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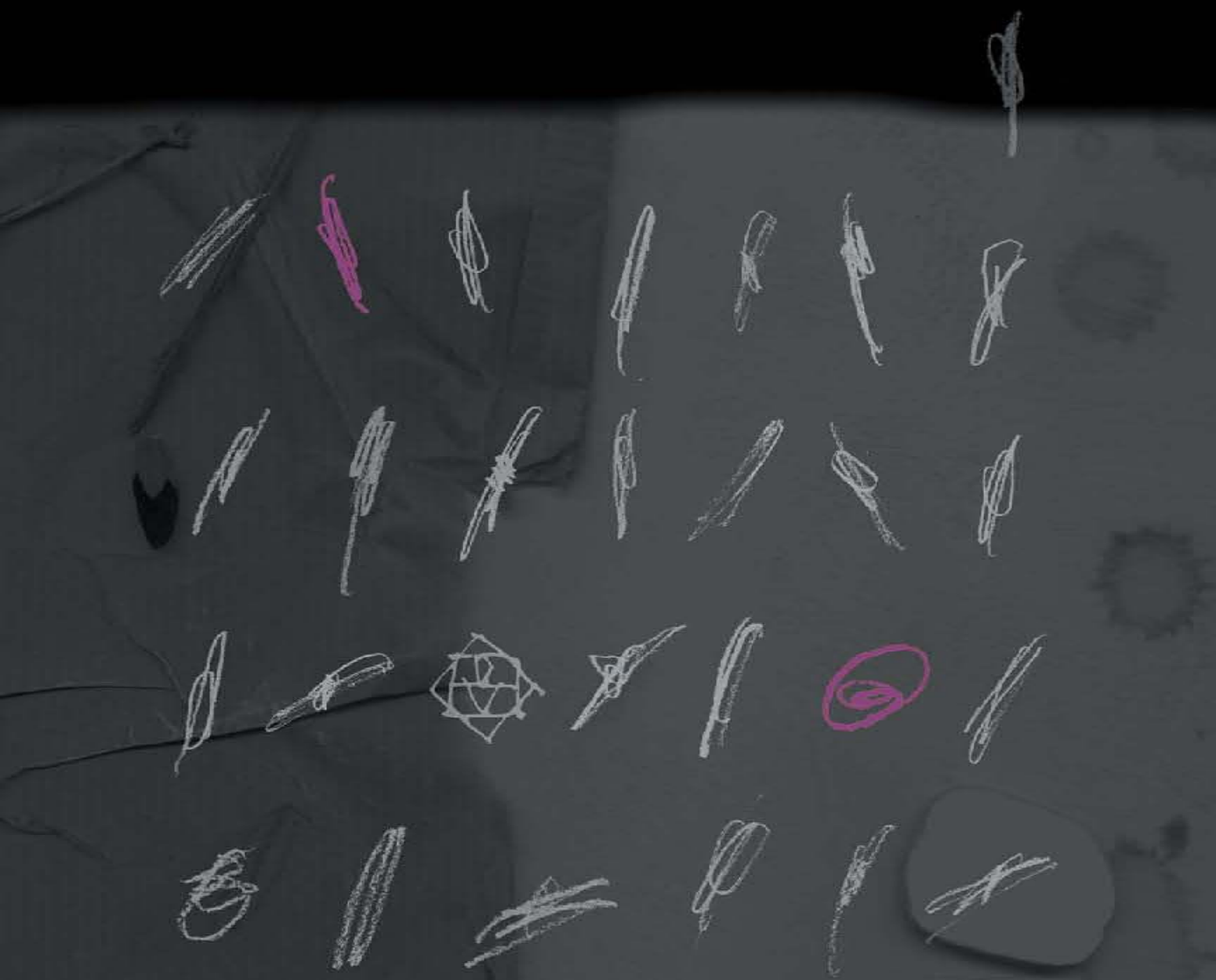

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South-Eastern Europe and the European Migration System: East-West Mobility in Flux

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Foreword

Grigore SILAŞI,
Jean Monnet Professor
Jean Monnet European Centre of Excellence, Timişoara

According to the Treaty of Amsterdam, the European Union must be preserved and developed as a space of freedom, security and justice. The setting up of an *Area of Freedom, Security and Justice* was decided and established in order to really allow free movement of persons within the European Union and in order to take action more effectively with regard to the fight against organized crime and against fraud. By the Maastricht Treaty the related fields of justice and home affairs have been included in Title VI of the EU Treaty (third pillar). Decisions were taken according to intergovernmental procedures. The system of the three pillars is cancelled by the Lisbon Treaty and police and judicial cooperation in criminal matters is also communitarized (n.a. communitarized is a term used to describe the transfer of competences to the European Communities pillar of the European Union). Even if the police and judicial cooperation in criminal matters is coming under the European decision, the participation of the Member States does not disappear. For these sectors the states' intervention is more than usually possible. Special clauses of exemption remain applicable in the case of the UK, Ireland and Denmark. The Lisbon Treaty improves the EU's capacity to act in various areas of priority for the today's Union and its citizens, including freedom, security and justice (fight against terrorism or against crime). The Lisbon Treaty promotes the Europe of rights and values, freedom, solidarity and security, as well as EU's fundamental values, introducing the Charter of Fundamental Rights in the European primary law, providing new mechanisms regarding solidarity and ensuring better protection for the European citizens in a space of freedom and security. This latter objective is achieved through closer cooperation between police forces and customs authorities both directly as well as through Europol.

International migration – either voluntary or forced - is a very developed phenomenon in terms of market globalization. Currently the number of people living

outside the country of origin (country of birth) is greater than ever in human history. The analysis of this phenomenon leads to the conclusion that migration plays a significant role in the evolution of society. This has clear benefits that could be enhanced, and disadvantages that could be minimized. From a demographic perspective, reporting to a given population there are two crossed migration phenomena: immigration and emigration, i.e. all in-flows and out-flows of people. Economic migration is one of the forms most frequently encountered in recent decades, being driven by differences between countries regarding access to resources and jobs as well as the specializations' crisis. The EU space, the most spread in terms of wealth, is what stimulates intense flows of immigrants, determining an exquisite scientific activity for deciphering the mechanisms of maintenance and the consequences they generate towards the countries, both of origin and those of destination.

On the eve of accession to the Schengen space (which Romania still hopes to happen in March 2011), at which the Area of Freedom, Security and Justice will be fixed on the Romania's borders – the new European Union's external borders, the "Migration School" of Timişoara looks forward and proposes for debate the subject of even further enlarging of the *European Migration Space*. The accomplishment of this special issue on migration of *The Romanian Journal of European Studies* proves Romania's interest, as European Union member state and as frontier space, located between the space of freedom, security, justice and welfare and other areas in the immediate and in the farther vicinity. By inviting Dr. Ruspini, an appreciated scholar in the field and a long-run partner of the Jean Monnet European Centre of Excellence from Timişoara, to guest-edit the special issue entitled *South-Eastern Europe and the European Migration System. East-West Mobility in Flux*, we aimed to bring his research experience in analyzing the European Migration Space into the debate of the new approaches and patterns of migration flows at the Romanian borders and into the region.

We are open to multiple viewpoints on the multidimensionality of the contemporary migration phenomenon and intend to continue hosting the scientific research in this field within the prestigious pages of our journal, as we did since 2005, and we are honoured to enjoy the authors' and readers' interest in this journal.

Editorial

Paolo Ruspini

Guest Editor

Having witnessed two Eastern enlargements in a short span of time, it is somehow intriguing to look at the evolution of the European migration space in South-Eastern Europe (SEE). Therefore a deep intellectual curiosity was once more the rationale behind the idea, in autumn 2009, to issue a call for papers for this Special issue on migration and mobility of the Romanian Journal of European Studies (RJES) titled "South-Eastern Europe and the European Migration System: East-West Mobility in Flux".

The intricacy of the migration phenomena affecting the SEE region and its close and historical relations with the European Union and Russia represented other inspiring motives for this scientific journey. A number of theoretical questions came to the surface all the same in relation to the historical links between bordering regions, past and present ethnic conflicts, large diasporas of SEE citizens in western European countries, different migration typologies and last but not least the promises of future EU accession.

How to relate these social and political phenomena into a constructive approach for the readership? The selected research questions included in the call for papers were bounded by comparative motives and characterised by the same dynamic understanding of the evolving European migration system. Either if we talk about a single European migration system or several European migration systems, South Eastern Europe cannot be thought in isolation but as part of that enlarging borders and ongoing free movement of persons that globalisation, the EU visa liberalisation process and the ease of transport and communication are facilitating and hopefully making possible and equitable for all in a future to come.

There are clearly several economic and political obstacles to this liberalisation process due to the specificities of the SEE region, its recent past and divisions. Besides a certain number of drawbacks are to be mentioned due to the characteristics of the EU policy making process with its top-down approach and the 'isomorphic' character of its policy transfer in the realm of migration and asylum. This process lastly generates factors of inclusion and exclusion among bordering regions and neighbouring peoples. The latter EU policy transfer takes seldom into account the peculiarities of Eastern Europe, the historical displacement of minorities due to reshaping of borders and ethnic conflicts. In this sense, the SEE mosaic appear even more complicated either for the Western migration scholars or the policy makers at different levels of governance.

The background question is why researching migration processes in South-Eastern Europe and what do we mean by that region? Once more the contradictions of univocal paradigms and definitions leave room for deconstructive approaches and fluid perspective in migration studies. In our view, the latter perspective is more important than the search for strict geographic definitions and for the supposedly permanency and continuative character of migratory processes.

What this issue of the RJES journal aims at explaining can be traced back in different areas of our continent and it is related to the present characteristics of the migration typologies affecting Europe and the overall European migration space either in the East or in the South. These characteristics can be defined in terms of circularity, temporality, and the resulting trans-nationalist component. Regular and irregular flows overlap; migrant statuses often change from irregular to regular and from forced to voluntary migration while centrifugal dynamics leave room for centripetal migratory dynamics as those which take place in the overall Eurasian migration space.

The EU and Russia are the main political actors in the European continent in the migration realm and they represent the fulcrum of their respective migration systems which are in fact more interrelated than one should expect. Therefore they demand research and policy analysis in terms of geographical continuity though, at the same time, they require flexible approaches.

Once more what is the current and future role of the SEE region in the field of migration in between these two relevant international actors? How far the EU and Russia policy decisions steer migration in the region and how to relate both these important stakeholders with the past, present and future needs in migration policy making of the SEE countries? Generally speaking what this journal's issue aims at avoiding is the search for simple policy solutions as well as empirical approaches centred only on univocal EU perspectives.

That is why we welcomed contributions from different disciplines and the guest editorship aimed at selecting authors who brought in the present issue of the RJES journal controversial perspectives in the sphere of national and supranational policy related to migration in the SEE region and beyond.

After an overview of the evolving European migration space in light of the North-American experience, the selected contributions are grouped in three sections as follows. Firstly, a comparative historical dimension has been advanced and relevant examples of transnationalism in the SEE region has been introduced with emphasis on remittances and migrants as agents of socio-economic development in their country of origin. Secondly, three articles span national cases of migration policy making which cover CEE and SEE countries in a comparative fashion. This approach helps the reader in tracing back similarities and differences between countries at different stages of their migration experience and different periods of their migration policy implementation. The Europeanization dynamics with their positive and negative consequences on the national immigration development are an important side of the analysis included in this section. Thirdly, the last section questions the EU policy in terms of visa liberalisation processes, the need for highly skilled migration in Europe and the prerogatives of the EU as "limiting agent" in migration.

The contributors mainly belong to South Eastern Europe but are not limited to the region since few comparative attempts from Western and Eastern European scholars which bring in different points of view are not missing. The represented disciplines span from demography, economics, geography, political science, sociology and last but not least political philosophy.

In the first section, the article of Aurore Flipo "The New Migratory Routes of Europe? Polish and Romanian Emigrations in a Comparative Historical Perspective" looks first at the determinants of the shape and directions of migratory routes in Europe by using census data. Then, through a comparison of the Polish and Romanian post-enlargement migration, it offers insights into the transformations of the European migratory system and the role played by the younger generations of Poles and Romanians in propelling similar migratory routes. Limits of the census data are mitigated by a wider and constructive approach to the European migration system.

In the overall European migration space, Polish and Romanian migration are certainly interesting cases for the analysis which show the emergence of a transnational social space between the migrant country of origin and the country of destination. In both cases these transnational practices developed much before the EU accession, though in the Polish case they reached their momentum in the run up to the EU enlargement. For the Romanian citizens, instead, they changed in magnitude and selectivity with the relief of the visa requirements to the EU countries on 1 January 2002.

The following article from Eralba Çela, Eros Moretti and Eniel Ninka "Italy-Albania. The Migrant as a Bridge between Two Homelands: The Role of Remittances" follow suit this transnational perspective by focusing on the role of remittances and their relation with family links and investments

in the country of origin. After a period of stay abroad, the results of surveys and fieldwork in Italy and Albania show the image of a migrant at a crossroad, "suspended between two shores": to settle in Italy or to return in Albania. The reversibility of the return migration decision has been advanced by the authors in light with similar empirical findings into the multifaceted aspects of return migration. Although current strict EU visa policy discourages freer mobility, the transnational dimension of the Albanian diaspora is recognised as a strong factor of Albania's development.

Motivations to migrate and remit often overlap as in the comparison between the Albanian and Moldovan patterns of migration analysed by Jessica Hagen-Zanker and Melissa Siegel in "A Critical Discussion of the Motivations to Remit in Albania and Moldova" by using household survey data from the IOM and the World Bank. Though it is difficult to separate the rationale behind the motives to remit, it seems that there is prevalence for altruism in the Albanian case and self-insurance in the Moldovan case. An interesting deconstructive approach has then been introduced in the economic research analysis. Hagen-Zanger and Siegel invite, in fact, to broaden the focus of the remittances' behaviour beyond the economic literature while advancing the need for sociological explanations for the question why remittances are sent.

Remittances and transnationalism leave room in the second section of this special issue to attempts at steering highly-skilled labour migration and setting up adequate migration policies by comparing the decision making of selected countries belonging to the CEE and SEE regions. Europeanization and its negative side-effects in asylum policy implementation are then compounded and exposed. The Czech Republic together with Hungary belong to those new EU members in the CEE region which turned from migrant sending to migrant receiving country in the early nineties. The attempts of the Czech Republic to attract more work forces and particularly highly-skilled labour migrants and professionals are exposed in Eva Janska's contribution "Migration Policy and Immigrants in the Czech Labour Market". Europeanization and demographic factors as ageing and shrinking populations, are those factors explaining the shift from a passive to a more active and systematic approach to migration policy and practice in the way the Czech national authorities are dealing with immigration. This shift includes attempts to develop in 2003 a pilot programme to select qualified foreign workers and a "Green Card System" in 2009. Similarly to Spain and Ireland, in September 2009, the Czech Republic attempted to tackle the global economic crisis by initiating a voluntary return programme which resulted in a sort of "regularization" for irregular migrants.

The same utilitarian approach to migration can be noticed, even amplified, in the Hungarian contribution from Áron Kincses and Mária Rédei "Hungary at Crossroads" whose title suits well the overall attempt of the journal's issue to provide a dynamic framework for migration analysis. Hungary's migration strategy is currently shifting towards a skills-based immigration policy. In this view, immigrant integration at micro-regional level is functional to demographic and economic effects as age, employment distribution of foreigners, the propensity to pay taxes and finally the selection where to settle. Cultural diversity and migrant human capital, which are introduced as potentially enriching factors for the Hungarian society, mitigate this utilitarian approach. Finally, it is interesting to note in this article the effects of the EU visa liberalisation process adopted in December 2009 for selected Western Balkans' countries (i.e. Serbia, Montenegro and Macedonia). Together with the most relevant Romanian migration and the relatively significant Ukrainian migrant stock in Hungary, the presence of visa free movers from neighbouring countries and especially Serbs seems on the increase.

How far a right-based approach to migration and asylum has been undermined by the Europeanization process and the securitisation of the South-Eastern borders of the EU polity is the focus of Nurcan Özgur Baklacioğlu's article on "Building 'Fortress Turkey': Europeanization of Asylum Policy in Turkey". Preventive and restrictive measures adopted until now in the asylum realm by the Turkish national authorities fit well with the EU objectives by aiming at creating "a restricted and discouraging profile of a transit country". The limits of burden sharing as a practice of resettlement of unwanted refugees and the resulting strengthening of the migration-asylum nexus against the same refugees are well explained by reminding the experience of the new EU members. Constructive argumentations and criticisms highlight the 'black and white' dimension of the

institutional reforms in the field of asylum and the dangers of the Europeanization process for a right based approach to the Turkish asylum policy development.

There is a line of continuity in constructive criticisms on EU policy which spans from the Turkish contribution to the following article on the EU visa liberalisation process as perceived from a young scholar in political philosophy from Serbia and included in the third section of the journal. Sanja Ivic's article on "The EU Visa Liberalisation Process for Western Balkan Countries as a Reflection of the Politics of Modernity" applies Derrida's deconstructive approach which is indeed perfectly in line with the dynamic and flexible focus on migration and identity of this RJES special issue. Moving from the perspective of postmodern politics, Sanja Ivic shows that the entire idea of visa liberalisation process for Western Balkan countries rest on a modernist idea of citizenship which is based on stable and fixed identities that are overly in contradiction to the concept of European citizenship as post national, and postmodern concept based on multiple and shifting identities. In this view the EU visa liberalisation process does not take into account that the Balkans are a heterogeneous, multiethnic area made of multiple and fluid identities particularly in the borderlands. As a result of this process various dichotomies and new forms of exclusion are created such as included/excluded, we/they, inner/outer, European and non-European. In this view, the EU visa liberalisation process for the Western Balkan countries rests on the idea of the EU as a Christian community where there is no room for the "non-European world".

Eugeniu Burdelnii in his "The Quest for Talent: EU policies towards the 'Brain drain' Phenomenon" investigates the attempts to stimulate the mobility of the higher qualified labour force within the EU and he shows that, notwithstanding any EU declaration of principle, the amount of migration of the highly skilled is low and it increases only slowly. This particular migration is mainly limited to post-accession skilled workers from Eastern and South-Eastern Europe into Western Europe (brain drain), while the immigration options for people from outside the EU into the EU are extremely restrictive. The variety of admission systems, restrictions to mobility for work from one EU country to another and lengthy and cumbersome bureaucratic procedures make the EU less attractive compared to other third countries and regions. Particularly interesting are those explanations related to the brain drain from South-Eastern Europe attributable to the structural effects of the transition of their economies and the related quest for "brain circulation" as a strong factor for the economic development of the sending countries.

Another interesting and controversial piece of article in political philosophy from an Estonian author closes the journal's issue and it enriches its theoretical side. Though not exactly related to the SEE region, Oudekki Loone's "Right to Refuse. Choices of Sovereign States in Transforming Migration Scenarios" discusses the admissibility of limiting immigration for sovereign states and other political communities while questioning arguments for completely open borders. Since states are sovereign, certain limits on immigration are possible in this view and this right of limiting agency is based on a utilitarian concept of citizenship as well as sovereignty as the "property of citizens". Building on Walzer's thoughts, this same right to limit immigration might be applied to non-state political communities as the European Union which may be justified in setting up a common immigration politics without compromising member states sovereignty.

Rights and limits of supranational agencies as the EU deserve further discussion. This RJES issue aims at some constructive criticisms on migration policy making and opted for representing fluid and shifting ideas of identities of which the SEE region is an interesting expression. In the context of the European migration system new approaches in migration studies and migration policy making are requested which go beyond the traditional notions of permanency, settlement and fixed borders. Historical links and new interactions in borderland regions should be taken into account in this regard as well as the right of peoples and minorities who live in these same regions. These rights are often neglected in the official discourse and course of action of the most influential political actors in the SEE region, i.e. the EU and Russia. A rights based approach which links the request of migration control and the needs of economic development, would be actually beneficial to migrant sending, transit, current and future destination countries either in the SEE region or beyond in the overall Eurasian migration system.

The Evolution of the European Migration System in light of the North-American Experience

Paolo Ruspini

University of Lugano (USI) – Switzerland

The purpose of this contribution for the special issue of the Romanian Journal of European Studies on "South-Eastern Europe and the European Migration System: East-West Mobility in Flux" is to provide a sketch of the evolution of the European migration system and related European migration policies behind the lenses of the North-American experience.

Why researching the North-American experience in this regard? The North-American system is considered *ipso facto* a point of reference for migration theory being the most documented international migration system which includes two traditional immigrant-receiving states as Canada and the United States. These countries show similarities as well as differences in terms of size, economic power and geopolitical influence of their immigrant streams (e.g. 26 per cent of Canada's immigrants are European compared with only 10 per cent of those to the USA) (Massey *et al.*, 1998).

