

Split Citizenship: Immigrant integration in an age of circular migration

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ZUSAMMENFASSUNG

Spätestens seit der Krise in Nordafrika haben die EU-Staaten ihre Begeisterung für „zirkuläre Migration“ wiederentdeckt. Durch sogenannte *mobility partnerships* sollen Arbeitsmigranten aus Ägypten und Tunesien Beschäftigungsmöglichkeiten in der EU erhalten. Die illegale Migration könnte eingedämmt werden, und die qualifizierten Migranten würden nach einer gewissen Zeit in ihre Heimatstaaten zurückkehren. Ein solcher Austausch könnte die wirtschaftliche und politische Entwicklung der Herkunftsländer fördern.

Eine integrative Aufnahmepolitik seitens der EU-Staaten kann für die Heimkehr der Migranten durchaus dienlich sein. Die EU-Mitgliedstaaten können die Mobilität nordafrikanischer Migranten fördern, indem sie zusammen mit den Herkunftsstaaten einen transnationalen Katalog von Rechten und Pflichten für temporäre Migranten verfassen.

Curing collective amnesia

Across Europe, governments are suffering from a crisis of confidence: can they actually integrate the immigrants who settle here? The question is not new. Similar debates sprang up in the 1950s. Back then, the solution for many countries was to take in guest-workers - temporary immigrants. Because these individuals would return home after a brief sojourn, the challenge of integration would be avoided. This same thinking underpins the EU's renewed enthusiasm for temporary migration, as expressed in numerous policy documents detailing a „Global Approach to Migration“.

All this looks suspiciously like a case of collective amnesia. Have governments forgotten that the temporary immigrants of the past turned out to be anything but temporary? 40 years ago, guest-workers defied expectations and settled permanently, triggering many of today's difficulties. Now governments look set to repeat the mistake. The lesson is surely clear: today's ideas of „circular migration“

are pure snake-oil. By pretending that this latest wave of immigrants will leave the EU, the member states are simply abdicating responsibility for the inevitable problem of permanently integrating them.

The true lesson from the past is a rather different one. Many guest-workers, it seems, would gladly have returned to their countries of origin if only the circumstances had been more propitious. Instead, the heavy-handed attempts to exclude them only persuaded the migrants to remain: fearful of losing their rights to re-enter the host country if they once left, they preferred to remain, in limbo. Ironically, the best means of ensuring guest-workers returned to their countries of origin probably lay in offering them the benefits of integration policy, albeit one outside the traditional understanding of the term.

Cross-national integration policy

Immigrant integration policies are typically conceived of in an exclusively national

context: the host state will formulate certain rights and duties by which the immigrant must abide so long as he or she is in that country. The question of creating a temporary form of integration is thus a vexed one: the very formulation of rights and duties implies a sense of lasting commitment to the host country. Far from offering temporary immigrants rights and duties, host states have thus been careful to avoid any sense of meaningful integration, reducing exposure to factors that might lead to permanent settlement.

This approach ignores the cross-national nature of integration: a temporary migrant will have one foot in his country of origin and one in the EU state. This implies that immigrants' social, economic and political integration must occur in both countries simultaneously if they are to return home without trouble. Academics highlight certain factors in both the host state and the country of origin which can influence migrants' decisions about permanent settlement. It is not difficult to imagine

how these factors might be compiled in a form of social membership comprising rights and duties. By way of example, a catalogue of temporary immigrants' rights and duties could include:

- ★ the right to return for an extended period to their country of origin, without losing the possibility to re-enter the EU. Greater openness and clarity in this regard would overcome fears of losing rights of re-entry to the EU, whilst allowing immigrants to take measures to prepare for a permanent return home.
- ★ the right to have their professional qualifications verified by a government agency in cases where these are not recognised by employers. Such a mechanism would help ensure that training gained in the country of origin is sufficiently recognised in the EU, and EU qualifications are recognised in the home state. The portability of pension rights and other accumulated benefits is also of importance in this context.
- ★ the right to certain training as well as support for re-integration in the country of origin. Countries like the Netherlands offer training to help migrants found their own firms in their countries of origin. It is not simply that migrants will be reluctant to return home if they have no job prospects: proper training schemes would also allow migrants to actively support the economic development of their home countries.
- ★ a duty of engagement in the country of origin. This might involve the investment of remittances. It might entail immigrants giving training sessions, in order to disseminate vocational knowledge accrued in the EU. It might involve some sort of political engagement, for example a duty to vote if the country of origin permits the vote to non-residents. It would certainly involve a duty to abide by the terms of entry to the EU and leave appropriately.

Why the formality?

