
- 15:30-17:30 Franck Duvell (COMPAS Oxford, UK): Applying Sustainable Conflict Resolution Strategies in Disputes over Migration  
Jonathan Chaloff (CeSPI, Italy): Co-development – a myth or a workable policy approach?  
Bernhard Perchinig (AAS, Vienna): Innovative Integration Policies
- Discussants: D, E, F
- 19:00 Dinner

### Saturday, 25.3.2006

- 9:30-10:00 Morning Coffee
- 10:00-12:00 Judith Kumin (UNHCR, Brussels): In-country “refugee” processing arrangements: a humanitarian alternative?  
John Davies (MRC Sussex, UK): Listening to Southern Migrants  
Rainer Münz (EB, Austria): New approaches towards migrant remittances  
Discussants: G, H, I
- 12:00-13:30 Lunch
- 13:30-15:30 Jeroen Doomernik (IMES, Netherlands): Open Borders, Close Monitoring  
Michael Jandl (ICMPD, Vienna): The Development Visa-Scheme Revisited  
Holger Kolb (IMIS, Germany): Pricing Entrance Fees for Migrants  
Discussants: J, K, L
- 15:30-16:00 Tea/coffee break

16:00-17:00 Summary, Discussion and Outlook

18:30 Guided Tour through the city: Ian Banerjee

20:00 Dinner

Discussants

A, B, C: Eva Kamaras (MoI, Hungary)

D, E, F: Han Entzinger (European Univ., NL)

G, H, I: Jordi Garcia Martinez (EC, DG JLS)

J, K, L: Christian Schmalzl (MoI, Austria)