For *migration system* we rely on the definition of Kritz et. al. (1992: 15) according to whom an international migration system exists whenever "a network of countries is linked by migration interactions whose dynamics are largely shaped by the functioning of a variety of networks linking actors at different level of aggregation. The attention given to the role of institutional and migrant networks in channelling and sustaining migration is a key aspect of the system approach".

Migrant networks and institutional actors are then key features of the recent European immigration experience both at the local, national and supranational level of governance. The influence of evolving migration regimes and supranational institutions as the European Union is then a distinctive feature of the East-West mobility in comparison to the much studied American model. Transnational lifestyle patterns are also the result of top-down policy making approaches that can be observed in the East-West geographical context.

A number of research topics thus make this comparative approach between the European and the US system timely and interesting for researching other regional (sub)systems: 1) first and foremost, the recent reshaping of the European migration space in light of the 2004 and 2007 Eastern enlargements; 2) the evolving typologies of migration flows in Europe that require some conceptualisation; 3) the resulting immigration policies and their symmetry/asymmetry in relation to

the present migration patterns; and finally 4) the search for win-win solutions to manage immigrant integration for both the European and US migration regimes.

Finally, South-Eastern Europe (SEE) attempts to being considered a "fully-fledged" region of the European migration system. Its streams of migration and resulting policy implementation show similarities and differences if compared with the experience of the new member states from Central and Eastern Europe (CEE). Therefore this overview might provide useful directions for further research and policymaking either in terms of conceptualisation of migratory flows or immigrant integration policies to be adopted in the SEE countries in the future to come.

1. The evolving European migration space

Globalisation and the EU integration processes have recently reshaped the European migration space. Internal mobility is now a reality, though not always wholeheartedly, for the majority of Western and Eastern Europeans thanks to the free movement affecting EU and EEA citizens. Free movement has been recently coupled with visa facilitations for third country nationals from a number of non-state members beyond the EU Eastern border or visa liberalisation for selected Western Balkan countries (the former Yugoslav Republic of Macedonia, Serbia, and Montenegro in December 2009, Albania and Bosnia and Herzegovina by the end of 2010) (CEU, 2010).

Furthermore, barriers to access the labour markets for job-seekers of the new EU members (Bulgaria and Romania excluded) by means of transitional arrangements originally imposed by most old EU member states are gradually falling down. The same labour mobility is then selectively neglected or provided by virtue of labour market needs to the EU excluded countries either in the East or in the South. Heterogeneity of treatment seems thus the consequence of homogeneous supranational policies.

European labour markets are more highly segmented (according to the social dichotomy foreign workers-natives as a consequence of the guest-worker programmes) than their American counterparts thus "reflecting tighter government controls on immigration and citizenship, and more limited access to employment extended to non-nationals within the EU" (Massey *et al*., 1998). Labour market policies in Europe reflect restrictive tendencies, and still suffer from strong national prerogatives, tight sovereignty and lack of deregulation practices.

In this wider context of European migration, *migration processes* in the continent vary according to the immigration history and experiences of different European countries. There are a number of internal and external migration flows affecting Europe which derive from economic, historical and political reasons. Inequalities and opportunities are major factors shaping the magnitude and extent of these flows.

Policy measures in the migration domain either at national or supranational level (e.g. labour migration quotas, national policy decisions on immigrant regularisation and the application of borders' controls and internal regulations as the Schengen regime and the Dublin Convention) have a varying impact on migration flows.

Internal mobility apart, the main *migration typologies* concurring and providing both socio-economic challenges and benefits to the European continent include:

- legal and 'illegal' labour migration
- circular or temporary migration
- transit and return migration

The composition and impact of these flows vary greatly from country to country and from region to region. National immigration policy follows the path and draws upon these flows while a final agreement for a common European immigration policy does not exist until now.

'Illegal' labour migration is where the greatest efforts of the EU countries are concentrated. External control measures adopted however do not meet the real need to compare and contrast the phenomenon within the national labour markets. The most widespread measure of comparison and contrast remains within the systematic regularisations whose limits and volatile nature are clear when not used together with other policy initiatives.

The remaining two categories include typologies like *circular and return migration* which are, instead, increasingly acquiring importance in Europe, putting traditional classifications of inflows and outflows under discussion.

These phenomena are present both in the eastern and in the southern fringe of the European continent, particularly in the east for circular and more recently return migration. In the EU enlargement context, for example, both higher and lower status migrants from the East are attracted by the West, and see their movement as temporary, opportunistic and circular (Favell, 2008). Related migrant networks, which nourished through the CEE region, are functional to this work-related dimension. Circular migration and its transnational dimension are therefore intrinsic to the geographical and economic characteristics of the CEE region since the early '90. The European migration regime contributed substantially to this migration framework by dictating the pace of "openings" and "closures" in terms of borders and access to opportunities in the local labour markets.

Overall the changes in character and magnitude of the post-2004 East-West migration typologies are certainly more relevant than any supposed continuity in terms of size and irregularity of migration status of the pre-accession times. It is early to make a final evaluation on the post-2007 accession, but there are certainly many similarities with the former and more consistent Eastward enlargement. These similarities are relative to the characteristics of these migration flows (circular and income seeking) and their component with a predominance of middle-skilled persons, but not to their direction more oriented towards Southern European countries as Italy or Spain. In addition, these flows include a wider irregular component as a result of the informal character of the Southern European labour markets and the wider restrictions adopted by several member states including the UK and Ireland towards the labour market accession of these newer EU citizens.

The current global economic crisis is then concurring in sparking off multifaceted return migration flows that require more attentive investigation due to their actual volume and volatile nature.

Comparative exercises may assist the researchers in framing the analysis of these return flows. Selected Spanish and Portuguese citizens living abroad re-migrated at the end of the '80s once the conditions of their country of origin improved, and the same can possibly be argued for Polish migrants who moved to the British Isles in 2004. There are, however, differences concerning the present conditions of the country of destination and origin. According to a diffused perspective, it is likely that those individuals lacking opportunities in their countries of origin or lack the necessary resources to return will have a strong incentive to stay (Angenendt, 2009).

Therefore a "wait and see approach" seems to prevail, at least for many Poles in the UK. Data from the Polish Central Statistical Office (GUS) support this perspective by showing that on 2,21 million Poles permanently resident abroad at the end of 2008 - of which 650,000 in Britain - only 60,000 returned home (including 40,000 from the UK) in that year. Additional data from Polish district labour offices as underlined by Krystyna Iglicka seems to confirm this low return trend of Polish labourers, since only 22,000 registered as unemployed claiming benefits or transferring their benefits from the UK and Ireland (Polish Market Online, 2010).

Are the CEE countries able to provide good jobs for the potential returnees? *De-skilling* in the country of destination is already a quite well researched topic, but regional labour market imbalances, poverty alleviation in rural areas and potential de-skilling in the country of origin are the concurring effects of macro-economic processes which requires further attention not only from the scientific community.

Tracking return migration (but also circular migration) remains instead tricky since few countries have invested in the longitudinal data systems necessary to distinguish between short-term and long-term departure and to identify the emigrant destinations (*m*pi, 2008).

Because of the EU enlargement, the evolving European migration system offers for some authors "reason to question the common assumption that the US is the automatic paradigm of immigration for the rest of the world, while also posing the issue whether Europe is in fact sliding closer to the US-Mexico migration model" (Favell, 2008: 711). The European migration space looks now more fluid and the migration phenomena are less permanent in the new enlarged borders. In the long term, due to the progressive demographic deficit which the CEE countries are also facing and the concomitant

catch-up of their economies, the CEE migration pressure will be exhausted in favour of more prominent South-North flows marked by a consistent demographic gap and some present and future wider economic inequalities.

The question of East-West integration and the movement and mobility it encourages certainly resembles the regional integration processes in North America. Then like Europe, the US wrestles continually with the political pressure for more effective closure of its southern border, while -again like Europe- being dependent on the endless reservoir of cheaper skilled and unskilled labour that the countries to the south provide (Favell, 2008: 706).

The *lack of coordination* between EU countries in applying policy and legislative instruments for the governance of irregular and transit flows - for instance, the absence of consultation mechanisms for the adoption of immigrant regularisations or the coercive use of one time prescription like the expulsion orders – are just examples which bring to the surface the urgent need of more coherence between the national and supranational level and a rights based approach in migration policy-making.

2. Changing migration patterns and changing policies?

The new patterns of circular and return migration provide a set of new challenges for the integration policies in Europe. Under conditions of globalisation, the growing transnationalism (and the role of diasporas) urges a redefinition of the traditional notions of integration. Notions of identity are evolving as individuals increasingly 'belong' to more than one country and society.

Transnational communities are thus becoming an important way to organise activities, relationships and identity for the growing number of people with affiliations in different European countries. The changed sense of affiliation affects also the governmental and educational policies. Do these national policies follow suit the new migration patterns and changes in the sense of belonging?

A great deal of research from the 1970s onwards has highlighted the great difficulties which immigrants have in reintegrating into the country of origin socially and economically. As long as the conditions which prompted emigration remain basically unchanged, there will often be little chance of migrants (retired ones excepted) making a successful return. Return in whatever form (in or outside the production sector, after retirement, deferred to a later generation, or readmission) turns out to be just as complex as integration (COE, 2006).

In a comparative perspective, the extraordinary cross-border flow, social forms, economic and political structures that have developed among Mexicans in the US, particularly in California, have provided the material for a thorough rethinking of the nation-state centred immigration/assimilation paradigm that sees the phenomenon only through the receiving country's eyes (e.g. Glick Schiller *et al*., 1995).

Strengthening the transnational communities has found some recognition at European level. Maintaining loyalty to the former home country, a particular community in the current country of living, or the extended family network may increase the willingness to provide economic support through remittances, as well as invest in the old home country, start business initiatives, engage in political activities, and encourage other engagements of migrants from the country of origin.

Looking back in history, transnationalism does not represent a new social phenomenon considering the contacts with the home countries through letters, ethnic press and frequent return migration of the 'old' immigrants who came to the US more than one century ago as well as those of migrants in Europe few years later, especially Italians (e.g. Cerase, 1974). Transnationalism in Eastern Europe and in the post-Soviet space is also not a new phenomenon of the nineties, but something which apparently seems to be existed for a long time. Ethnicity, ethnic self-ascription and awareness of people had also a recent resurgence in the former Soviet Union with the development of hybryd identities and life practices.

The ease of transport and communication make, however, the transnational life of many immigrant communities and second generation migrants in Europe much easier. Portes et al. (1999: 217) argue that "while back-and-forth movements by immigrants have always existed, they have not acquired until recently the critical mass and complexity necessary to speak of an emergent social field. This field is composed of a growing number of persons who live dual lives: speaking two languages,

having homes in two countries, and making a living through continuous regular contact across national borders." If there is wide agreement between American and European social scientists on the assertive influence that this phenomenon will continue to exert on future generations, some European historians put instead into discussion *the equation transnationalism-integration*. They argue that, because of the strong influence of the European and American culture, young second generation Turks and Moroccans will assimilate even faster than Italians and Poles a century earlier (Lucassen, Feldman and Oltmer, 2006).

The European migration space poses therefore several empirical questions that comparative analysis can assist in framing but it certainly cannot not solve. The immigration policy of single European countries seems mostly focused on a control dimension that fails to address fluid migration scenarios and transnational patterns of migratory flows. Similar transnational practices will not disappear easily, but they will probably rise in a future to come. As a result, transnational migration might eventually contribute to mould that Europe of people, shared diversity and multiplicity of belonging advocated by scholars as Ludger Pries (2003: 20-21). Transnational migration could thus represent not only one possible consequence of national and supranational politics "from above", but can also provide a fertile ground for further developing transnational ties and politics "from below".

3. Immigration policy contradictions and immigrant integration

Similarities between the North-American and European migration systems in the realm of migration policies lie in the open contradiction between the creation of an integrated market accelerating the movement of economic factors within it, including labour and the adoption of restrictive immigration policies in response to growing public backlash against those very same immigrants which they are integrating economically (Massey *et al*., 1998).

On the other hand, given the obvious differences in state formation between the United States and Europe (as well as between the same Western and Eastern European countries), most of the research works went on nation-state comparisons and country specific development on immigrant integration. These studies acknowledge the widely known fact that Europe is characterised by a multitude of integration schemes not easily transferable from one nation state to the next (e.g. Heckmann and Schnapper, 2003).

The evolving patterns of migration in Europe thus require adequate policy answers. As a result, even the traditional national models of integration (multicultural, assimilationism and the separation or exclusionist model) seem no longer valid, being under constant evolution. Legislative trends in a number of EU member states show that the notion of integration is becoming more restrictive in nature and mostly related to cultural aspects (such as the courses on the acquisition of language, history, culture, and civic and social aspects of the receiving country) (Carrera, 2006).

Integration seems to depart from being "a two-way process" between immigrants and the host society, as defined in a pivotal EC communication "On Immigration, Integration and Employment" (CEC, 2003). The responsibility of the process increasingly lies on the migrant side. Furthermore, the integration test became the key feature for the naturalisation process leading to the acquisition of nationality in several EU countries (Carrera, 2006).

Compared to the European experience, the United States has a significant contingent of racial and ethnic minorities without any, or any recent, migratory background. This native or previously enslaved population were the ones in need of integration policies against the majority of white immigrants. As a consequence, policies to promote equality and diversity were developed independently of immigration issues, and only the growth of non-white immigration over the last three decades has led to the gradual inclusion of immigrants as target groups of such policies (Rudiger, 2005: 18). Restrictive measures are also a recent common feature of the US model addressing the new immigrants but not yet citizens. Since the 1996 welfare law, citizenship became the threshold

for access to many public service and benefits[1] (e.g. Meyers, 2004). The Patriot Act enacted in 2001 reinforced the exclusionary tendency (Rudiger, 2005).

Still the *rights-based approach* to addressing racial, ethnic and cultural differences, as exemplified by the US Civil Rights Act (but also the UK Race Relations Act) are legislative tools which aim, through affirmative action, at tackling discrimination and supporting equal opportunities for all groups, participation in society and an easier access to citizenship.

Although a single universally agreed definition of the right-based approach is still lacking, the international human rights standards are considered the basic constituent element of this approach together with more practical elements. Norms, standards and principles of the international human rights framework integrate policies and practices in the rights-based approach. The rights-based approach aims at promoting accountability, empowerment, participation and focuses on the inclusion and involvement of particularly vulnerable groups through active participation and civil dialogue between all the relevant migration stakeholders (ENAR, 2009).

One may question if a mix of Anglo-American pragmatism as exemplified in the rights-based approach on one hand and the reformed continental European welfare on the other hand, may be a possible recipe for reciprocal and efficient immigrant integration policies and thus for effectively promoting equality and diversity. The possible benefits that a similar mixed policy approach can bring to old and new minorities, current and prospective migrants, refugees and returnees either in the East or the West of Europe seem however relevant in terms of inclusive practices if compared with the prevalence of the current migration control as well as the ambiguities of economic migration.

Mainstreaming the right-based approach into the EU migration policy means to move beyond purely considerations of demographic and economics towards a dynamic perspective on migration which advocate for mutual benefits of migrant and host community and values the overall economic, social and cultural contribution that all the categories of migrants (and not only the highly-skilled) bring in. The rights of the latter migrants are rights of individuals and as such they are to be valued and protected.

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[1] The 1996 welfare law (a) made most legal immigrants ineligible for means-tested benefits for their first five years in the United States; (b) required US sponsors of immigrants to demonstrate that their income is at least 25 percent above the US poverty level; (c) required the US sponsors to sign a legally binding affidavit that they have the resources to support the immigrants in the United States, and permitting the government agency to sue the sponsor to recover any benefits paid to the immigrants sponsored; and (d) until naturalisation or ten years of work in the United States, the law makes many immigrants ineligible for welfare benefits by assuming that the immigrant has access to the income and assets of his sponsor.

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Part I

Patterns of South-Eastern European Migration in Historical and Comparative Perspective

The New Migratory Routes of Europe?
Polish and Romanian Emigrations in a Comparative Historical Perspective

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ABSTRACT
This article steps back into history to describe the evolutions and transformations of migratory routes inside Europe. The question raised is the following: which are the particular variables determining the shape and the directions of migratory roads crossing Europe? To answer this question, this paper first uses data from 29 European countries censuses and migration data from National statistical offices in order to reconstitute those routes and analyse their shape. In a second part of the study, East-West movements of people and the particular cases of Polish and Romanian emigrations are put into an historical comparative perspective. Those migrations have strongly varied throughout the years, but display a clear and stunning parallelism, notably marked by a substantial shift during the past twenty years. Comparing both emigrations patterns using official data from several countries and survey data (Polish Social Diagnosis and British Labour Force Survey), we show that their patterns reveal the transformations of the European migratory system and elicit the role of different variables in the constitution of a particular migratory route. By comparing the general features of post-enlargement Romanian emigration to Spain and Polish emigration to the United-Kingdom, we suggest that those phenomena corresponds with a new type of mobility, concerning particularly the newest generations.

KEY WORDS
Europe ; Migrations ; Eastern Europe

European Mobility and the Fixity Myth

From Multiple Mobilities to the Concept of Migration

Located at the very edge of the Eurasian continent, the European peninsula has always been the theatre of varied and numerous movements of populations. Invasions, colonisations, empires and nomad tribes travelling on the European soil have long-past moulded it as a mixed territory. Being a strategic junction between Africa and Asia, surrounded by seven seas, Europe is crossed over by many roads – commercial, military, cultural, human. Those roads are however intersected by many barriers, reflecting the extreme

fractionation of the European territory: fiefs, duchies, counties, kingdoms and States have produced the tens of thousands of kilometres of borderlines carving up contemporary Europe.

Then, the "migration question" inside Europe can only be analyzed in a relative perspective: to the Nation-State and its fantasies of homogeneity on one hand, and to the alleged fixity of peoples on the other hand. On the first, the scientific literature is well-stocked and recalls that nationalism is above all a tool of power and the nation a political concept – an "imagined community" (Anderson 1991 ; Dieckhoff 2000 ; Brubaker 1996). On the second, the present transnationalist and globalist perspectives can sometimes create the illusion that mobility is something entirely new, forgetting the historicity of mobility and nomadism in Europe, that were certainly marginal, but always existing. In this respect, Daniel Nordmann points out that "*wandering phenomena are numerous and known in every country. In the* ancien régime *times, they were very common and impacted all the social and professional categories*." (Nordmann 2006). Similarly, many large-scale population displacements, related to religious persecutions but also to labour issues, are observable all along the Middle-Ages and the Modern age (Moch 1992).

Those two postulates, firmly anchored in the European political and historical mythology, constitute the basis of European nationalism through the (con)fusion it suggests between people and territory and, consequently, create migration as a concept. Finally, the development of the industrial and capitalist society has contributed to create migration as labour and labour force mobility. Hence, if human mobility has always existed, migration as a concept finds its roots in the Modern age.

Emigration, immigration and demography in Europe

Long before immigration grew of concern for the European community, it is the *emigration* concept that has been developed (and experienced) first by Europeans on a large scale. Estimates of the amount of emigrants vary, but most historians agree on the basis that at least 50 millions of persons have left the European soil for the New Worlds at the period of the emigration peak, between 1860 and 1914 (Moch 1992). As we will closely examine later in this paper, emigration to the Americas have run on a much larger period and have impacted all European countries, although at different periods and rhythms.

Despite those facts, Europe is generally considered as an immigration continent because of the sudden and fast reversal of the flows that occurred at the turn of the nineteenth century. Western and Northern European countries have a positive migration balance since many decades, while it is assumed that Eastern and South-Eastern European countries remaining with negative balances will sooner or later reach the equilibrium. Nevertheless, many diverse migratory profiles still exist within Europe, in which demographic and socio-economic variables interplay (see Salt 2005).

Hence, many of the current studies on migration in Europe are models based on flux estimates, which emphasizes on current trends while sometimes overshadowing historical patterns. What can then the study of census tell us about the stock of immigrants in Europe?

First, one should recall that the 27 million people living outside the country they were born in represent only 3% of the 735 million Europeans. Then, among those 27 million people, 60% are coming from continental Europe and 26% from the European Union member-States. Adding the Mediterranean area as part of the European geopolitical space (i.e. Maghreb and Turkey), the European continent appears to be a relatively closed space, dominated by short-distance migrations. Indeed, long distance migrations are first and foremost expressed by European emigration, remaining important all along the twentieth century, rather than immigration to Europe. At last, the detailed study of censuses of 29 European countries show that coherent regional systems and migratory itineraries can be found within Europe.