It is proving an uphill struggle to persuade EU members to adopt even individual elements of this catalogue. Surely formalising them would only further complicate affairs? Why bother creating a new status for temporary migrants with an attendant catalogue of rights and duties? The case of Canada shows why. In Canada, a portion of immigrant workers' wages is withheld until they leave the country - a means of ensuring they do not settle permanently. This kind of hard, unimaginative policy is of course a technocrat's dream. It is also something that Europe should avoid. The creation of a new status, along with a sense of identity and responsibility, would mark a far superior approach.

One attraction of circular migration for European governments lies in the idea that migrants can act as „development agents“. According to the theory, temporary immigrants will gain expertise and cash in the EU which they will be able to invest in their countries of origin when they return home. This will not, however, happen automatically. Immigrants must behave in an enlightened manner – investing their money in durable projects, rather than merely supporting consumption back home, for example. European legislators and officials are simply not able to micro-manage immigrants' lives to the degree necessary. The greatest problem for states is thus to steer immigrants' behaviour in a softer, more imaginative manner.

By creating a formal category of social membership, with a clear set of expectations attached to it, EU states would be able to „nudge“ immigrants into certain kinds of behaviour. The visibility attached to the status would, for example, place immigrants under pressure from other prospective migrants, from the host country as well as from firms to return to their countries of origin and do their duty. Of course, persuading these migrants to pursue non-materialistic values will take more than simply fostering diffuse public

pressure on them. They must internalise the values attached to circular migration. And again, the creation of a status with a clear set of rights and a clear catalogue of duties might just do the trick.

Moreover, it is not just migrants who need to be nudged. The firms that employ skilled migrants and then invest heavily in their training will be reluctant to see their workers return home, especially when they have gone through official hoops in order to hire them in the first place. By creating a status for these migrants, EU states would be giving visible recognition to circular migration and the development-policy values that underpin it. In so doing, they could encourage these firms to alter their thinking. Employers would view money invested in the training of temporary migrants as a contribution to „brain gain“ and as a visible contribution to their Social Corporate Responsibility. They might even be persuaded to organise pre-departure sessions and monitor the work of recruitment agencies, as policymakers have long demanded.

Why a role for the EU?

The EU has a habit of meddling in sensitive national affairs and making a mess of them. Is there any reason to suppose it might have something sensible to offer in this policy area? The most obvious reason is that the Union is already heavily involved in policies on circular migration thanks to its „mobility partnerships“. These arrangements, which are really nothing more than political declarations, group together coalitions of willing EU members. These states undertake to open their labour markets to temporary migrants from a select third country, while the European Commission encourages the attendant development benefits. So far they have been drawn up with Moldova, Georgia and Cape Verde.

Although the format had seemed recently to be losing momentum, in the wake of the crisis in North Africa the EU is looking

to conclude further partnerships. And for once in the history of EU labour-migration cooperation, the German government is amongst the leaders of the pack: in a recent letter to the EU's high representative for foreign affairs and security policy, the German Foreign Minister called for the EU to look into concluding such deals with Tunisia and other relatively stable governments in the region. By lifting the harsh restrictions on labour migration from these countries, Berlin hopes to give the governments of the region a boost and of course to foster the long-term political and economic conditions that can stabilise North Africa. Its calls were echoed in the European Council conclusions at the end of March 2011.

The fact that Berlin, usually so cautious about labour immigration, feels able to lead on this issue says something about the partnerships as policy tools. And it isn't positive. The EU's entire immigration policy edifice follows a strange and often tasteless architecture, but these partnership tools really are the teenager's bedroom in the whole construct. Their contents are inexcusably messy and heterogeneous. Five years ago, when the idea for the partnerships first began to crystallise, the European Commission was so keen to see the member states work together on these issues that it offered little guidance as to the form and purpose of the partnerships. Even today it desists from prescribing the contents of the partnerships, saying it wishes to encourage a sense of ownership amongst participating EU states.

As a result, these tools can be stretched to fit a whole range of goals and situations, almost to the point of meaninglessness. This reflects the surfeit of conceptual thinking underpinning the partnership format. Despite all the talk about promoting the economic development of third countries, for example, the partnerships have been used to other ends. The partnership with Georgia was agreed in the wake of the 2008 Caucasus crisis, and was meant as an otherwise empty show of

engagement and solidarity. The partnership with Moldova was agreed primarily because Chisinau expressed a desire for young Moldovans to return home, and EU states felt this chimed with their efforts to expel illegal immigrants. Cape Verde became a good candidate for a partnership when it expressed a desire for help fending off immigration from West Africa.