The European Migratory System: an Overview

Data used

To estimate the movements of population in Europe through an historical point of view, census data has been collected in 28 European countries (EU 27[1] + Norway). Those census data have been

[1] Except Italy, for which data is not complete; and Slovenia, for which data could not be obtained.

released between the 1990s and the beginning of the years 2000, the oldest being from Malta (1985) and the most recent from Belgium (2004). The number of born abroad European citizens in each of those countries has been obtained using a simple crosstabs calculation. The most important foreign-born population from outside Europe has also been reported in the table, in order to provide a clearer vision of different migratory movements.

Those data provide a picture of the stock of living and present persons born abroad in each European country, but not of the fluxes (whether current or past). They thus constitute the visible traces of about a century of movements of persons in Europe. In almost all cases, the data is not biased by the different nationality policies, as the numbers displayed are based on the country of birth and not on nationality, in order to control the generational effects (ancient migrant generations' losses of original nationality) and to provide a good comparability. However, in some cases the statistics are based on nationality (Belgium and Germany) which, in the case of Germany, blurs a great part of the migratory movements. In those cases, statistics should be interpreted as some expression of the presence of national minorities, which are correlated with migration but should not be considered as such. Another bias comes from the probable under-estimation of post-war movements, because of the nature of data (especially in the German case), of the chaos of this period and of the displacement of frontiers. Finally, census data provide no information on emigration directed outside Europe. Although imperfect and incomplete, those data provide nevertheless a good start for analysis.

Historical overview of European migrations

In absolute terms, the European country having provided the highest number of emigrants bound for Europe is Italy, having a total of 1.4 million persons born on its territory but living in some other country of the European Union. Italy is followed by Germany, Poland and Portugal. In relative terms, Ireland is the first European emigration country with the equivalent of 12% of its current population born on its territory but living somewhere else in Europe (mostly in the United-Kingdom), followed by former Czechoslovakia (7.6%) and Portugal (6.2%).

The country having the most important population coming from another European country is Germany (3.9 million from the continent Europe and 2.5 million from the member-States of the current EU), followed by France (2.3 million from the continent Europe and 2.2 from the EU). France and Germany are also the countries having the most important total immigration: 7.3 million of foreign citizens in Germany and 5.8 million of foreign-born citizens for France. However, the highest rates of foreign-born populations are to be found in Luxembourg (29%), Estonia and Latvia (19%) and Austria (12%).

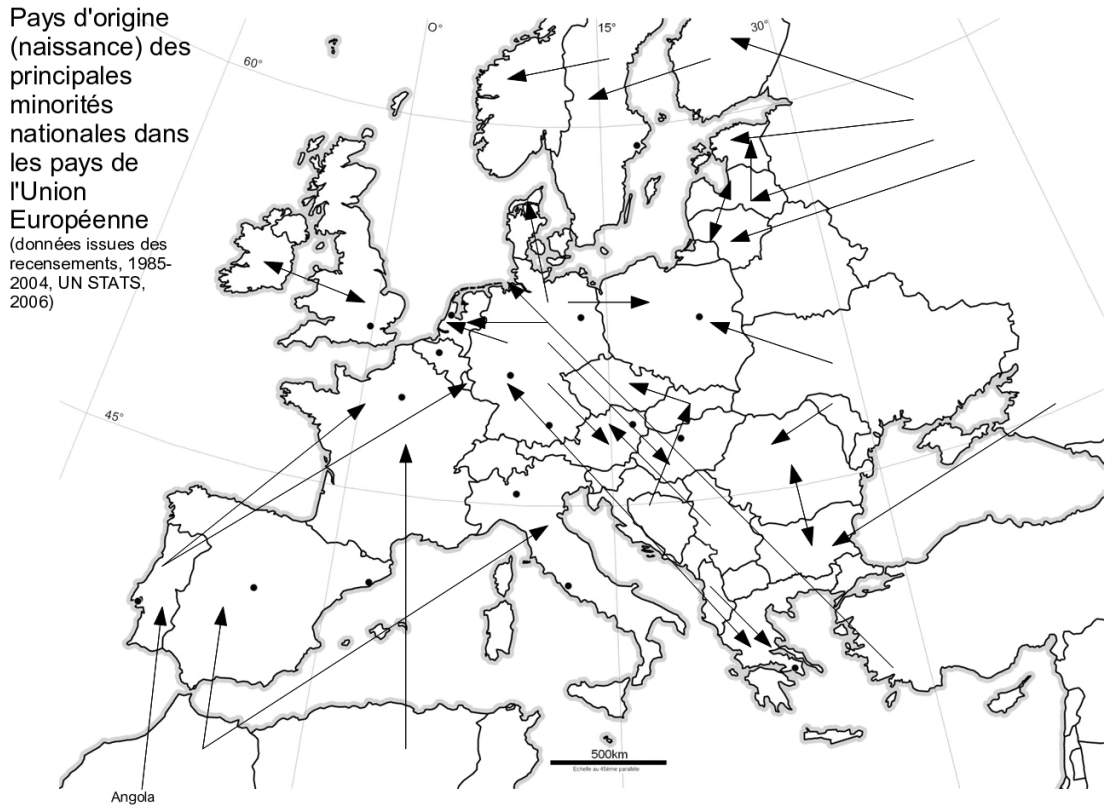
The following table displays the main country of origin of the immigration (number of persons born in that country), and the main country of destination of the emigration for each European country (number of persons born in the country but living abroad).

Table 1. Cross-tabulation of European censuses: main results.

Country	Census year	Main country of origin of immigration (all continents)	Main country of origin of immigration (EU)	Main country of destination of emigration
Austria	2001	Serbia (143 077)	Germany (140 099)	Germany (189 336)
Belgium	2004	Italy (183 021)	Italy (183 021)	France (126 440)
Bulgaria	2001	Russia (12 792)	Romania (7 354)	Germany (42 419)
Czech R.	2001	Slovakia (285 372)	Slovakia (285 372)	Austria (54 627)
Denmark	1991	Germany (24 951)	Germany (24 251)	Sweden (40 921)
Estonia	2000	Russia (190 599)	Lithuania (4 326)	Sweden (9 964)
Finland	2002	Russia (36 289)	Sweden (28 040)	Sweden (189 341)
France	1999	Algeria (1 353 125)	Portugal (606 107)	Belgium (114 943)
Germany	2002	Turkey (1 947 938)	Greece (359 361)	France (208 735)
Greece	2001	Albania (403 852)	Germany (101 425)	Germany (359 361)

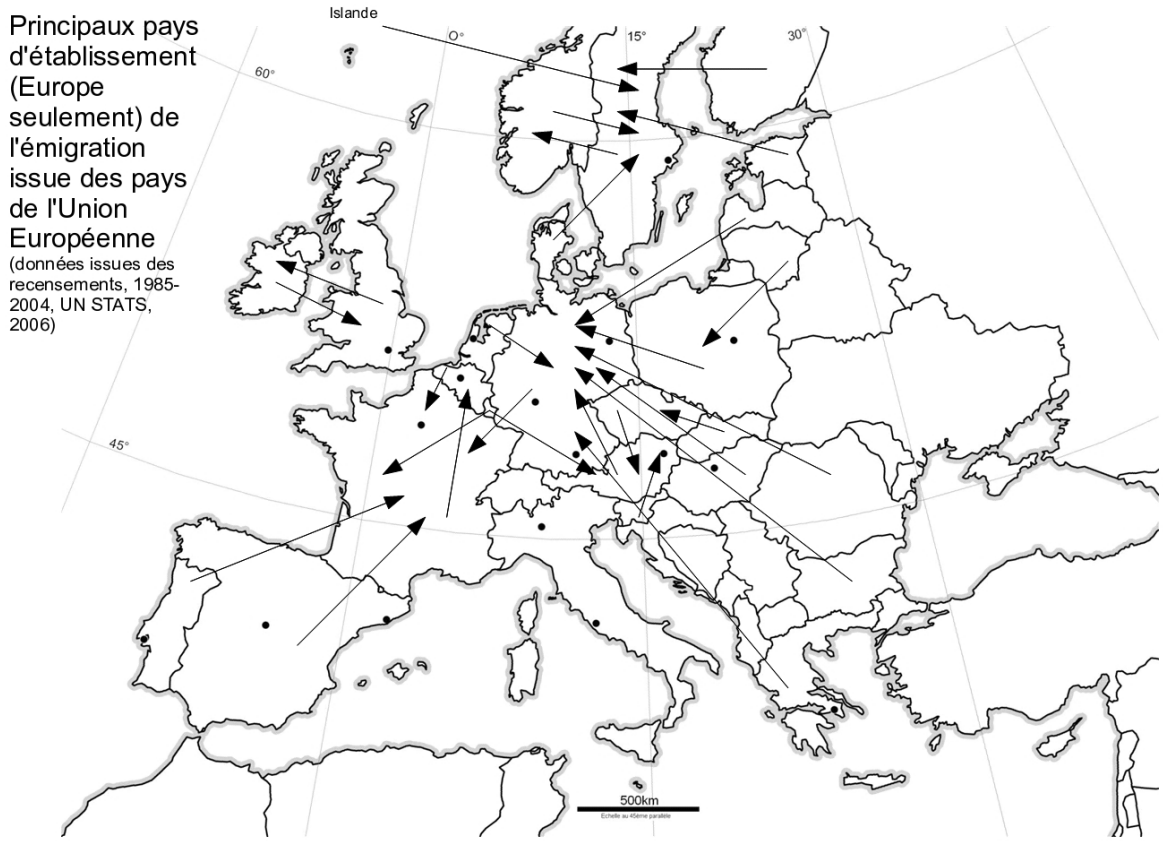
Hungary	2000	Germany (22 200)	Germany (22 200)	Germany (55 953)
Ireland	2002	UK (264 715)	UK (264 715)	UK (107 244)
Latvia	2000	Russia (229 052)	Lithuania (27 528)	Germany (8 866)
Lithuania	2001	Russia (95 514)	Latvia (8 354)	Poland (79 769)
Lux.	2001	Portugal (41 690)	Portugal (41 690)	France (10 246)
Malta	1985	UK (2 400)	UK (2 400)	Germany (366)
Nether.	2002	Turkey (186 204)	Germany (122 274)	Germany (115 215)
Norway	2001	Sweden (32 994)	Sweden (32 994)	Sweden (45 087)
Poland	2002	Ukraine (309 131)	Germany (101 633)	Germany (317 603)
Portugal	1991	Angola (145 428)	France (60 025)	France (606 107)
Romania	2002	Moldavia (56 626)	Bulgaria (19 928)	Germany (88 679)
Slovakia	2002	Bosnia and Herzegovina (69 279)	Germany (5 502)	Czech R. (285 372)
Spain	2001	Marocco (313 739)	UK (107 794)	France (423 297)
Sweden	2003	Finland (189 641)	Finland (189 641)	Norway (32 994)
UK	2001	Ireland (537 108)	Ireland (537 108)	Ireland (264 715)

The two following maps picture the main movements of population within Europe, taking basis on the table 1. The first map illustrates the main countries of origin of immigration in all European countries, and the second one displays the main country of destination of each European country's emigration[2].



Country of origin (birth) of the main foreign-born groups in each country of the European Union (National Censuses, 1985-2004, UNSTATS, 2006)

[2] Towards European countries only



Main country of residence (Europe only) of emigration from each country of the European Union (National Censuses, 1985-2004, UNSTATS, 2006)

Taking a look at those maps, three main features can be underlined, contributing to explain the directions of those migratory routes. First, we can ascertain the existence of regional sub-systems constituted by multiple population exchanges and transfers between small numbers of countries. In the second map, it appears very clearly that some countries could be qualified as *magnets*, and act as barycentres of those sub-systems. The second main migratory route is formed by the relationship between ex-colonizing powers and their ex-colonies. Finally, a third type of mobility is related to migration policies implemented by the State towards the refugees and the guest workers.

Migratory routes and types of migrations

Four main sub-systems can be found. The first one is the Scandinavian group. On the first map, it appears that each Scandinavian country involves an important migration from its closest oriental neighbour. Indeed, the biggest group of foreign-born Finnish residents comes from Russia; in Sweden, they come from Finland, and in Norway, from Sweden. However, it appears on the second map that Sweden is clearly the most common destination for emigration in all the Scandinavian area including Iceland, Denmark and Estonia. In 2003, Sweden had in total 290 124 residents from Scandinavian origin, representing one third of its total immigration.

The second sub-system consists of the Germanic empires' heritage. Hence, empires are still very visible on European maps as soon as we look at mobility. Indeed, most of the Slovakians emigrants are to be found in Czech Republic, while Czech predominantly head on to Austria, who themselves rather go to Germany. A very striking picture of power relations within the Germanic empires is to be found here. Hence, more than half of the foreign-born population in Austria comes from a country having been, at one point or another of its history, under Austrian rule. In the second map, we can see that Germany appears to be the "magnet area" for the entire Mitteleuropa region.

A third sub-system can be constituted around the Russian presence in the Baltic area. The persons born in Russia are the dominant foreign-born population in all the ex-Soviet area and in Finland,

counting for one fifth of Estonian and Latvian populations. Indeed, the Russian presence in Europe matches the blurred and changing frontiers, over time, of the Muscovite power.

The last apparent sub-system can be drawn around France and the Western and Mediterranean area. This system involves movements from one side to the other of the Mediterranean Sea, going up Spain and Italy. It appears on map 2 that France has been for many years the main magnet country of West-Southern Europe, although this position has been challenged by the transformation of Spain and Italy into countries of immigration.

More generally, it seems quite striking, while taking a look at map 1, that a great part of intra-European migrations are occurring between neighbouring countries and are often somehow reciprocal, even though asymmetrical. For instance, people born in Albania make up the largest emigrant group in Greece, people born in Bosnia make up the largest emigrant group in Slovenia, while Slovenian-born people rather go to the neighbouring Austria, and people born in Ukraine constitute the largest emigrant group in Poland. Similarly, the most common destination country for Lithuanian-born people is Poland, while Romanian-born people are numerous in Bulgaria. Finally, the largest movements of people in the British Isles occur from one part to another of the Irish Sea.

Those regional systems can be explained by historical and political variables (empires and federations' heritages, old kingdoms and frontiers' displacements). They also sometimes constitute consistent cultural and linguistic entities (Slavic area, Latin area, Scandinavia, British Isles).

Another type of migratory route can be observed on these maps, which is the one relating the former colonizing countries to their former colonies. Indian migration to the United-Kingdom, Angolan migration to Portugal and Algerian migration in France belong to this category. It appears that such migrations occur on a much bigger geographical distance than the ones we described previously. However, the institutional and political distance is much shorter, as colonies belonged to the influence area of the colonizing country (notably by language, education, elite formation and political institutions).

The last type of movements which can be observed on the maps corresponds with migration policies implemented by some countries in order to receive citizens from other countries. This can be for political reasons (refugees) but on a much larger scale for economic reason (work migrations). This last one is visible on the map with Turks and Greek migrations in Germany and Portuguese, Spanish and Italians in France. Refugee flows are illustrated by people born in ex-Yugoslavia, dispersed through Europe but particularly present in Austria and in Germany. As it appears on the map, those migrations can be defined geographically as middle-distance ones.

The determinants of the European migratory routes

Using the maps, we have separated the European migrations into three main groups, depending on the type of variable relating a country to another: mostly geographical and cultural for the first one, historical and political for the second one, and finally economical and political for the third. It also appeared that those types corresponded with various scales of distance between the countries related.

However, as soon as we look closely at each migration, those distinctions appear to be very artificial. Geographical, economical, political and historical variables are always intertwined in all migrations, even if one variable seems more determining at the first glance. For instance, colonial migrations are often also economical, and can resemble very much the guest workers migrations. Hence, the historical, economical or political categories do not seem to be the most accurate variables to explain the relative coherence of migratory routes in Europe.

Taking a look at the second map, it appears that a large magnet zone can be defined in the North-West of Europe, starting from Sweden to France through Germany and the Netherlands. Whether it is on a political perspective, due to the imperial and colonial influence zones, on an economical perspective, due to North-Western Europe's leading status during industrialization and the establishment of modern capitalism, or due to its geographically central position, the main feature defining those countries is the status of regional powers.

Hence, the main variable determining a migratory route seem to be the existence of a geopolitical ensemble comprising a centre and one or several peripheries, where movements tend to occur from

the peripheries to the centres, revealing asymmetrical power relations between regions within Europe. The fact that North-Western Europe is the historical centre of the European Union in terms of political and economical construction, and also the historical centre of European mobilities, do not result from coincidence.

The general study of censuses in Europe points out to a diversity of migration patterns that, although very different, seem to obey a similar logic. However, in order to distinguish the role of different variables in the determination of migratory route, it seems necessary to reduce the scope of the observation. Indeed, census data, although rich and inspiring, are incomplete. Moreover, for the purpose of clarity and consistency, we used only part of the data through the *main* destination and origin countries of migration only. If those routes are far from being incidental (they account for almost 40% of all emigration and immigration numbers as based on the censuses), for some countries the diversity of origins is such that taking in account only the most numerous group provides a very limited picture of the historical movements. To bring more accuracy to this general framework of analysis, one needs to resort to other types of data, including historical knowledge and scientific literature, and consequently reduce the field of research.

In this respect, I will try to show how migrations from post-communist Europe, and particularly Poland and Romania (which provided most of them), are singularly interesting. First, emigration from those countries has been relentless, although irregular, all along the nineteenth and twentieth centuries. Then, the routes and directions followed by those migrations have strongly varied, although displaying a clear and stunning parallelism. Finally, the European map of Polish and Romanian migrations has deeply changed over the past twenty years, revealing important transformations of the European migration system. Hence, the comparative study of those migrations can elicit the role of the historical, social and economical variables in the constitution of a particular migratory route.

Migrations in Central Europe: revealing of the transformations of mobility in Europe?

Historical overview of Polish and Romanian migrations to the West

The Exodus and the New World

The migration trajectories of Polish and Romanian people display striking similarities, related to European history in general and Eastern European history in particular. Hence, important waves of economic migration have started to occur in Poland from the nineteenth century on, mainly directed towards the United-States (Thomas and Znaniecki 1918; Brozek 1977). Emigration also started from Romania to Northern America (the United-States and Canada) approximately at the same period, although much smaller than the Polish one (Nugent 1995). Those migrations can be considered to be part of the larger movement of emigration from Europe, which occurred mainly between 1840 and 1910, and constitute the massive exodus of Europeans to the Americas. Indeed, although the colonization of the New World began in the sixteenth century, the main migration wave from Europe occurred in the nineteenth century, with a peak around 1870 (Bryceson 2005).

At that time, Romania and Poland were divided territories. Romania was divided between Transylvania, partly under Austrian rule since the sixteenth century, and the Moldavian and Wallachian territories, for which Ottoman and Russian empires competed. Poland on the other hand was divided into three parts between the Prussian, Russian and Austro-Hungarian empires. The first waves of emigration from Poland originated from the Prussian territories, but Russian and Austro-Hungarian territories also soon began to send important numbers of migrants across the ocean to the United-States, Canada and Brazil. Quite interestingly, one of the most important emigration zones at that time was already Silesia, also being the region displaying the highest emigration rates nowadays (GUS, 2009). At the very same period, it was also the Austro-Hungarian part of Romania (Transylvania, Banat and Crisana-Maramures) that was displaying the highest rates of emigration. The germanization of Silesia and the magyarization of Romania probably explain a great part of this common phenomenon, linking back to the local level the question of power relations we evoked in the

first part of this paper. Both migrations also shared the same main destination: Chicago and its region. Although many historians consider the economical "backwardness" of those regions, mostly peasant, as being the cause of the "Great Emigration", one could also say that the transformation induced by the beginnings of modernization and its effects on peasantry probably played a major role (see for example Balog 2008; Sayad 1999).

Emigrations from Poland and Romania to the Americas have kept going on during the first half of the twentieth century, mostly for economic reasons and mainly from rural areas to the American great urban centres. Migration of Central European Jews also became very important during the 1930s, adding to the flux of economical migration the flux of the persecuted, and after 1945 of the displaced persons.

Today, it is estimated that between 10 and 22 million Americans are of Polish ancestry; while between 450 000 and 1.1 million are of Romanian ancestry. All in all, it seems that emigration from Central and Eastern Europe to the Americas in the first half of the twentieth century constitutes the last wave of European settlement in the New World and is in line with most of its general features. The somewhat late nature of the Central and Eastern European transatlantic emigration, compared with Western ones, could be explained by a later industrialization. However, this explanation should be explored using detailed data, as some emigration regions were, on the contrary, relatively well industrialized at the same moment they were sending many migrants (such as Silesia or Banat). The mechanisms of "push" involved on a local level are quite obviously more complex than a simple matter of industrial development. Moreover, all the European countries involved in transatlantic emigration have been so at different periods and rhythms, and in this matter Eastern Europe does not differ from the general trend.

Table 2. Average emigration rate to the USA, per decade (‰)

Country	1851-60	1861-70	1871-80	1881-90	1890-1900	1901-10
Austro-Hungary	2.9	10.6	16.1	47.6	NR	NR
Belgium	-	-	-	8.6	3.5	6.1
British Isles	58.0	51.8	50.4	70.2	43.8	65.3
Denmark	-	-	20.6	39.4	22.3	28.2
Finland	-	-	-	13.2	23.2	54.5
France	1.1	1.2	1.5	3.1	1.3	1.4
Germany	-	-	14.7	28.7	10.1	4.5
Ireland	-	66.1	141.7	88.5	69.8	-
Italy	-	-	10.5	33.6	50.2	107.7
Netherlands	5.0	5.9	4.6	12.3	5.0	5.1
Norway	24.2	57.6	47.3	95.2	44.9	83.3
Portugal	-	19.0	28.9	38.0	50.8	56.9
Spain	-	-	-	36.2	43.8	56.6
Sweden	4.6	30.5	23.5	70.1	41.2	42.0
Switzerland	-	-	13.0	32.0	14.1	13.9
Average	16.0	30.3	31.1	41.1	30.3	40.4

Source: Fenenczi and Willox 1929, quoted by Bryceson 2005: 35

The persistence of some emigration regions across the decades, even with a radical change in the destination countries, raises many questions. Some sociologists have pointed out the existence and spread of an emigration *habit* or even maybe *habitus* through local communities (see Potot 2002). The study of "transnational families" (Bryceson and Vuorela 2002) also elicits the existence of migration patterns that involve many generations. However, applying those hypotheses to emigration regions would need analyses that greatly exceed the scope of this paper.

Paris and the Nationalist School

Another common point between Romanian and Polish emigrations' history is to be found in the elites' mobility. Although there is no evidence that peasant families from Banat and Silesia actually met during their exiles to the Americas, on the other hand there are many evidences that elites had been deeply socializing in the turbulent Paris of the years 1830-1870. Both countries were in quest of national unity and modernisation. The romantic and revolutionary exaltation in the exiles' capital provided them with a rich and fertile growing turmoil for their ideas.

In the years 1840, the Romanian students unite in Paris around Bălcescu. They attend the lectures of the Polish nation's bard and champion Adam Mickiewicz at the Collège de France, himself inspired by the French intellectual Jules Michelet and very close to the Polish nationalist Juliusz Słowacki. In Paris, they patronize the Hôtel Lambert where they discuss about revolution with the refugees of the Warsaw's Insurrection (Czatoryski, Krasyński), but also with the French Romantics Delacroix, Lamartine and George Sand. In February 1848, the departing shot of the Peoples' Spring is set in Paris and the capitals are set alight in the empires. Brothers Brătianu intend a failed uprising in Moldavia, while Słowacki leads Poznań against the Prussian occupant. Although neither Poland nor Romania will regain unity before 1919, the period is one of intense change. During the second half of the XIXth century, Paris will provide a stove for European nationalist elites preparing the aftermath of the empires.

During the twentieth century, Paris will progressively loose its status as the capital of political exile. The French capital is ravaged by the Second World War, occupied by Nazi forces and collaborates with the Shoah. Most of the political opponents and Central European Jews will then choose New-York or London, where the free government of Poland will be established until 1989.

However, Paris' aura as an intellectual capital remained and numerous Polish and Romanian intellectuals settled there during the Cold War. In 1946, Jerzy Giedroyc establishes in Maisons-Laffitte the prestigious review Kultura, in which many great intellectuals and dissidents from both countries collaborated.

Roads to Germany: Aussiedler, Einwanderer et Gastarbeiter

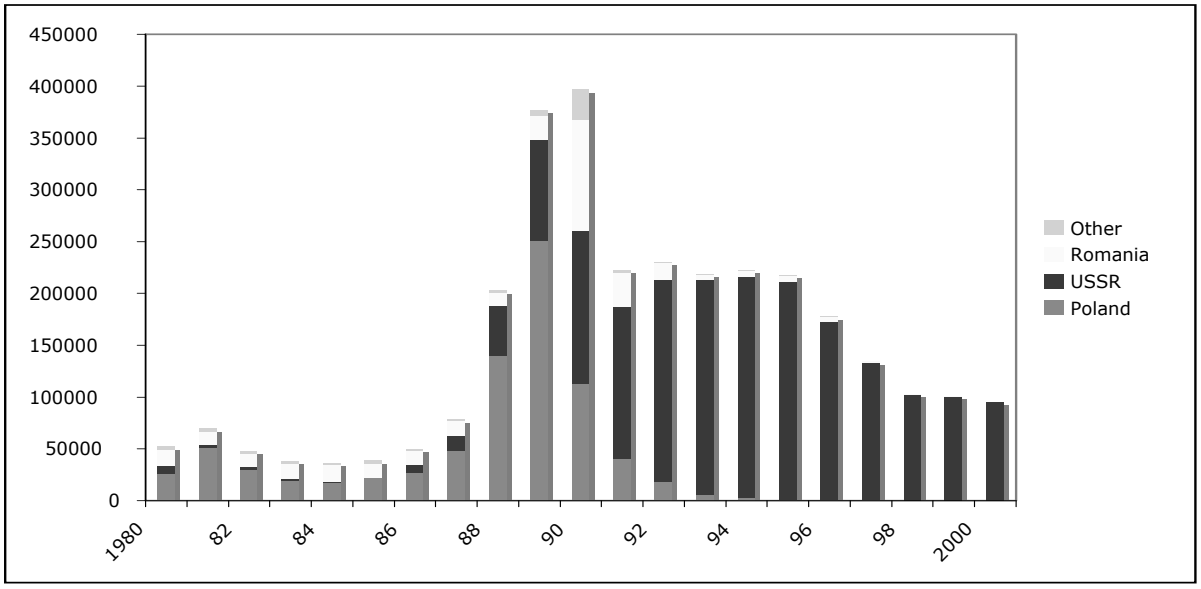
At the end of the Second World War, the « ethnic » Germans dispersed in all Mitteleuropa will be invited to return to Germany. Because of the massive damages inflicted to the Central European territories by the Nazi forces and the Anschluss, this invitation was seldom peaceful and cordial. In Poland, where the war had been particularly harsh, millions of Germans are expelled, notably from Silesia, but also from the territories recovered by the Potsdam treaty. From Stettin (Szczecin), Breslau (Wrocław), Opplin (Opole) or Dantzig (Gdańsk), hundreds of thousands of Germans are deported to the Western side of the Oder-Neisse line. The exact number of expulsions is still uncertain. The historian Tomasz Kamusella estimates their number at 7 million, including undeclared ones (Kamusella 2000). In Romania, the Saxons of Transylvania were not expelled by the government after the war, but mostly evacuated by the Vehrmacht in 1944, when Romania finally gets on the Allies' side. Finally, one also has to consider the case of minorities within the post-war States, who frequently affected by the massive displacements.

To react to the expulsion politics led in Central Europe, the German government has implemented a specific migration policy directed towards ethnic Germans from those territories: the *Aussiedler* law. This policy granted automatic German citizenship and nationality to people of German ancestry living in the whole Eastern side of the Oder-Neisse line and expressing the desire to settle in Germany. According to the German Ministry of Home Affairs, Germany has received 12 million of refugees in the aftermath of the war, 36 000 repatriates per year between 1950 and 1984 and 2.7 million more between 1985 and 1999[3]. The total amounts about 16 million people, mainly from Poland and Romania. Because of the nature of the German data (by nationality) and of the Aussiedler policy (granting nationality automatically), it can be considered that movements of people from Central Europe to Germany are largely under-estimated by the German census. Hence, it is necessary to use specific Aussiedler databases to give a figure of them.

[3] Www.bmi.bund.de

According to the German Ministry of Home Affairs, the number of repatriates under the Aussiedler policy between 1950 and 2005 is of 4.5 million, including 1.4 million from Poland, 2.3 million from the ex-Sovietic Republics and 430 000 from Romania. Poland and Romania have provided most of the repatriates in the first period (between 1950 and 1990), because of the presence of important German minorities in those countries, but also for economic reasons. Hence, it is rather to stop this flux than to stick to some essentialist vision of German ethnicity that the law was changed in 1990 to introduce quotas.

Indeed, the German policy has conducted to a "*parallel use of law*" (Diminescu 2003) and has provided the main gate and model for immigration from Romania and Poland during the communist times by the system of invitations (Michalon 2003). Even though not always staying in Germany, many economic migrants from those countries have transited through Germany to reach other Western countries. On the graphics below, it appears clearly that the legal provisions added in 1990 have almost put an end to Aussiedler immigration from Poland and Romania.



Aussiedler repatriates in Germany according to country of origin between 1980 and 2002
(source: Bundesministerium des Innern, 2009; auslaender-statistik.de)

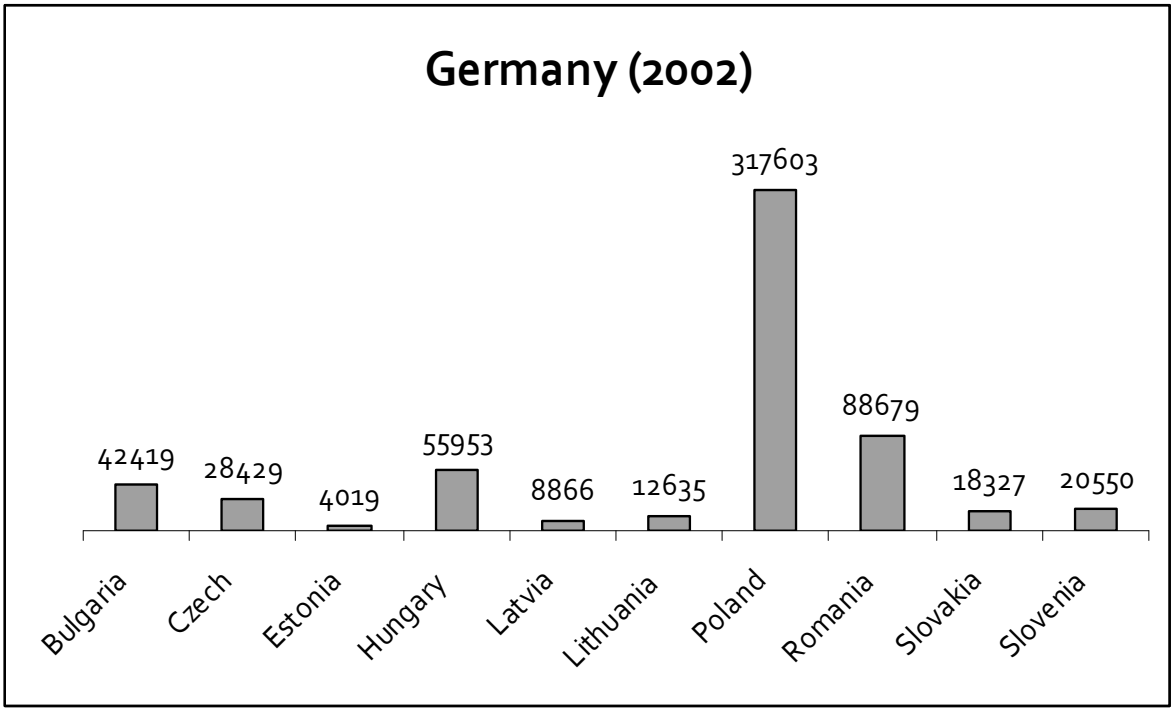
At the same time, an important economic migration began to gain structure during the 1980s and the 1990s, first complementary to the Aussiedler migrations and then replacing it after 1990. Those migrations are generally short-termed and pendular. The petty trade of manufactured goods from West to East through the communist block, and the raw products travelling the other way round in peoples' bags and suitcases created a complex and quite efficient parallel economic system of international trade and the often only way to obtain foreign currencies. The Democratic Republic of Germany was in relatively good economic shape compared to its Eastern neighbours, particularly in the harsh years of the Communist empire's agony. Thus, DRG soon became a nexus on East-West roads, and the so-called *Russian markets* bloomed in the cities bordering the iron curtain (Vienna, Berlin). Among the numerous petty traders, sellers and carriers, some managed to make their way to the West. However, this was not the most common case, as most of these mobilities were not directed towards settlement (either permanent or even temporary) (Wallace 2001). These "*circular migrations*" (Okolski 2001) sustained an important economic sub-system and their protagonists had often no intention to settle abroad.

The presence of important familial and neighbouring networks established in Germany through the Aussiedler law on one hand, and of many roads, travel itineraries and connexions opened by petty trade on the other hand, explains that Germany has become the main country of destination for both

Polish and Romanian emigrants during the second half of the twentieth century. Their presence is difficult to evaluate as they involve different types of movements (including short-term migrations with a tourist visa, seasonal work, pendular migrations, etc.) and different types of legal regimes (Aussiedler, tourist visas, guest workers, irregular). Moreover, the question of whether ethnicity can be clearly defined in the German case is still disputed and ambiguous (Michalon 2003b). In the case of Central European migrations, it seems preferable to treat the ethnic factor as a "*practical category*" of analysis (Brubaker 1996) than as a substantial data.

Whether it be exclusively ethnic or not (and whatever ethnic can mean), the repatriation policy in Germany has obviously created a specific imaginary which also contributes to the determination of migratory roads. While some analysts question the possibility of resurgence of a Mitteleuropa after the European Union's enlargements, it seems obvious that this imaginary remains vivid: between 1988 and 2000, 2.6 million of Germans have made use of the agreements passed between Germany and its former territories to settle in "*the homeland of their distant ancestors*" (Conte 2002), mainly in Poland and Romania.

Finally, a third gate from Central and Eastern Europe to Germany has been opened in the years 1990 and 2000 through the *gastarbeiter* (guest workers). This term was originally designed to apply to foreign workers under bilateral agreements of workforce export between Germany and various countries during the 1950s and 1960s (Italy in 1955, Turkey in 1961 and Yugoslavia in 1968), substantially leading to settlement even though the German government was not concerned with any question of integration of those minorities (see Weiner 1986). Progressively, the term "gastarbeiter" has been used to refer to all sorts of immigrant workers, whether under agreement procedures or not. For instance, it is primarily through tourist visas that migrations of Polish and Romanian citizens took place from the years 1990 (Glorius 2008; Wallace and Stola 2001), also leading to settlements (see graphics below).



Stock of residents of Eastern European nationalities in Germany, 2002 (German census, 2002)

In the beginning of the years 2000 Germany accounted for over 40% of all the East Europeans immigrants in Western Europe (see table below), mainly from Poland (43%) and Romania (22%).

Table 3. Stock of Eastern European nationals or Eastern-European born people in the countries of EU-15, in thousands of persons[4], according to national censuses[5]

	BG	CZ	EE	HU	LV	LT	PL	RO	SI	SK	TOT	%
AT	7	54,6	0,1	30,9	0,4	0,3	41,6	39	15,9	21	211	14,1
BE	2,2	1,1	0,1	1,2	0,2	0,3	11,5	4,6	0,9	0,2	22,6	1,52
DK	0,2	-	-	1,3	-	-	8,9	0,9	-	-	11,5	0,77
FI	0,5	-	7,8	0,8	0,2	0,1	1,1	0,7	-	-	11,5	0,77
FR	3,8	-	-	12	-	-	137	15	-	-	168	11,3
DE	42,2	28,4	4	55,9	8,8	12,6	317	88,6	18,3	20,5	597	40,1
GR	38,8	3,7	-	1,5	-	0,1	15,4	26,5	0,4	0,1	87	5,80
IE	0,7	1,5	0,7	0,5	3,1	2,7	3	6,1	0,4	-	19,2	1,27
IT	6,2	3,5	0,2	3	0,3	0,3	25,3	70,2	2	2,9	114	7,68
LU	0,1	0,2	-	0,2	-	-	1	0,5	-	-	2,5	0,17
NL	2,1	5,5	0,1	5,5	0,3	0,4	18,6	5	0,1	-	38	2,56
NO	0,9	0,5	0,3	1,4	0,4	0,5	6	1,2	0,2	-	11,8	0,80
ES	25,5	1,5	0,1	0,9	0,4	4,2	16,2	56,8	-	-	106	7,12
SE	3,8	0,5	9,9	13,7	2,4	1,3	41,6	12,3	0,3	0,7	87	5,84
UK	NR	NR	NR	NR	NR	NR	60	NR	NR	NR	247	16,6
TOT	134	101	23	129	17	23	645	328	38	45	1489	100
%	9,05	6,81	1,61	8,71	1,15	1,57	43,3	22,1	2,62	3,08	100	100

The predominance of Germany in Central and Eastern European emigration could have thus led to the growth and development of those migratory routes with the European Union enlargements. The presence of an important settled diaspora and various networks would have presumably led to the intensification of those networks, in line with the cumulative process of migration described by Castles and Miller (Castles and Miller 1993). However, Germany together with Austria has implemented various policies in order to avoid such phenomena and is until today the most restrictive European country concerning the free circulation of people.

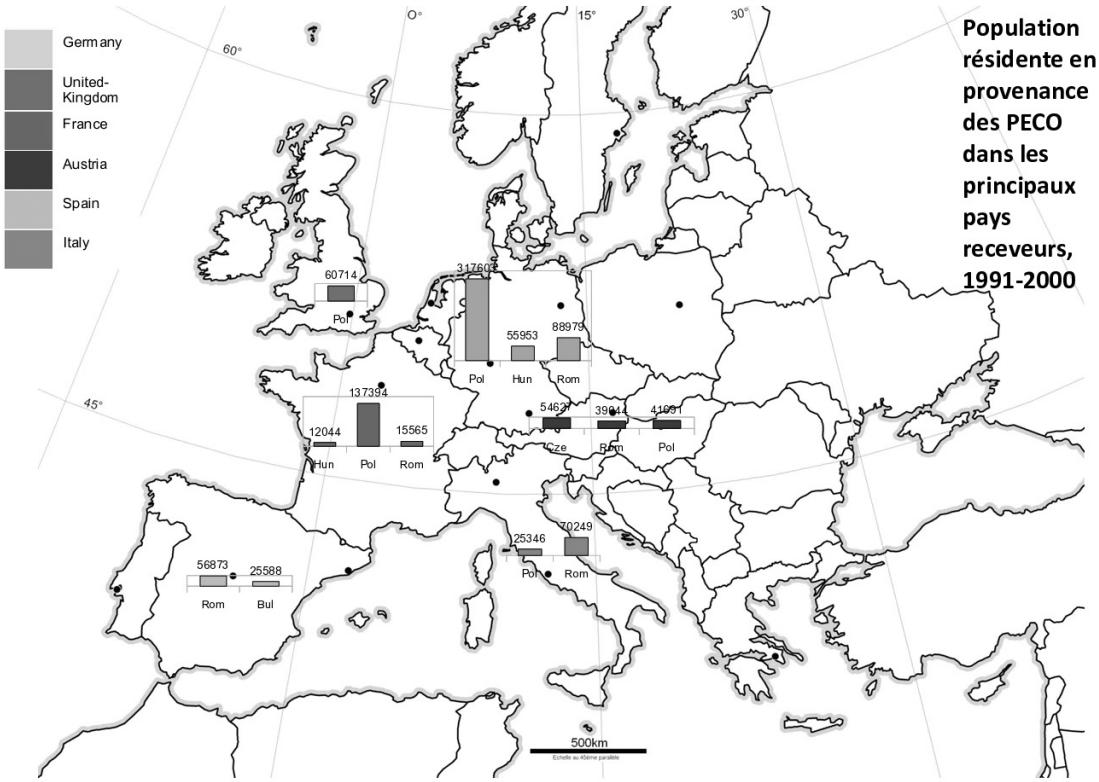
At the opposite end of the European migration policies, the United-Kingdom, Ireland and Sweden have adopted the most liberal positions, granting free circulation and (almost) free settlement to the citizens of the 2004 enlargement. Similarly, Spain has proceeded to a massive regularization of Romanian workers in 2007, and has removed all restrictions to the free circulation and settlement of the European Union's citizens in 2009.