Nor do the member states seem concerned about the messiness of this policy tool. Every time the EU states draw up such a scheme, they excuse its ad-hoc and heterogeneous nature by calling it a „pilot project“. Yet, they have not been in any great hurry to subject the partnerships to serious analysis before drawing up further such arrangements. Admittedly, there is currently something of an evaluation underway, but this does not look likely to move beyond a simple listing of the programmes that have been put in place. These programmes are no doubt impressive – EU officials claim that they have built the Moldovan Labour Ministry in a bid to boost the employment prospects of returning migrants. But it is a sign of the absence of a clear sense of purpose that a real analysis of their effect upon migration flows and upon economic developments remains impossible.

The root of these problems is clear: member states are simply reluctant to agree to hard commitments on labour migration, and they prize this policy tool for its adaptability and slipperiness. Against this background, the idea of creating a status for migrants gains special significance. By formulating a firm commitment to immigrants rather than to the third country, EU states would be forced to bring greater uniformity and purpose to the partnership format, whilst retaining discretion over the numbers of migrants they allowed into their economies. This would also chime with the efforts of the European Commission to make the EU's approach to international migration more „migrant-centred“. This at least was the rallying cry of a consultative roundtable organised by the Commission in Brussels in April 2011.

Integrating immigrants, integrating Europe

The second reason for giving the EU a say is that it has already developed a place for itself in immigrant integration policy. Largely by stealth, the EU has eked out a handmaiden role on the issue: it facilitates the exchange between member states of „best practice“ on integration. Strangely, though, it has never really put its head above the parapet to explain its vision of society, so we remain in the dark about what precisely is good let alone „best“ about these policies. The European Commission has instead created a cottage industry of NGOs and think tanks each busily „benchmarking“ functional and neutral-sounding practices to give immigrants better access to the EU's social, economic and political systems.

This rather timid and apologetic role reflects the suspicion that the EU has no natural role to play in this sensitive policy field. Certainly, it has been allowed to play a solid part in certain pockets of immigrant integration policy – helping to define residence conditions for legal immigrants for example, and elaborating anti-discrimination rules. But the new Treaty is careful to ensure that it does not get above itself. The Treaty permits the EU a role in immigrant integration per se, but confines this „to establish[ing] measures to provide incentives and support for the action of Member States [...] excluding any harmonisation of the laws and regulations of the Member States“ (Art. 79(4) Treaty on the functioning of the EU). As a result, the Commission itself has made much of the principle of „subsidiarity“, stressing the idea that local authorities should be the ones to handle integration issues.

Yet, the fact that the EU's „best practice“ focuses on precisely these local processes highlights the dishonesty of its approach, and the difficulties of dressing up a normatively-motivated policy as a mere exercise in benchmarking. The true reason for the EU's coyness on the issue of immigrant

integration has nothing to do with its respect for local authorities, and everything to do with a fear of being caught interfering in sensitive issues of identity and culture connected with the nation-state. Not only do EU officials seem to believe that culture and identity are a block to integration, and are best circumvented. They are also worried about competing with the member states on this issue. And they could not be more misguided.

The member states struggle to offer meaningful statuses to temporary migrants. The sense of identity associated with the nation-state is, after all, based principally upon permanent settlement. But a sense of identity would have to be central to this new status for temporary immigrants if it is to create a „nudge“ effect. And, unlike its member states, the EU can offer something meaningful in this direction. The EU, after all, is an entity which inspires some degree of loyalty despite the absence of fixed borders and a single demos. It is time to make use of its post-national traits and make the EU the co-guardian of this status along with the countries of origin.

Those factors which make EU citizenship all but meaningless to most of its current beneficiaries would make an EU-status relevant to temporary immigrants. EU citizenship is, for example, only really of relevance to EU citizens when they have crossed borders and move outside the protective ambit of their home country – something comparatively few of them do. But this would render an EU-form of social membership relevant for all third-country nationals in the Union. Moreover, the limited awareness of the EU's activities that so undermines EU citizenship is scarcely to be found in third-country nationals – indeed, those Commission officials charged with monitoring the implementation of EU policies describe immigrants as key allies in their work because these individuals have often entered under European rules.

In his famous analysis of national citizenship, T.H. Marshall showed how giving

rights and duties to individuals unleashed an unexpected, self-perpetuating dynamic. In Britain, the establishment of civil citizenship (equality before the law) created a drive for political citizenship (the expansion of the franchise) which in turn spurred social citizenship (a good dose of social welfare). It transformed the country. The development of EU citizenship has unforgivably been left in the hands of legalists. The result is bland familiarity: the EU aims either for cosmopolitanism, in which its nation-states live in peace with each other, or for a single demos, like that in place in the individual member states. It is a sad misuse of the EU's post-national traits. Creating a new split status for temporary migrants, no matter how modest, could unleash an unexpected dynamic.

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Gestaltung & Druck:
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