The new faces of East-West mobility

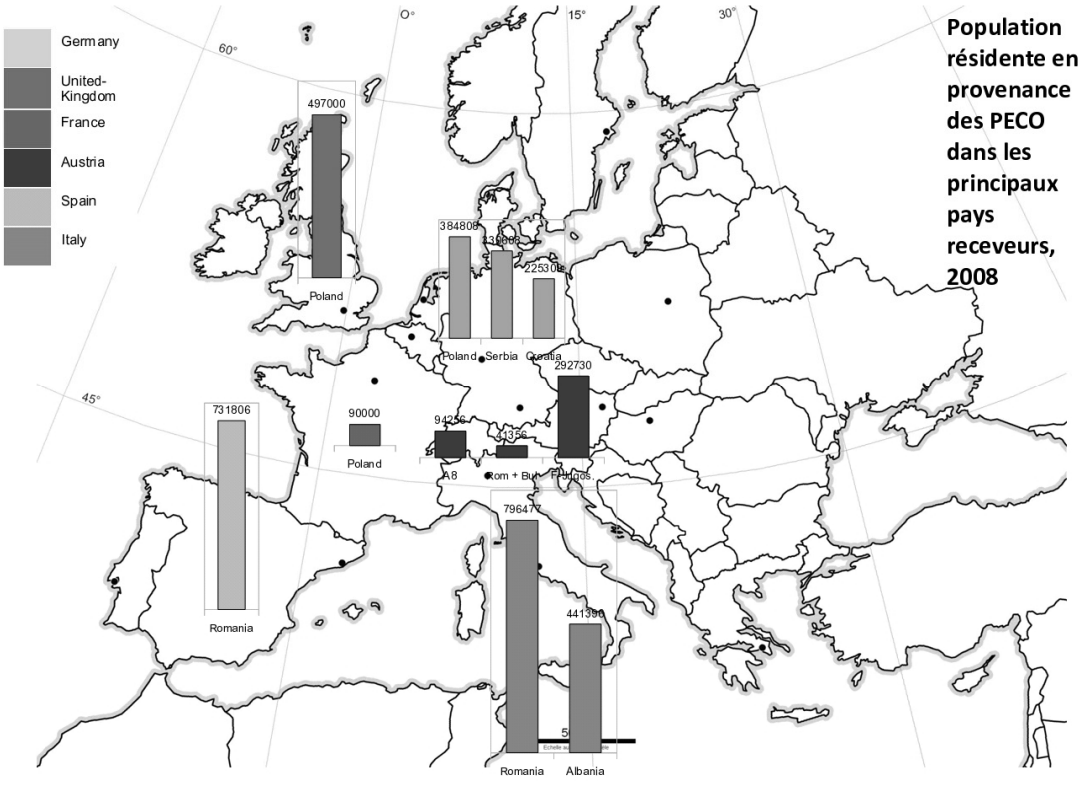
As we briefly described, many variables contributed to the constitution of Germany as the main country of destination for Romanian and Polish emigrations. Although Germany remains an important destination country, comparing the maps of the main East-West migrations in 1990 and 2008 reveals the existence of a major shift in those routes (see maps 3 and 4). Post-enlargement emigrations from Poland and Romania seem to have deeply changed, not only in their patterns and trajectories, but also in their nature. Although we will not dive into details in this paper, pointing out the main features of the "new faces" of Polish and Romanian mobilities can help understand this change.

[4] «-» is used when the amount is under 1000 or, for Slovakians, when they have been considered as Czechoslovakians, here in the column CZ.

[5] Each national census refers to a particular year (see in the bibliography, *"Statistical Sources"*)



Main Eastern European born populations in selected Western European countries, 1991-2000 (source: national censuses)



Main Eastern European born populations in selected Western European countries, 2008 (source: official statistics of immigration)

The redrawing of East-West migratory routes

While looking at these maps, it appears clearly that Southern Europe has become one of the main magnet areas for emigration from the post-communist States. According to the national migration databases, in 2008 there were close to 3 million Romanians, Bulgarians and Albanians in Mediterranean Europe (Spain, Italy and Greece), although immigration from those countries was fairly marginal in the years 1990.

Germanic Central Europe does not seem to attract most of its oriental neighbours anymore, but it still attracts its southern neighbours from the Balkans. For instance, the most important communities in Austria are no longer the Czechoslovaks, Romanians and Poles, but rather the ex-Yugoslavs. Similarly, Serbs and Croats now represent important communities in Germany, where Romanians are less present and the number of Poles have very slightly increased.

Finally, new countries and regions appear on the East-West map of migrations: the United-Kingdom, Ireland and Scandinavia are nowadays the most common destinations for Polish citizens, but also for Lithuanian, Latvians, Estonians, Czechs and Hungarians. New migratory routes seem to cross Europe, no longer determined by geopolitical regional ensembles: from the East to the West, but also quite clearly East-North and East-South.

Polish migration: from Germany to England?

Although Germany remains an important immigration country for Polish citizens, the settlement of Poles between 2002 and 2008 did not increase much. Germany has been overtaken in a few years by the United-Kingdom (with an increase of 728% of Polish residents) and Ireland, both being the main destination for emigrating Poles nowadays.

Those numbers should be put into perspective as various evidences show that Germany is still chosen for short-terms and pendular migrations, especially for men[6]. Indeed, the restrictive German policy probably under-estimates the real number of Polish residents by generating irregular statuses. However, the Polish Social Diagnosis Survey and the British Labour Force Survey results, crossed with official data of emigration from Poland and from the United Kingdom, suggests that the United-Kingdom is undoubtedly the first destination country and accounts for at least 30% of all emigration from Poland.

In the United-Kingdom, Polish citizens account for about 8.3% of all foreign-born residents and 13% of foreign residents (ONS, 2009). They thus represent the second most important immigrant population in the country after the Indian-born people (10%), but the first national minority (Indian nationals representing only 9% of foreign residents).

England is the main immigration region in the United-Kingdom, attracting 85% of the Polish population. In 2005, 43.5% of all foreign work in Great-Britain was to be found in Greater London. However, John Salt and Jane Miller consider that this predominance could soon be reversed by "*the propensity of Eastern European workers to distribute themselves geographically more widely*" (Salt and Miller 2008). Indeed, according to the British Labour Force Surveys, the relative importance of Greater London in Polish immigration dropped from 36.6% in 2004 to 18.5% in 2008, including only 5% for London *intramuros*. It seems that Polish immigrants tend more to make for territories with low ratios of immigrants, where they consequently represent a very dominant national minority (31% of all foreigners in Wales, 36% in Scotland and 65% in Northern Ireland).

Romanian migratory routes to Spain: similar trends?

Although clearly separated (mainly to the North for Poland and to the South for Romania), Polish and Romanian migrations keep on displaying very similar patterns. In Spain, Romanian emigration has massively increased and Romanians have become the first national minority in three years, representing 14% of foreign residents in 2007. Although there is some evidence that they have been largely under-estimated in the previous years[7], its relative importance compared to other foreign groups in Spain has increased very rapidly.

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[6] Polish Social Diagnosis Survey, 2007

[7] See Potot, 2007. Concerning the Polish emigration in the United-Kingdom, analysis of Labour Force Survey datasets show that there is no significant « administrative » appearance of Poles (the number of pre-2004 migrants is residual compared to the post-2004 ones).

Indeed, Romanian and Polish migrants share the same position in Spain and the United-Kingdom with respectively Indian and Moroccan minorities. The extent to which large-scale immigration from Eastern Europe is correlated with a policy of marginalization and contention of extra-European immigration in the European Union would need deeper analysis, but as many authors have proven, Eastern Europeans are more likely to compete with Indians and Moroccans on the work market than with British or Spanish people, the foreign work market being often quite strongly separated from the native one (Portes, 1998).

From a territorial point of view, Romanian migration in Spain also seems to resemble the Polish one. Although Madrid remains an important destination, statistics shows that one out of four Romanian resident in Spain lives in a town under 10 000 inhabitants (Viruela Martínez, 2006). The same tendency is visible in the United-Kingdom. Indeed, although the nature of data (survey instead of register) makes the comparison difficult, Adrian Favell notes that "*nowadays in Great-Britain it seems almost impossible to be served dinner or a drink in a rural pub without encountering a worker from Eastern Europe*" (Favell 2008).

This is mainly due to the nature of employment and the recent transformations of the economy. Indeed, the growth of the low-paid tertiary sector in the United-Kingdom and Spain are directly connected with the transformations of migration patterns in those countries. Rural migrations no longer pertain to agriculture only, but also more and more to tourism (Williams and Hall 2002) and services to the urban and cosmopolitan upper class. The ageing of population in Spain and the United-States also produces a vast sector of care and social services, where immigrant work force is of major interest, whatever the welfare State model is. Indeed, private companies of care in the United-Kingdom have been recruiting directly in Eastern Europe through specialized human resources structures, while informal networks provide most of the *badanti* in Italy.

However, the apparent "wider" territorial distribution of Eastern European workers in Western Europe should not overshadow the persisting forms of concentration and segregation related to the structure of foreign workers' employment. Rafael Viruela Martínez notes that in Spain, "*despite the fast diffusion process, the spatial distribution of Eastern Europeans is characterized by concentration, as more than half of the Romanians and 60% of the Bulgarians live in hardly a hundred of municipalities*" (Viruela Martínez 2008). In Great-Britain, territorial segregation is hard to estimate with the data available, as it often doesn't provide detailed geographical information. However, it seems that professional segregation has been growing over the past few years, as shown in the table below.

Table 4. Indicators of ethnicization in selected industrial sectors (source: Labour Force Surveys 2004 and 2008, United-Kingdom)

Adjusted Standardized Ratio				
Main industrial sectors	Year	British	Polish	Other Nationalities
CONSTRUCTION	2004	5,3	2,8	-5,7
	2008	9,1	1,9	-10,6
CARGO HANDLING	2004	-1,3	-0,6	1,4
	2008	-12	20,2	4,2
INDUSTRIAL CLEANING	2004	-3,4	6,2	2,5
	2008	-15,9	12,8	11,6
HOTELS	2004	-5,9	0,9	5,8
	2008	-21,4	17,5	5,5
MEAT INDUSTRY	2004	-0,5	-0,4	0,6
	2008	-22,8	41,4	6,6
HOUSEHOLD EMPLOYEE	2004	-6,1	13,3	4,2
	2008	-8,9	3,2	8,2

A Change in Nature? Youth and the Labour Markets

As American migration studies pointed out, foreign work is usually restricted to low-paid and low-status jobs in "non-desirable" geographical areas. In this matter, one could say Polish and Romanian migrations, although documented and free, did not contradict the general rule. However,

much of such studies base their argument on the fact that migrants are recruited for their lower qualification level (Castles and Kosack 1973 ; Borjas 1989).

Evidence shows that in the case of Polish and Romanian people, migrants are frequently far from being under-qualified. Rafael Viruela Martínez points out that "*especially amongst youth who do not obtain a job because of the education system's crisis, Romanian people abroad make up a workforce over-qualified for the occupations they have*" (Viruela Martínez, 2006). The same phenomenon appears for young Poles. Although the Labour Force Survey does not include data on non-British diplomas, Polish people's declared age of school leave suggests than more than 55% of them have been to university, including about 18% of Masters' degree holders. Interviews with Polish migrants in England have also shown that the failure of university to give jobs to its graduates is very often quoted as a reason for emigrating, illustrating the existence of an "education crisis" there too (Flipo 2009). For high school graduates, it often appeared a better option for the future to emigrate than to go to university, even though education remains a top value for migrants.

Hence, Polish and Romanian migrations did not only change in their directions, they also somehow changed in their nature. Post-enlargement migrants are more qualified, younger, but also less gendered: 51.8% of Romanian migrants in Spain and 52.4% of Polish migrants in the United-Kingdom are women. However, this is very particular to Spain and the United-Kingdom, as it appears that most of the other destinations of Romanian and Polish emigrations are gender-separated (Viruela Martínez 2008; Polish Social Diagnosis 2007, GUS 2008).

In fact, data analysis suggests that Polish migration to the United-Kingdom and Romanian migration to Spain correspond with this "new generation" of young migrants, while other "traditional" patterns of migration still co-exist (for instance Polish migrations to Germany and Romanian migrations to Israel). Hence, it appears clearly that youth's position in Central and Eastern European countries explain in a large extent the formation of this mobile "low-cost generation" caught in a long-lasting process of transition (Flipo 2009).

Conclusions

This paper tried to reconstitute the main transformations and evolutions of intra-European mobilities through history, taking basis on Polish and Romanian emigrations in a comparative perspective. The choice has been made to focus on intra-Schengen mobility, first because of the impossibility to cover the whole range of migration movements occurring on the European soil while also privileging an historical point of view, and also because of the specificity and uniqueness of a "free-circulation" zone. However, it is clear that so-called "extra-European" migrations should not be separated from intra-European ones in order to understand the contemporary migration in Europe in a global point of view.

From the data analyzed, one can see that European migratory routes have changed in many times of history: at first to the Americas, then to North-Western Europe, that could be qualified as the "historical centre" of European migrations, and finally, towards the neighbouring circle of those countries (Spain and Italy on the Southern side, Great-Britain and Ireland on the Western side, although the first one is also part of the historical centre, and Scandinavia on the Northern side). In the first part of this paper, we considered the hypothesis of asymmetrical power relations between regions to explain the mobility within geopolitical units. In that sense, it could be considered that the redrawing of European migratory routes reveals the European integration and its status as a global geopolitical unit. Many authors have underlined the peripheral position of Eastern Europe within the continent, after the fall of communism (Berend 1996) and after enlargement (Rupnik 2007). The shape of European governance has led Jan Zielonka to talk of "*Europe as an Empire*" (Zielonka 2007). Hence, one could consider that mobilities within Europe tend to confirm this hypothesis and illustrate the growing salience of transnational lines to describe inequalities between European citizens (see Barbieri and Corrossa 2009).

At last, the changes that occurred on the European scene in the last two years will probably have repercussions on the current migratory system. The economical bankruptcy of Spain and the raising

tensions in the United-Kingdom have already faded on migration policies: Spain has implemented policies for "helping" the return of Romanian migrants[8], while Gordon Brown has announced his desire to "*take measures*" in favour of the employment of natives[9]. However, history shows that migration routes always manage to adapt to changes, as sudden as they could be. Although repeatedly predicted by political discourses and the media, a large-scale return of emigrants has not been observed in Romania or in Poland. In a free circulation area, permanent leaves or permanent returns may no longer be the rule. However, so far no one really knows what kind of consequences this can have on this "mobile" generation's lives and families.

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Italy – Albania
The Migrant as a Bridge between Two Homelands: The Role of Remittances

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Abstract

After eighteen years of mass migration of the Albanian population, primarily to Greece and Italy, a question arises. May migrants become potential agents of socio-economic development in their country of origin? This paper focuses on the role and the importance of remittances and their use in Albania through a survey of 400 Albanian immigrants, legally residing in the Marche and Apulia regions in Italy, conducted in the period May - September 2007. Simultaneously, we carried out family surveys of 200 households that had at least one member working abroad. This survey was conducted in rural and urban areas of the Vlorë region in Albania. We build on the theory of "New Economics of Labour Migration" which considers remittances as the core of migrants' strategy and a link between the socio-economic context in the country of origin and that in the host country. Our findings show that remittances are related, on the one hand, to the family links in the country of origin (but for relatively small amounts, usually decreasing in time). On the other hand, remittances are strongly related to investments in Albania. There emerges the image of a migrant "suspended between two shores", who, independently from any future migratory project, would like to maintain links with both Albania and Italy, becoming a factor of Albania's development thanks to their investments and human and social capital.

Key words: migration, survey, remittance, investment, development

1 Introduction

Migrant remittances represent the largest direct positive impact of migration on the country of origin, together with the social and human capital acquired by emigrants during their migratory experience.

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Worldwide remittances are estimated to have risen from 70 billion dollars in 2004 to 318 billion in 2007. It is common knowledge that the volume of formal remittances only accounts for a part of this complex phenomenon.

With US$ 4.7 billion, Italy is among the 10 largest remittance providers in the world and the third largest provider of remittances in Europe after Spain and U.K. Among the corridors originating in Italy, Albania ranks in the top ten destination countries in terms of value of formal remittance transfers (Hernandez-Coss et al. 2006). Remittance flows have a very important impact on individual households, as well as on the Albanian society as a whole.

According to Bank of Albania estimates, remittance flows amounted to 950 million Euros in 2007, representing the 12.3% of Albanian GDP. They represented twice the Foreign Direct Investments and more than twice the amount of the Foreign Economic Aid for development received by Albania (BOA 2008). These transfers are therefore vital for the country.

Different sources affirm that by the end of 2007, more than 25% of Albanian citizens were living abroad, first of all in Greece, the source of 60% of remittance flows, and in Italy from where 30% of remittances come. As a result, remittances from Italy during 2007 amounted to 285 million Euros: 60% of them were in cash and passed through informal channels, whereas only 40% were remitted through money transfer operators (80% by Western Union) and a few banks.

According to a survey of the Bank of Albania (2008), about 26% of households in Albania have been receiving foreign currency in the form of remittances from emigrants. The geographic distribution of the households shows that 59% of them reside in rural areas and the rest in urban areas, receiving respectively about 66% and 34% of the total remittances. Remittances constitute the main component in the monthly income of rural families representing about 40% of it. During the first quarter of 2008 the main part of remittances (74%), was spent in non productive activities. Indeed, about 48% of remittances were used for consumption goods (food, clothing, house furniture and refurbishing, etc). About 16% was used for building or renewing houses, and another 10% was used for medical care and education. Among productive uses, about 19% of remittances was invested or deposited in bank savings accounts, a fact that clearly underlines the economic impact of remittances in Albania.

After eighteen years of mass migration of the Albanian population, primarily to Greece and Italy, a question arises: may migrants become potential agents of socio-economic development in their country of origin?

We build on the theory of "New Economics of Labour Migration" (NELM) according to which migration decisions take place within the family context and are influenced by families' efforts to diversify the economic risk[2]. NELM considers remittances as the core of the migrant's strategy and a link between the socio-economic context in the country of origin and that in the host country. Remittances are sent home when the household experiences a shock or in order to enable the household to invest in new technologies. At the same time, also the household supports the migrant, e.g. by paying the cost of migration or during spells of unemployment. Remittances consequently increase when the household's income decreases or a shock occurs, but also when the risk level of the migrant increases. The level of development of the household community plays an important role. While poor economic conditions (e.g. high unemployment) may be a cause of migration, the local community must have a certain level of development for the investment by the household to be effective. Consequently, it is possible that fewer remittances are sent to underdeveloped communities (see Stark 1991; Stark and Bloom 1985; Taylor 2000).

The present work focuses on the role and the importance of remittances from Italy and their use in Albania using first-hand data from a double survey conducted simultaneously in both countries. Field work was carried out in the period May - September 2007.

In Italy we interviewed 400 Albanian emigrants legally residing in the Marche and Apulia regions (200 in each region). The questionnaire consisted of 105 questions, covering several aspects like

[2] International migration is often explained by a basic push-and-pull model: economic conditions, demographic pressure, and unemployment ("push factors") in the sending country work in coordination with higher wages, demand for labour, and family reunification ("pull factors") in the migration receiving country (Smith 1997).

demographic and family characteristics, housing situation, employment and economic conditions, human capital, amount of remittances, investments and relations with both countries.

In Albania we used both quantitative and qualitative approaches: interviews to a sample of 200 families in the urban and rural area of the Vlorë region, which have at least one member abroad[3]; and two focus groups in the same areas to reinforce the knowledge of those more markedly qualitative aspects that often defy questionnaire surveys.

The aim of the research was, on the one hand, the analysis of the economic behaviour of Albanian immigrants in the Marche and Apulia regions. We tried to go over the main characteristics of those immigrants that send remittances in order to better understand how the amount of remittances is influenced by their project and migratory experience. On the other hand, we wanted to understand the effects and uses of remittances in the Albanian context by analyzing the local dynamics of utilization.

The methodology we used is face-to-face individual interviews. First, we individuated community leaders (associations of migrants, representatives i.e. aggregation centres) then the migrants themselves. No further stratification was used, therefore samples are not random, but, rather, they are samples drawn from social networks with snowball sampling techniques.

Our findings show that remittances are related, on the one hand, to family links in the country of origin (but for relatively small and tendentiously decreasing amounts). On the other hand, remittances are strongly related to investments in Albania. There emerges the image of a migrant "suspended between two shores", who, independently from any future migratory project, would like to maintain links both with Albania and Italy, becoming a factor of Albania's development thanks to investments and human and social capital.

As for the remainder of the present paper, Section 2 gives an overview of the Albanian migration in Italy with a focus on the Marche and Apulia regions. Section 3 and Section 4 present the main findings of the research in Italy and Albania respectively, whereas Section 5 concentrates on the focus group discussions in Albania. Section 6 concludes offering a few policy recommendations.

2 An overview of Albanian migration in Italy (The Marche and Apulia).

Albania has experienced emigration throughout its history, but mostly since the fall of the communist regime in the early 1990s. At present Albania is one of the countries with the highest migratory rate in the world. In fact, about 25% of the Albanian population is presently living abroad. The most important destinations are Greece and Italy, which host together 87% of the total migrants, due to their geographical vicinity and cultural similarity (De Zvager et al 2005).

Since 1998 a phase of socio economic reconstruction in Albania has marked the end of large scale mass emigration waves. Furthermore, the Albanian government has taken several measures to combat illegal migration and trafficking. Yet, emigration has continued with moderate but constant outflows.

Looking at the historical sequence (Figure 1), three sharp increases of the Albanian presence can be noticed starting from 1995. This phenomenon is connected with the regularization campaigns undertaken by the Italian government since the early 1990s[4]. These campaigns brought to light a high percentage of Albanian clandestines in Italy, allowing them to be registered and legalize their presence. Moreover, the growth of the Albanian presence is a consequence of the stabilization of Albanian immigration in Italy mainly due to family reunifications. In fact, a tendency to permanent settlements in Italy is confirmed by the high and increasing number of Albanian women, who represented more than 44% of Albanian immigrants in 2008 (Figure 1).

The number of foreigners living in Italy (according to the permits of stay) has increased rapidly in the last sixteen years. While in 1992 the number totalled 648,935 persons, in the 1st January 2008 the population of foreigners in Italy amounted to 2,063,127.

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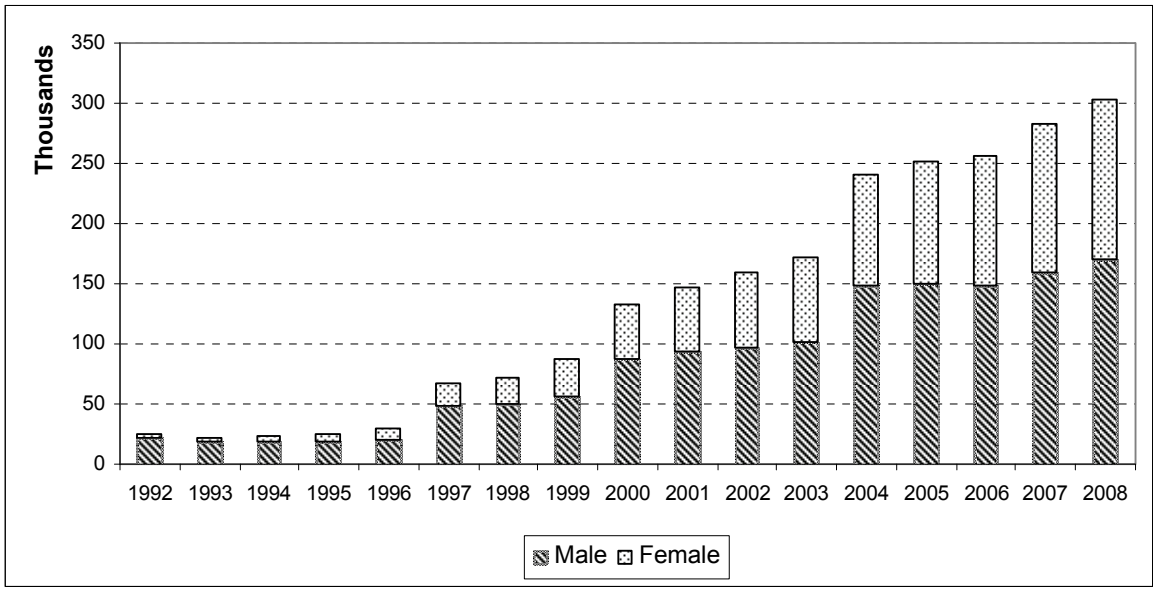
[3] At first we meant to interview the families of the immigrants that we had already interviewed in Italy, but this was not possible mainly owing to their unwillingness to give us information about their families in Albania. Thus a sample of families was chosen that have at least one member abroad and receive remittances.

[4] Dini Decree of 1995, Turco-Napolitano Act 40 of 1998, Bossi-Fini Act 189 of 2002.

Fig. 1: Albanian presence in Italy according to the permits of stay (1st January).



Source: our elaboration on ISTAT data

In the 1st January 2008 the Albanians legally present in Italy amounted to 303,818[5], thus representing the main immigrant nationality, followed by Moroccans (277,329 legal presences) and Ukrainians (139,711 legal presences)[6].

Tab. 1: Permits of stay at 1st January (three most numerous communities)

	1992			1997			2002			2008	
Country	M&F	% F	Country	M&F	% F	Country	M&F	% F	Country	M&F	% F
Morocco	83.292	9,8	Morocco	115.026	20,6	Morocco	167.334	32,0	Albania	303.818	43,7
Tunisia	41.547	9,0	Albania	66.608	27,1	Albania	157.646	38,6	Morocco	277.329	38,2
USA	41.523	65,3	Philippine	56.209	67,2	Romania	82.555	51,8	Ukraine	139.711	82,7
Total	**648.935**	**39,9**	**Total**	**986.020**	**43,8**	**Total**	**1.448.392**	**47,2**	**Total**	**2.063.127**	**48,4**

Source: our elaboration on ISTAT data

One of the main characteristics of Albanian migration in Italy is its wide distribution throughout the whole national territory, including many rural areas and small towns.

In 2007 Albanians represented the first most numerous foreign ethnic group in nine regions (Trentino-Alto-Adige, Friuli-Venezia-Giulia, Tuscany, the Marche, Umbria, Abruzzi, Molise, Basilicata, Apulia), and the second one in other four regions (Valle D'Aosta, Lombardy, Liguria, Emilia-Romagna). In 2009 the situation has changed and Albanians have been outnumbered by Romanians in many regions[7].

The Apulia region has become an important gateway for Albanian migration due to its proximity to Albania. Once in Apulia, Albanians spread throughout Italy with higher concentrations in the northern regions such as Lombardy (20.4%), Tuscany (14%), Emilia-Romagna (12.3%) and so on.

[5] Permits of stay data according to sources of the Italian Ministry of the Interior and revised by the National Institute of Statistics, ISTAT.

[6] The reader must recall that Romania joined the European Union in the 1st of January 2007. Furthermore, from the 27th March 2007 the EU citizens are not required to apply for a permit of stay in Italy even for periods longer than three months. Therefore, the Romanian citizens are not counted in the stock of permits of stay.

[7] In 2008 Albanians represented the first most numerous foreign ethnic group in three regions (Trentino-Alto-Adige, the Marche and Apulia), and the second one in other seven regions (Tuscany, Friuli-Venezia-Giulia, Liguria, Emilia-Romagna, Umbria, Abruzzi and Basilicata).

Tab. 2: Albanian population resident in Italy at 1st Jan. 2009

Regions	Abs. val.			%		
	Total	**Males**	**Females**	**Total**	**Males**	**Females**
Piedmont	42,321	22,699	19,622	9,6	9,4	9,8
Valle d'Aosta	825	455	370	0,2	0,2	0,2
Lombardy	90,096	49,658	40,438	20,4	20,5	20,3
Trentino-A. Adige	11,236	6,232	5,004	2,5	2,6	2,5
Veneto	40,788	22,154	18,634	9,2	9,2	9,3
Friuli-V. Giulia	12,716	6,660	6,056	2,9	2,8	3,0
Liguria	17,961	10,006	7,955	4,1	4,1	4,0
Emilia-Romagna	54,334	30,062	24,272	12,3	12,4	12,2
Tuscany	61,939	34,346	27,593	14,0	14,2	13,8
Umbria	15,508	8,459	7,049	3,5	3,5	3,5
Marche	**21,531**	**11,611**	**9,920**	4,9	4,8	5,0
Lazio	20,878	11,414	9,464	4,7	4,7	4,7
Abruzzi	12,706	6,885	5,821	2,9	2,8	2,9
Molise	828	433	395	0,2	0,2	0,2
Campania	5,912	3,548	2,364	1,3	1,5	1,2
Apulia	**20,891**	**11,169**	**9,722**	4,7	4,6	4,9
Basilicata	1,562	864	698	0,4	0,4	0,3
Calabria	2,522	1,322	1,200	0,6	0,5	0,6
Sicily	6,372	3,606	2,766	1,4	1,5	1,4
Sardinia	470	246	224	0,1	0,1	0,1
Total	441,396	241,829	199,567	100	100	100

Source: our elaboration on ISTAT data

The Apulia region ranks the seventh in terms of absolute number of Albanians living in Italy, but in relative terms, Albanians are the most important foreign group in the region and represent 28.3% of the total foreigners.

Albanians settled in the Marche region only later, thanks to migratory networks. Currently Albanians are the most numerous foreign group (with 21,531 residents), representing 16.4% of the total foreigners[8].

Tab. 3: Foreign population resident in Marche and Puglia by sex and citizenship (1st Jan. 2009)

Country of origin	Abs. val.			% on total of foreigners			% by sex		
	Total	Males	Females	Total	Males	Females	Total	Males	Females
MARCHE									
Foreigners	131.033	64,399	66,634	100.0	100.0	100.0	100.0	50.2	49.8
Albanians	21,531	11,611	9,920	**16.4**	18.0	14.8	100.0	54.0	46.0
APULIA									
Foreigners	73,848	35,270	38,578	100.0	100.0	100.0	100.0	51.0	49.0
Albanians	20,891	11,169	9,722	**28.3**	31.6	25.2	100.0	53.4	46.7

Source: our elaboration on ISTAT data

After more than sixteen years of migration experience, the Albanian community in Italy seems to have reached a high degree of economic and family stability. Albanians have lower rates of unemployment than other immigrant nationalities and are employed in a variety of sectors. They have achieved a deeper inclusion in the labour market and after obtaining satisfactory jobs in Italy they have reunified their families in the host country. In fact, as we can see from Table 4, 62.6% of them are married.

[8] See Çela (2008) for an analysis of the Albanian migration in the Marche.

Tab. 4: Main features of the Albanian population resident in Italy, the Marche and Apulia (permits of stay on 1st Jan)

Gender	Average age	Duration	Marital status			Reason of permit		
			Unmarried	Married	Other condition	Labour	Family	Other condition
				Italy				
Males	34.5	8.0	44.	55.0	1.0	77.7	18.0	4.3
Females	35.2	6.4	25.0	72.0	3.0	19.0	75.2	5.8
Total	34.7	7.3	35.6	62.6	1.8	52.0	43.0	5.0
				Marche				
Males	35.2	7.9	43.7	55.6	0.7	76.2	19.2	4.6
Females	35.9	6.5	20.6	74.1	5.3	18.3	77.4	4.3
Total	35.5	7.3	33.2	64.0	2.8	50.0	45.5	4.5
				Apulia				
Males	35.0	8.0	41.7	57.6	0.7	74.8	19.4	5.8
Females	36.1	7.2	24.8	68.6	6.6	23.9	69.0	7.1
Total	35.5	7.7	34.0	62.6	3.4	51.6	42.0	6.4

Source: our elaboration on ISTAT data (data refer to year 2008 for Italy and to year 2007 for Marche and Apulia)

According to Bonifazi and Sabatino (2003), the tendency to the stabilisation of Albanian emigrants in Italy does not seem to be necessarily accompanied by a real integration process. Albanians work in all sectors of the Italian economy, but the specialization of male workers is mainly in the construction sector, followed by industry (in the Northern and Central regions) and agriculture (in Southern Italy), whereas women are engaged mainly in domestic work and elder care. Employment in these sectors does not necessarily mean integration or emancipation, because it reduces the chances of improving one's professional qualifications and familiarization with modern skills and technologies.

3 Profile of remittance sending households in the Marche and Apulia regions

3.1 Overview of the sample

The sample is heavily biased towards males (67.8% of the interviewees). This was mainly due to the fact that males are the head of the household in most of the cases. In all cases when women declared to be aware of the financial/economic situation of the family we decided to interview them.

The interviewees are relatively young, the average age being 37.2 years. Almost 93% of the interviewees are younger than 50 years. The most represented age group is 31-40 (35% of the sample).

In the Marche region, 58% of the sample are married and live with their partner and children in Italy (average number of children 1.9). Only 4% of the sample is married and the partner lives in Albania. In Apulia the situation is different: Only 47% are married and live with their partner, whereas 30% of the sample is married to a partner living in Albania. Among those who declare to have their partner in Albania, the majority (59%) have their children living in Italy.

As a conclusion we can say that in Marche the familiar situation of immigrants is more stable, while in Apulia families are divided between the two countries. This is one of the reasons why Albanians in Apulia remit on average more than those living in the Marche.[9]

In the Marche 44.5% of the sample have a permanent permit of residence[10] versus 35% of Apulia, while the number of those with temporary permits of residence is evenly distributed (52.4% and 50.5% respectively). It is to be noticed that in Apulia there are the double of Albanians with Italian citizenship (6% *vs.* 3%) and the triple of irregulars (7% *vs.* 2%). These data reinforce the image of Apulia as a border region.

Albanians in Apulia have the same average period of permanence in Italy and in that region (9.7 years), while the Albanians interviewed in the Marche have on average a period of permanence of 9 years in Italy and of 7.5 years in the Marche region. Since Apulia (thanks to its geographic position) is the main entrance gate of Albanians, this means that immigrants living there at the moment have

[9] The Marche 2.458 Euros/year, Apulia 3.531 Euros/year

[10] "Permesso di Soggiorno CE per soggiornanti di lungo periodo".

always been living there. On the contrary, immigrants residing in the Marche have been living in other regions before coming to the Marche.

The group in the Marche region seems to be better educated than that in Apulia. In fact, 58% of the Marche Albanians have higher school diplomas (compared to 39% of those in Apulia) and 30% have completed their compulsory education (7% in Apulia). It is very interesting to notice that one out of three Albanians in Apulia has only completed the elementary education level (4 years). But Apulia hosts a higher percentage of graduates (16% *vs.* 10%).

An important fact is that 38% of the sample declares that their jobs are not adequate to their education level. This group of people is composed of well educated persons (mostly graduate or even post-graduate) whose diplomas have no legal recognition in Italy. Actually, only 2% of the sample in the Marche declared they had an Albanian university degree recognized in Italy, while this figure is higher (5%) in Apulia.

As for the immigrants' future migratory projects (Table 5), it is interesting to observe that 12.5% of respondents in Apulia would like to move to another region. This fact confirms Apulia as a first step in the migratory strategy of the Albanians. Moreover, 35.4% of the Albanians in Apulia have decided to return to Albania compared to 28% of the Marche Albanians. The situation is different for those who are still "in two minds". The percentage in the Marche is twice that in Apulia (44.5% *vs.* 22.9%).

Tab. 5: Projects for the future (in %)

	Marche	**Apulia**
Definitely settle in Italy, in this region	27.5	29.2
Definitely settle in Italy, but in another region	0	12.5
Return to Albania	28	35.4
Have not decided yet (they are "in two minds")	44.5	22.9
Total	100	100

Source: our survey data (year 2007)

Among the reasons why respondents will return or would like to return to Albania the most important is to reach their families there (Table 6). They account for *circa* 40% of the total[11]. We could call them the *homesick*. The second group is composed of people that will (or would like to) return to Albania because their migratory project reached its goal (the first four rows in Table 6). We could call them the *winners*. They account for 44% (Marche) and 33.4% (Apulia) of the total. Lastly, there is a third group of interviewees who would like to return to Albania because of the "*failure*" of their migratory project.[12]

Tab. 6: Reasons why you will return or would like to return to Albania (%)

	The Marche	**Apulia**
I saved enough money	11.9	11.4
I acquired enough professional skills and gained experience	3.6	4.2
I will open a productive/commercial business in Albania	22.3	17.8
I was offered a position in Albania	6.2	0
My family cannot reach me here	1.6	0.9
I want to reach my family in Albania	38.9	39.4
I did not find what I was looking for in Italy	13.9	21.7
My permit of residence expired	1.6	1,0
Total	100	100

Source: our survey data (year 2007)

The majority of the respondents are employed in permanent positions, which, first of all, means a stable economic condition (Table 7). This figure is higher for the Marche region compared to the Apulia region (60.5% and 44.8% respectively). Those in an unstable position are only 20% in the

[11] We added together "I want to reach my family in Albania" and "My family cannot reach me here"

[12] There is some subjectivism in the answer "I did not find what I was looking for in Italy" since what could be considered a failure by someone may not be considered as such by someone else.

Marche but *circa* 32% in Apulia.[13] We will discuss the reasons why this happens further ahead (see Table 8). Interestingly enough, the second typology of employment is self-employment (*circa* 14% in both regions) which could be interpreted as a signal of the dynamism of Albanian emigrants in these regions. It is to be mentioned the very low unemployment rate in both regions. In the Marche region the percentage is almost zero.

Tab. 7: Distribution of the sample according to present work status (%)

	Apulia	**Marche**
Unemployed	3.0	0.5
Student	0.5	0.0
Housewife	1.5	0.0
Employed in temporary position	**14.8**	**10.0**
Employed in permanent position	**44.8**	**60.5**
Employed irregularly but in a stable position	6.9	5.5
Employed irregularly and in an unstable position	4.9	6.0
Employed as collaborator (atypical contract)	3.0	3.0
Self employed (regularly)	**11.3**	**12.0**
Self employed (irregularly)	0.5	0.0
Businessman	3.0	2.0
Other condition	5.9	0.5
Total	100.0	100.0

Source: our survey data (year 2007)

In Apulia males are employed mostly in agriculture (30.8%) and construction (20%), whereas females are employed mostly as domestics (53%) and clerks (secretary, translator 16.3%). The seasonality of employment in agriculture is probably the main explanation for the high rate of unstable employment among Albanians in Apulia (Table 8).

A different picture emerges from the Marche data. In this region Albanians are mostly employed in construction (25%) and in industry (21%). Males follow the same regional pattern (construction 37%, industry 20%), while females are employed as domestics (40%) and in industry (22%) (Table 8). In the Marche 41.2% of the sample has a second job, while in Apulia only 25%.

Tab. 8: Typology of employment (%)

	Marche		**Apulia**	
	M	**F**	**M**	**F**
Industry (generic)	**19.8**	**22.4**	0.09	0.0
Industry (specialized)	3.6	0.0	3.7	0.0
Tertiary – services (generic)	2.7	5.2	3.7	0.0
Construction	**36.9**	1.7	**20.5**	0.0
Agriculture	2.7	1.7	**30.8**	**7.00**
Fishery	0.9	0.0	2.8	0.0
Clerk, executive	0.9	5.2	0.0	**16.3**
Sales and services	0.0	5.2	0.0	2.3
Restaurants	9.0	8.6	11.2	0.0
Handicraft	11.7	5.2	12.1	2.3
Transportation	3.7	0.0	1.9	0.0
Medic and paramedic	0.9	1.7	0.9	0.0
Intellectual	1.8	1.7	0.9	0.0
Domestic (full time)	0.0	1.7	0.0	**14.00**
Domestic (part time)	0.0	**27.6**	0.0	**23.25**
Aid to the elder	0.0	**12.1**	0.0	**7.00**
Social assistant	0.9	0.0	0.0	0.0
Other	4.5	0.0	10.3	0.0
No answer	15.5		25.0	
Total	100.0	100.0	100.0	100.0

Source: our survey data (year 2007)

[13] We considered the following ones as unstable situations: Unemployed, Employed in temporary jobs, Employed irregularly and in temporary jobs, Employed as collaborators (normally with temporary contracts), Self-employed, but irregularly and Other conditions.

A more stable economic condition of immigrants in the Marche can be inferred from the time passed since the moment they got a regular job. The majority of the interviewees in the Marche have had a regular job for at least 3 years (77%), whereas only 12% of Albanians have had a regular job for at most two years. In Apulia the picture is different: only 47% have had a regular job for at least 3 years and 42.5% have had a regular job for at most two years.

Tab. 9: Classes of personal income (%)

	M	F	Total
< 800 Euros	6.30	40.90	17.30
801 – 1,100 Euros	10.30	29.90	16.50
1,101 – 1,400 Euros	37.50	15.00	30.30
1,401 – 1,700 Euros	17.60	7.90	14.50
> 1,700 Euros	28.30	6.30	21.30
Total	100	100	100

Source: our survey data (year 2007)

The average monthly personal and household incomes are very similar in both regions.[14]

There are differences according to gender: women dominate in the lower income classes (Table 9). If we consider the household income, 41% of the total sample has an income up to 1,600 Euros. About 48% is in the class 1,601-3,200 and only 11% have a monthly income higher than 3,200 Euros.

3.2 Remittances

There are two different questions concerning remittances. Each of them aims at capturing one of the facets of this phenomenon. The first question focuses on the monthly expenses of immigrants for the needs of their families in Albania. We consider this kind of expenses as habitual remittances. These are usually small amounts of money (around 100 Euros).

The second question is very specific. We asked our interviewees: "How much did you send to Albania last year (i.e. 2006)?". These amounts are higher because the majority of the interviewees declared they had sent money for investment purposes during this period. We will deal with this kind of remittances in the following passages.

On average, Albanians in Apulia remit more than those in the Marche. In fact, in the year prior to the interview immigrants in Apulia had remitted on average 3,460 Euros compared to 3,120 Euros remitted by the Albanians in the Marche. In both regions, the majority of the answers rank in the first two lower classes (Table 10).

Tab. 10: Classes of Remittances in %.

Classes in Euro	Apulia	Marche
up to 1,200	35.4	32.0
1,201 - 2,500	24.6	32.0
2,501 - 4,500	13.8	17.0
4,501 - 6,000	13.1	13.0
over 6,000	13.1	6.0

Source: our survey data (year 2007)

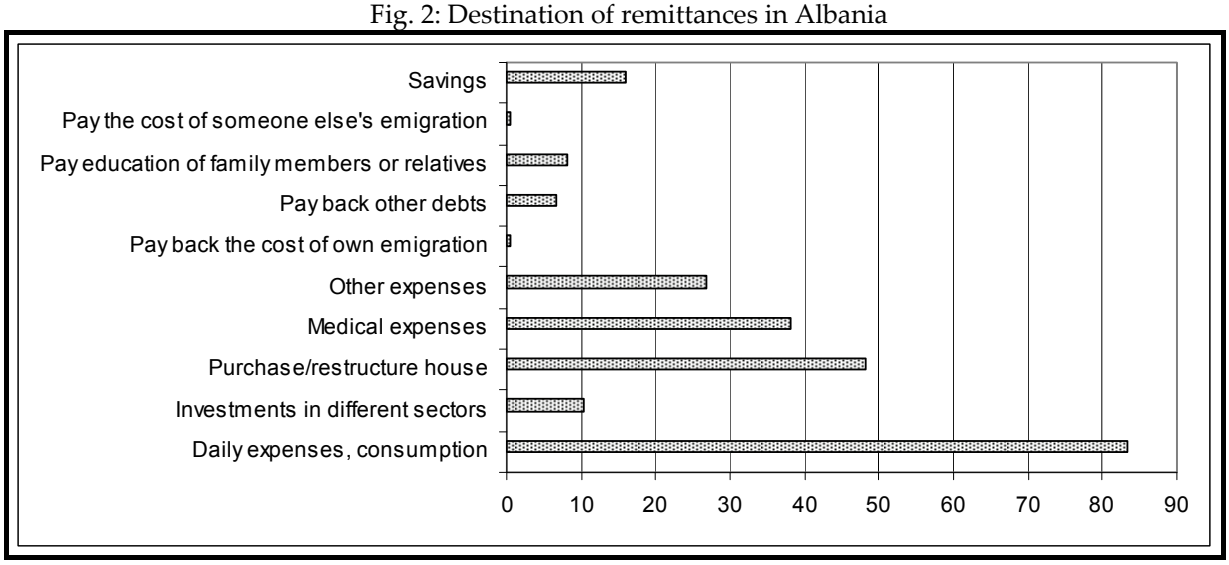
The frequency of remittances is similar among the two regions. More than half of the respondents send money at least once a year, 36% send money quarterly and less than 10% remit monthly.

[14] The average monthly personal and household incomes are 1,468 and 2,188 Euros respectively. This is quite surprising considering not only the fact that 41,2% of the sample in the Marche has a second job *vs.*, 25% in Apulia, but also that many Albanians in Apulia work in agriculture and have irregular and temporary jobs.

Informal channels dominate. The majority of respondents sent money through friends and relatives (more than 54%) or personally (88%). Other important channels are MTOs (40.3%) whose number has strongly increased in Albania.

Remittances cover mainly daily expenses and consumption. More than 80% of the respondents declared that their families use part of the money for the satisfaction of their basic needs. The second destination of remittances is the purchase or the refurbishing of houses/apartments (nearly 50%). Other important items are medical and other expenses. Very few declare that their remittances are invested in different sectors or deposited in savings accounts (Figure 2).

Fig. 2: Destination of remittances in Albania



Source: our survey data (year 2007)

Apart from remittances in cash, in kind goods are still an important way of remitting. Nearly 80% declared they send clothing to their families at home. Other goods are Hi-tech and household appliances (more than 40% in both regions), medicines, cosmetics and food (mostly from Apulia).

Tab. 11: Economic behaviour by birthplace

Birth place	Abs. val.	Have sent remittances	Mean	Migratory Project	Abs. val.	Have sent remittances	Mean
Rural	110	107	3055	Italy	35	33	2775
				Albania	35	34	3613
				Uncertain	40	40	3164
Urban	290	267	2494	Italy	104	90	2237
				Albania	91	86	3091
				Uncertain	95	91	2540
Total	400	374	2655		400	374	2655

Birth place	Migratory Project	Income Mean	Savings mean	Investments Italy (abs. val.)	Mean Investment Italy	Investment Albania (abs. val.)	Mean Investment Albania
Rural	Italy	2068	376	12	112265	19	36519
	Albania	2048	286	7	26647	17	51923
	Uncertain	1906	396	11	97328	28	33467
Urban	Italy	2146	358	35	130051	34	35919
	Albania	2313	410	18	107122	40	50418
	Uncertain	1865	298	19	119762	44	29110
Total		2036	337	102	106864	183	38723

Source: elaboration on our survey data (year 2007)

We checked the immigrants' economic situation, their behaviour and their future projects dividing the sample according to birthplace, into rural - urban. The intuition behind this choice is that the birthplace could be considered a proxy of the economic mentality and attitude to save and invest due to a more or less practical approach to work and to different life conditions in rural and urban areas before the migration experience. Our data seem to support this thesis. In fact, migrants born in rural areas have a higher tendency to save - and they do save more on average - in spite of the fact that they earn less than urban born immigrants. Moreover, on average, rural born immigrants remit and invest in Albania more than the urban born ones.[15]

As for the average amount of remittances (Table 12), family characteristics play a key role in determining the behaviour of remitters. In fact, those who are married and have their partner and children in Albania remit more than the others.

The available income is the fundamental factor that determines the migrants' remittance strategies. As we can see in the Table 12, the amount of remittances changes considerably when passing from a monthly household income class to a higher one. A higher average amount of remittances corresponds to a higher income class. An exception is the shift from the first to the second household income class: those who have a household income up to 1,600 Euros are mostly unmarried single persons, whereas in the second class there are mostly families with children. Therefore in this case an even higher increase in the current monthly expenses corresponds to an increase of the family income.

Let's now consider the monthly savings of the households. Since we are considering the total amount of remittances of each family in the year prior to the interview, these amounts might also include the savings of several years. For this reason we checked out the saving capacity of the households. A higher capacity of remittances corresponds to a higher class of monthly savings. Those who declare that they do not save actually send remittances, and in this case the remittances are habitual ones.[16]

In our opinion investments in Albania or Italy are to be considered as a proxy of the immigrants' ties with these countries. The higher the amount invested in a country the stronger the ties with that country. As we can see from the data in Table 12, a decrease in remittances corresponds to an increase in the amounts invested in Italy. On the other hand, more substantial investments in Albania increase the ties with the homeland and, as a consequence, the amount of remittances, through a process of positive feedback.

The analysis of the migratory project is very important in order to understand the immigrants' behaviour in relation to remittances and to investment plans in the home country. Those who declare they will return to Albania remit more than those who have decided to settle in Italy, while the uncertain have an intermediate behaviour.

Last but not least, we checked out the connection between permanence in Italy and remittances. The data in the above mentioned table indicate that remittances grow as a consequence of a longer permanence in the host country up to a certain point in time (around 10 years). Thereafter they decrease.

In order to better understand this relation we will now consider the two definitions of remittances (monthly, habitual remittances and remittances sent in the year prior to the interview). In the following diagrams (Figures 3 and 4), the average amount of yearly remittances and of monthly remittances are taken into consideration

If we consider the average monthly remittances (Figure 3), their trend is in line with theoretical literature according to which remittances follow a down sloping trend after a certain duration of permanence in the host country (between 8 and 12 years). In our case this peak is reached in the year 8.[17]

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[15] **Rural born**: monthly income mean 1,882 Euros; monthly savings mean 360 Euros; mean investment in Italy 88,310 Euros; mean investment in Albania 50,301 Euros. **Urban born** monthly income means 2,056 Euros; monthly savings mean 329 Euros; mean investment in Italy 118,815 Euros; mean investment in Albania 41,060 Euros.

[16] Since habitual remittances are listed among monthly expenses, savings are net of these monthly sums.

[17] Many of the long term migrants that we interviewed declared that they would remit less in the following years.

Tab. 12: Average values of remittances by some of their determinants

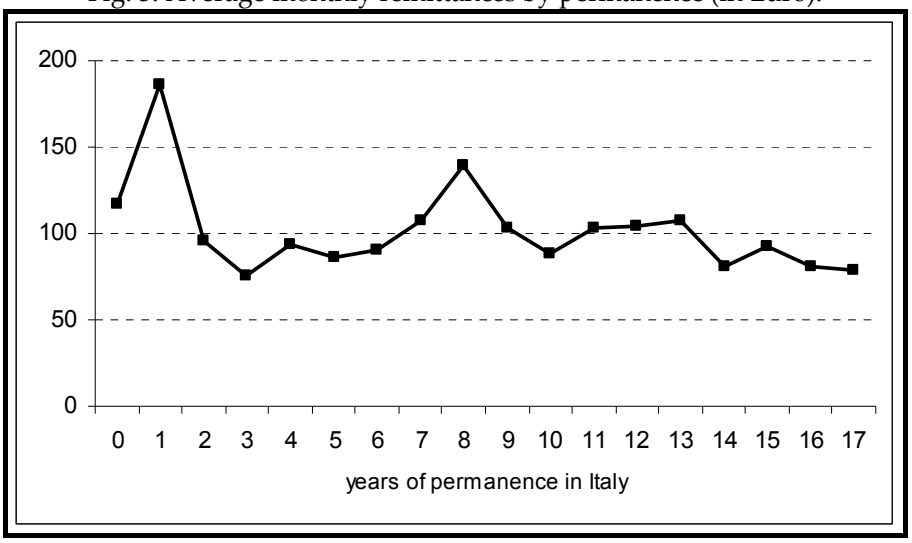
	Modality	Abs. val.	Trimmed Mean
Marital Status	unmarried	105	2746
	married with partner in Italy	195	2337
	married with partner in Albania	67	3720
Children in Italy	1	67	3053
	2	107	1951
	> 2	38	2154
Children in Albania	1	11	3920
	2	13	3980
	> 2	11	8750
Permanence in Italy	< 5 years	67	2388
	5 - 10 years	174	2765
	> 10 years	135	2697
Monthly household income classes	up to 1,600 Euros	147	2539
	1,601-2,400 Euros	105	1981
	2,401-3,200 Euros	82	2704
	> 3,200 Euros	41	6188
Monthly savings classes	do not save	53	1660
	< 400 Euros	181	2133
	400 - 600 Euros	66	3141
	> 600 Euros	68	5292
Future projects	stay in Italy	127	2267
	return back to Albania	119	3240
	on the fence	129	2688
Classes of investments in Italy	< 70,000 Euros	41	3096
	70,001-140,000 Euros	21	4281
	> 140,000 Euros	43	1929
Classes of investments in Albania	< 25,000 Euros	69	3170
	25,000 - 70,000 Euros	86	4027
	> 70,000	25	6575
Birth municipality	rural	107	3055
	urban	269	2494

Source: elaboration on our survey data (year 2007)

More controversial there appears to be the case of remittances sent in the year prior to the interview. The trend is similar to the one previously mentioned if we consider people that have been living in Italy for up to 15 years. The behaviour of the other group (those with a longer permanence) is quite counter theoretical and does not actually correspond to theoretical expectations. Despite their long permanence in Italy this group of immigrants does not seem to have lost their ties with the homeland.[18] What can be said is that in this case there is not a well defined trend of remittances towards Albania.

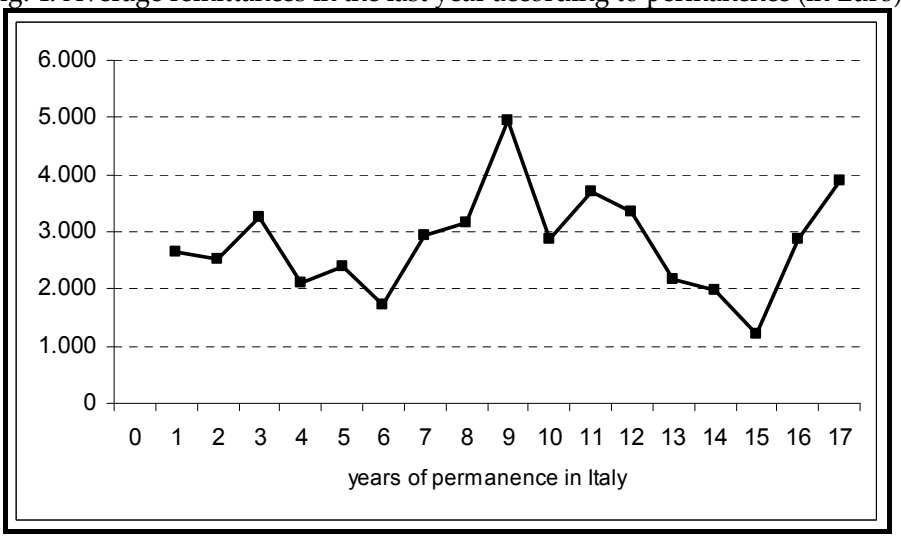
[18] The group consists of 45 people. The majority (57%) have decided to stay in Italy, 16% want to go back to Albania and 27% are still uncertain. Almost all of them have invested either in Albania or in Italy or in both countries. Investments are mainly concentrated in the housing sector and in commercial or productive sectors. All of them had remitted in the previous year and a few of them had remitted very large sums.

Fig. 3: Average monthly remittances by permanence (in Euro).



Source: elaboration on our survey data (year 2007)

Fig. 4: Average remittances in the last year according to permanence (in Euro).



Source: elaboration on our survey data (year 2007)

3.3 Investments

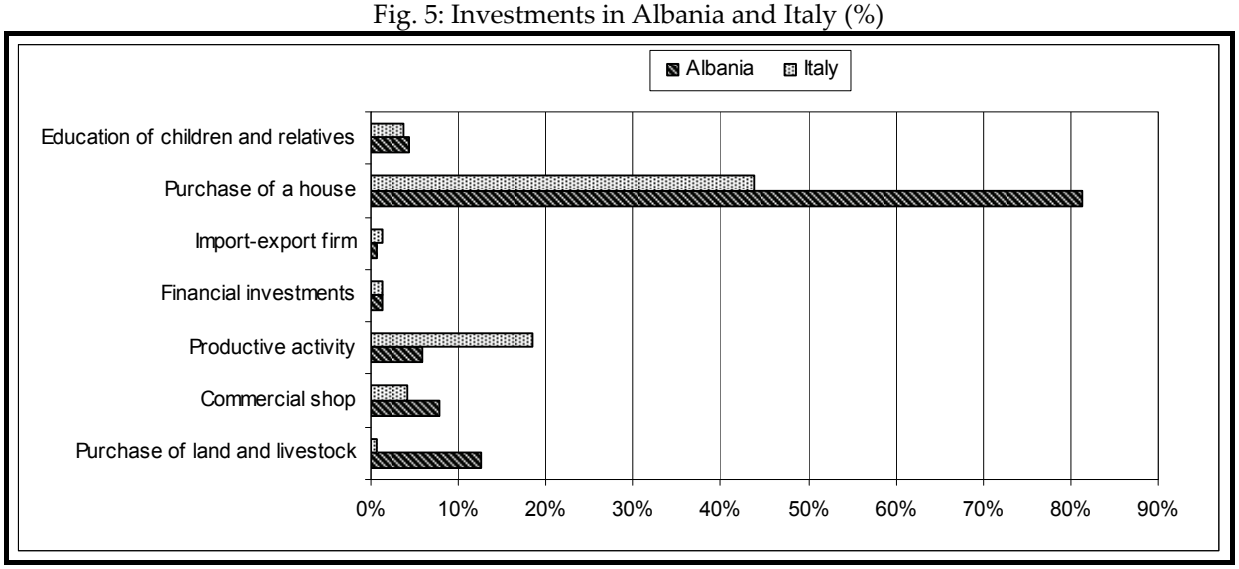
A large part of the remittances consists in money sent to Albania for investments. The majority of the Albanians in the Marche and Apulia (61% of the respondents) declared they had done investments (alone or with others) and 4% has planned to invest.

Let us take a closer look at the typologies of investment in Italy and in Albania (Figure 5). What strikes the attention most is the item: purchase of a house. More than 80% of the respondents have invested in the house market in Albania and 44% have invested in the Italian house market. Housing is considered one of the safest investments especially in Albania. The second important investment category is productive and commercial activities (mainly in the construction sector and shops). 22.6% of the respondents have invested in these sectors in Italy, while only 13.6% has invested in Albania. Another important category is the purchase of land and livestock (12.5% of those who have invested in Albania). On average, Albanians have invested 114,000 Euros (inclusive of bank loans) in Italy and 47,000 Euros in Albania.

The overwhelming majority of funding comes from private institutions (banks). Our interviewees declared they obtained bank loans in Italy in 47.5% of the cases, whereas only 6.5% obtained a loan in

Albania. Despite the availability of public loans to the ethnic entrepreneurship only 6.8% of the respondents declared they were aware of such funding possibilities.

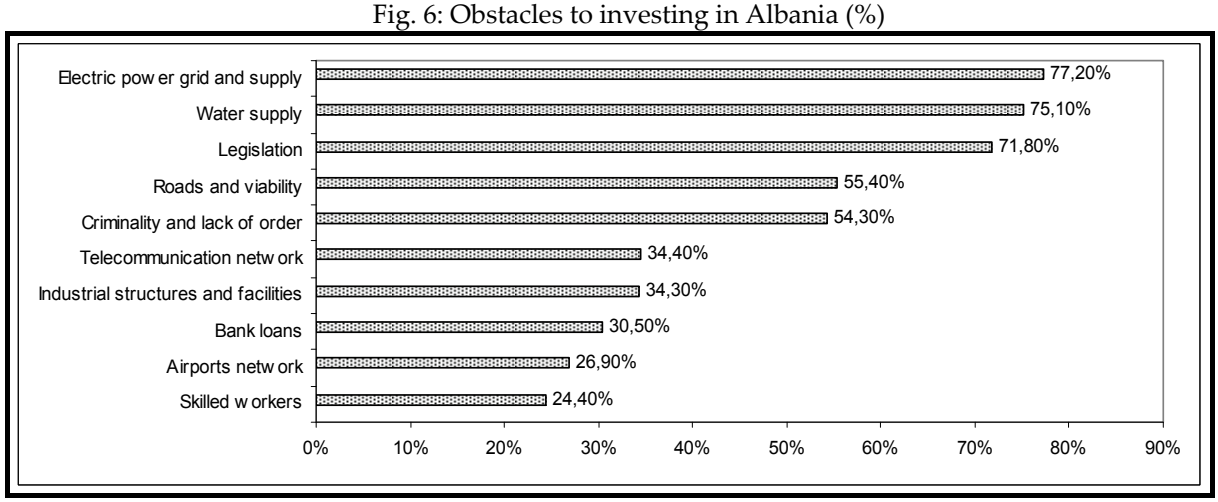
Fig. 5: Investments in Albania and Italy (%)



Source: elaboration on our survey data (year 2007)

As for the problems of investing in Albania, the main difficulties are the poor conditions of the water and electric power supply networks (more than 75% of the respondents). "Legislation" is also considered an obstacle by 72% of the respondents. Other difficulties are the bad conditions of roads (55.4%) and the lack of "rule of law" (54.3%).

Fig. 6: Obstacles to investing in Albania (%)



Source: elaboration on our survey data (year 2007)

Albanian immigrants invest more in Albania independently from their migratory project (Table 13). The most important consequence is that those who have not decided yet where to live invest in Albania more than all the others. Albanian policymakers should stimulate and promote the return of this category of migrants effectively, so as to make it possible for them to invest in Albania not only their money but also their human and social capital.

At the end of the interviews we asked our interviewees to mention **only one** country where they would invest an imaginary lump-sum of 250,000 Euros. This was done for two reasons: firstly, we wanted to alleviate the tension caused by the high number of personal questions and secondly, we wanted to see the projections of their dreams. 28% answered they would choose to invest in Italy, the

country that allowed them to have a better life, but two out of three answered, without any hesitation, that they would invest in their homeland.[19]

Tab. 13. Nr. of persons who have invested in Italy or in Albania according to the migratory project

Migratory Project	in Italy	in Albania
Settle in Italy	53	54
Return to Albania	27	57
Uncertain (they are in two minds)	29	74
Total	109	185

Source: elaboration on our survey data (year 2007)

4 Profile of migrant sending households in the Vlorë region

In this section we will describe in greater detail the characteristics of the Vlorë sample[20]. The sample was relatively young. Almost 30 % was in the 20-30 age group. 56% of the sample was younger than 40 years and 80% was younger than 50 years of age.

The majority (61%) of the respondents were men since the respondent was in most cases the head of the household.

Our sample was characterized by a high number of married (68.5%) and well educated people. In fact, 39% of the sample had a university degree (third level qualifications) and 46% had completed their secondary education.

Education data are reflected by profession typology: 25% professionals, 18.5% public servants and 20% businessmen or merchants/shopkeepers. The unemployed were 7.5%. Work was the primary source of income for 77.6% of the respondents, retirement pensions or other forms of income for the remainder of the sample. Only 52% of the respondents declared they were satisfied with their living standards.

36% of the respondents declared they had from one to three emigrated relatives. Half of them declared they had more than three emigrated relatives. Only 14% of the respondents declared they had no emigrated relatives.

The top two countries of destination are Italy and Greece. Almost 77% of the interviewees declared they had at least one friend or relative in Italy, while at least one friend or relative had immigrated to Greece in 52.5% of the cases. Also other countries have been the target of the migration dynamics of the interviewees' networks of friends and relatives. These countries are those of the second wave of Albanian migration: United Kingdom (18%), USA (11.5%), Canada (6.6%) and Germany (6.6%).

Only 51% of the respondents declared they receive remittances from abroad regularly. Therefore, in the following passages our analysis will be focused on this sub-sample. Even though Albanian emigration appears to have reached its maturity, the channels through which remittances flow into the country do not seem to have changed significantly. In fact, only 44.4% declare they receive remittances through formal channels, mostly specialized MTOs (Western Union above all) and banks. The others (55.6%) receive remittances through informal channels like relatives and friends.

It is interesting to notice that only 6.4% declare to receive remittances monthly. The majority receives them once a year (40%) while the rest of the respondents receive remittances every 3-6 months. This clearly signals that the scope of remittances is shifting from consumption and satisfaction of primary needs (food, clothing and housing) which require a constant influx of money, to forms of investment in material and immaterial goods (second house, education, and other forms of investment).

[19] Only 6% chose a country which is neither Albania nor Italy.

[20] See also Novelli et al. 2008 for a study on this sample with a sociological approach.

As shown in Table 14 more than 51% of the respondents declared they receive from 1,000 to 5,000 Euros per year and 5% declared they receive even more than 5,000 Euros. Besides the satisfaction of basic needs of the families left in Albania, such amounts go to the financing of productive investments such as handicraft activities, commercial shops and apartments and houses that in many cases are rented to tourists.

Tab. 14: Distribution of remittance receivers by remittance classes

	Abs. Val.	**%**
< 1,000	46	44
1,000 – 3,000	41	39
3,000 - 5,000	12	12
> 5,000	5	5
Total	104	100
Non receiving	96	
Total	200	

Source: our survey data (year 2007)

Table 15 shows the percentage of people that used remittances (partially or fully) for some of the above mentioned purposes in two different periods of time: 10-15 years ago, i.e. at the beginning of the Albanian emigration, and at present, i.e. the period of maturity of such emigration. It clearly shows a negative trend in the use of remittances for consumption, housing and savings, which allows for more investments in luxury goods (a second house) and education.

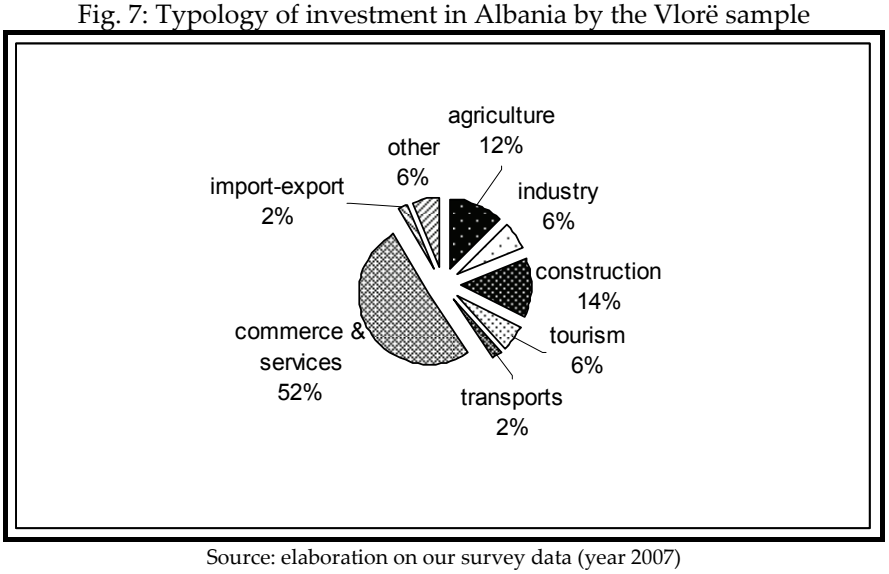
Tab. 15: Use of remittances 10-15 years ago and at present (%).

	10 - 15 years ago	At present	Variation
Consumption	92.1	51.9	-
Education	4.7	22.2	+
Dwelling house	43.1	4.7	-
Second house	1.6	10.3	+
Investments	14.5	31.8	+
Savings	52.1	42.7	-

Source: elaboration on our survey data (year 2007)

More than 56% of remittance receivers in Albania invested (alone or jointly with relatives) in the last 5 years, 33% did not invest and 10% intend to invest in the near future. Those who invest in productive activities usually prefer commerce and services (Figure 7).

Fig. 7: Typology of investment in Albania by the Vlorë sample



Source: elaboration on our survey data (year 2007)

Emigration has a strong impact on the relationships with family, relatives and friends. On the one hand, only 2.8% of the interviewees declared they very often meet their emigrated relatives. On the other hand, 78% declared they very seldom meet their relatives or they had not met them at all for several years.

Nevertheless, only 25.2% consider emigration negative for their own family.[21] Nearly 60% admit that emigration has had a positive impact since it improved their living standards (28.1%), they built a new house (23.4%), or started a new business (8.2%). Only 15.2% think that emigration has not had any significant impact on their lives.

5 Focus Group Discussions in the Vlorë region

Apart from the questionnaires, two focus groups were selected in order to obtain points of view and information that could not be effectively collected through quantitative methods. The subject of such discussions was wide but centred on the impact of remittances on the behaviour of recipient households. We aimed at having insights on the administration of remittances, the families' welfare, educational attainment, expenditures, savings and investments, and on the role of return migrants.

The selected individuals were representatives of several professional classes i.e. representatives of Commune Councils and Public Administration, representatives of banking, construction and tourism sectors, entrepreneurs, teachers, doctors and nurses of public hospitals. Focus group discussions were held in two different areas: one in the city of Vlorë and the other one in a tourist rural area near the village of Nartë.

During these discussions there emerged some disagreement between the participants with reference to the development of the migration cycle in their specific area. Moreover, discussions brought to light different perceptions of the actual needs to migrate or to stay in the country as well as of the job market in Albania. Unemployment is the main cause of migration and this was emphasised particularly by the focus group in Nartë. Concern was expressed on the change of behaviour and of mentality of the returnees as for the agricultural development of the area. The returnees and/or their relatives are mostly attracted by commercial activities like new shops or coffee bars and restaurants rather than agricultural activities in spite of the potentiality for development of area.

There were rather animated comments about the local government and its lack of assistance and support for the agricultural sector. This results in no job opportunities and as a consequence the younger part of the population wishes to go abroad for better opportunities. Concern was expressed on the loss of rural traditions.

Remittances have a positive effect on the household income since they represent a stable resource of living for many families, particularly in rural areas. The amounts received are related to the number of family members abroad as well as to the host country.

Yet, the number of households that receive remittances is decreasing, since the earlier migrants supported their families financially in order to help them reach acceptable living standards. As a consequence, the households receive at present a different kind of assistance such as education abroad for their relatives and health assistance. Moreover, a considerable number of migrants have created families abroad. Many of them have reunited with their parents abroad and others are still on the process of reunion. This means less assistance for the other relatives left in the home country.

An important case is that of earlier migrants who have returned home. They are engaged in a process of transfer of the know-how they acquired abroad. They are exploiting the financial capital gained abroad and other financial resources (bank loans) to start their own business activities, doing investments of various types as shops, restaurants, hotels, food processing, clothing etc... Many educated migrants have only found unskilled jobs in labour markets abroad, so they intend to return to their home country.

Migrants remit smaller amounts and less frequently according to the needs of poor households needs. Households which have unemployed, disabled persons and elderly people receive small

[21] The main reasons are: relatives feel like foreigners rather than Albanian (12,3%); lack of integration in the host country (7,6%) and disintegration of families (5,3%).

monthly amounts (50-100 Euros) to cover their expenditures for food, consumption and non-durable goods. These families hardly manage to save part of what they receive. Remittances of this type go mostly to rural areas where the living standards are lower; whereas more substantial remittances are used for investments (the purchase of a house is still considered a safe investment).

The small monthly remittance transactions have evolved from the physical transmission to a market dominated by cash-to-cash wire transfers through MTOs which currently dominate the Albanian remittances market. Meanwhile, bigger amounts still continue to be transmitted physically and only a few transactions take place through bank accounts.

Migration in the region has slowed its pace, but remains a significant force, helping to reshape lives and whole economies throughout the region. Remittances primarily help poor families to deal with economic shocks in different living areas - urban or rural. As a discussant of the rural focus group said: "Families with members abroad feel economically safe and confident on the future of their members."

6 Concluding remarks

Remittances have a direct impact on the receiving households as they improve people's economic situation. Remittances of Albanian emigrants are mostly used for imported consumer goods, services, and for the purchase or construction of houses. A small share is saved or invested in businesses, mainly in construction and agriculture.

A fundamental issue of the migration management in Albania is the creation of a synergy between the financial, social and human capital of Albanians living abroad and, consequently, a synergy between migration and development.

Formalizing the inflow of remittances is very important towards this aim. More than half of remittances enter the country through informal channels. Our survey points out that remittances to Albania are channelled through unofficial channels: physically brought by the emigrants (88%), friends and relatives (54 %). Geographical vicinity between the two countries combined with close family ties and the regular visits home of the immigrants make formal channels unattractive. This high flow of remittances through unofficial channels asks for action to improve banking infrastructure and make official channels more attractive in terms of efficiency, safety, cost and trust.

Formalization is a necessary step, but does not ensure the role of remittances as a development tool. The most important challenge is to channel workers' remittances towards the country's development needs, for instance linking workers' remittances with investments in small infrastructures.

Albanian emigrants could become potential agents of the socio-economic development of their country of origin thanks to remittances, investments and the human and social capital they acquired abroad during their migration experience. The migration policies of the Albanian Government are mainly focused on promoting, through incentives, the voluntary return of successful immigrants. This is the aim of the Government's initiative that offers emigrants the opportunity to return and invest in their country by enjoying a three year profit and personal income tax exemption. We believe this is not enough.

In fact, "[it] is difficult to convert successful migrant workers/savers with no prior business experience into dynamic entrepreneurs. It could be argued that it is more realistic to introduce financial intermediaries that capture migrant remittances as deposits and channel them to existing small and micro-businesses, rather than transforming migrants directly into entrepreneurs" (Puri and Ritzema, 1999).

In other words, rather than focussing on "migrant-specific" investment programmes, policymakers might induce micro-finance institutions to capture remittances. The basic idea would be to design policies to transfer the migrant workers' funds to entrepreneurs. Thus a synergy between migration and development could become possible and remittances would become a source of development.

The best way for policy makers to encourage productive investment is not to attempt to change migrants' behaviour (at a micro-level), but to pursue policies (at a macro-level) that yield a stable and

favourable investment climate and to improve infrastructures, so as to make investments an attractive and profitable proposition.

The Albanian emigration cycle and remittance flows seem to have entered a stage of maturity. Theory states that the longer the duration of migrant status, the lower the probability of large flows of remittances. Our survey does not confirm this trend entirely. Albanian immigrants in Italy have reunified their family and, as a consequence of this integration process, habitual remittances to their relatives in Albania have decreased year after year. Yet Albanians continue to remit mainly through investments (84% of sample).

After a period of stay abroad, Albanian migrants are at a crossroad: to settle in Italy or return back to Albania. The decision will certainly depend not only on the level of integration of immigrants in the host country, but also on the economic and social situation in Albania and on the possibilities of integration they could find in their homeland. However, the choice to return should not be considered as definitive but rather as a reversible one.

Albanian immigrants are "in between" the two coasts and regardless of any future migratory project they would like to keep contacts both with Albania and Italy. They invest both in Albania and Italy and they could invest more in the future.

The possibility of moving freely from one country to another is certainly a key element in the process of investment of migrants' capital in the homeland. But the strict visa policy discourages this process and emigrants, especially those who had a short-term migration project, with an aim at the accumulation of financial capital to invest in their homeland, ultimately give up the idea of returning home for fear of being unable to obtain a work permit in case of need.

A policy that intends to promote the investment of the human, financial and social capital accumulated by Albanians abroad in Albania, will be successful if the Albanians are given the opportunity and freedom to move across the national borders. Paradoxically, the real possibility of mobility liberalization would encourage them to return.

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A Critical Discussion of the Motivations to Remit in Albania and Moldova

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Abstract

Since the 1980s, the theoretical and empirical literature on the motivations to remit has grown steadily. We review the microeconomic literature and show that the theoretical motivations to remit are overlapping while competing. We argue that in most cases this differentiation is unnecessary and makes the subsequent empirical applications weak. We apply the theories in Albania and Moldova, two countries that experience high migration and remittance flows, using typical household survey data sourced from the IOM and World Bank. We focus on finding evidence for the theoretical motivations to remit such as altruism, loan repayment, co-insurance and the bequest motive and using a similar methodology and approach as previous empirical research. As for other empirical papers, the analysis leads to doubtful and multi-interpretable results. We find support for some theories, namely for altruism, in Albania and self-insurance, in Moldova. We argue that this problem is caused by weak operationalisation and inseparability of motives, compounded by data problems. Furthermore we argue that the decision to remit should not be looked at in isolation. It is apparent that the causes and patterns of migration in Albania and Moldova influence the remitting behaviour and that many economic migrants migrate in order to remit. It is thus vital to link the decision to migrate with the decision to remit and to broaden the focus beyond the economic literature and consequently provide a more relevant and clearer answer to the question why remittances are sent.

Keywords: migration, remittances, Albania, Moldova
JEL classification: F22, F24

1. Introduction

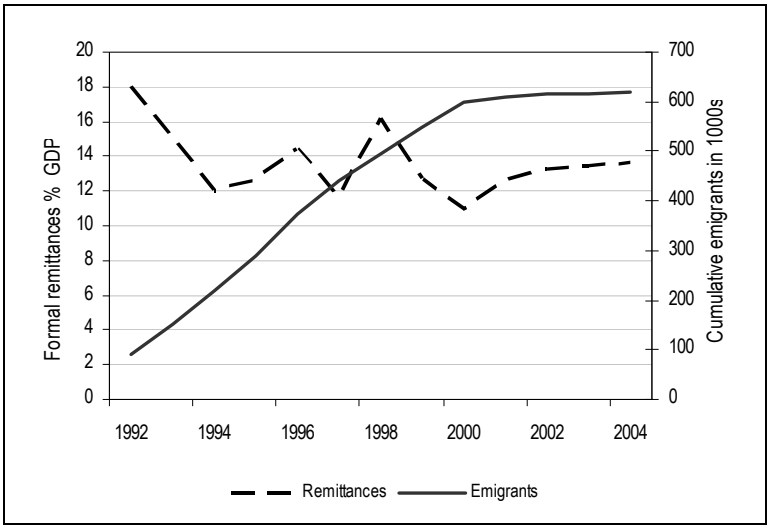
Albania and Moldova experienced some of the most intensive migration outflows in Europe since 1990 and are therefore ideal migration case studies. The purpose of this paper is to test some of the theoretical motives to remit established in the literature, using household data for the years 2005 (Albania) and 2006 (Moldova). We are able to draw some conclusions on why people in Albania and Moldova migrate and remit, despite methodological difficulties common to the entire remittances literature that are also discussed extensively.

Albania and Moldova share a communist past and their current economic situation is similar; they are two of the poorest countries in Europe, with weak social protection systems and weak financial sectors. Not surprisingly, given the harsh transition experienced by Albania and Moldova, both countries have experienced high migration outflows and remittance inflows in recent years. Both countries are major remittance recipients, also on a global level, with remittances making up a significant fraction of GDP. Remittances have financed the growing trade deficit in both Albania and Moldova. Nevertheless both countries show different migration and remittances patterns. Therefore, it is relevant and interesting to study the motivations to remit in these countries.

Albania has experienced dramatic, sudden and intense international migration outflows since the end of the Communist era in 1990. Figure 1 shows the cumulative stock of emigrants since 1992. At the time of the 2001 census, 710,000 people out of a population of 3.07 million had migrated, which constitutes 23% of the population (INSTAT, 2004). Including seasonal migration more than a million people are estimated to have migrated since 1990, mostly to Greece and Italy (Vullnetari, 2007). Political factors and the desire for personal liberation and self-expression are a motivation for emigration but the desperate economic situation was an important factor from the beginning. Seasonal and short term migration is especially common at the Albania-Greece border (Barjaba et al., 2005). In recent years, migrants often stay abroad for longer periods of time and bring their families along (de Zwager et al., 2005) and many become legalised.

Figure 1 also gives an overview of formal remittances as a percentage of Albanian GDP. Remittances have grown from $150 million in 1992 to $1 billion in 2004. In 2004 remittances made up 13.7% of GDP (de Zwager et al., 2005), five times more than foreign direct investment and three times more than official development aid. In 2005, approximately one in five households received remittances and 68.6% of the migrants sent remittances home to their families (ibid).

Figure 1. Albania emigration and remittances



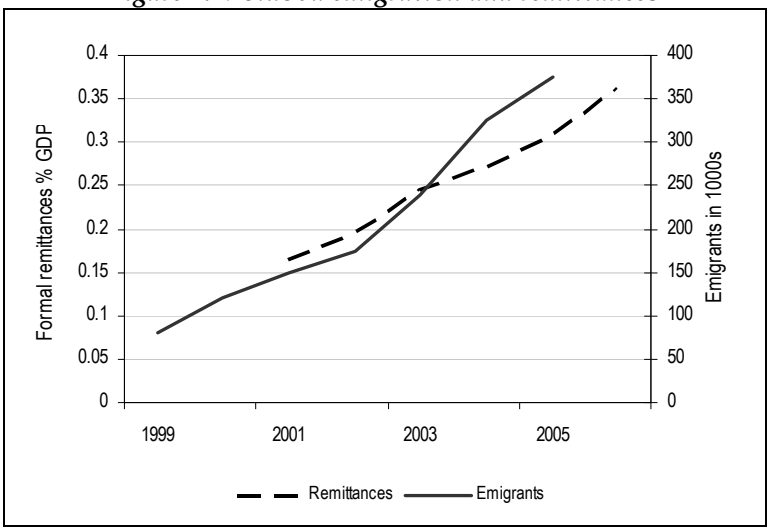
Source: IMF (2006)

Moldova also entered transition from central planning to a free market economy at the beginning of the 1990s. Moldova's political history is very different to Albania's and being a part of the Soviet

Union made Moldova much less isolated than Albania. Because of Moldova's dependence on Russia, the breakdown of the Russian economy in the early 1990s, threw Moldova into an extreme collapse that was worse than in other Soviet Republics. Therefore, migration in Moldova was mainly driven by poverty. Figure 2 shows the migration trends of labour migrants from Moldova between 1999 and 2003. There were almost 400 thousand Moldavians living abroad by 2004. By 2005 emigrants accounted for about 28% of the working population and about 18% of the population of Moldova (Government of the Republic of Moldova, 2006). Moldovan migrants are also pulled towards their migration destinations by strong (seasonal or structural) labour demand with men mainly working in the construction sector in Russia and women working in the care sector in Western Europe.

Moldovan migrants are generally thought to keep a strong attachment to their home and remit large portions of their income. However, while in Albania family reunification in the host country is quite frequent, Moldova experiences mainly temporary migration of both men and women. The bulk of remitters are short-term migrants, many of whom are seasonal. In contrast to Albania, 70% of all remittances in Moldova received are from temporary workers who stay abroad only part of the year (IMF, 2005). Remittances began to increase noticeably in 1998 during the regional crisis, which encouraged continued large-scale migration. By 2004, formal remittances had grown to $700 million, constituting the astonishing equivalent of 27% of GDP (CBS-AXA, 2005), which is almost eight times more than foreign direct investment and seven times more than official development aid. Approximately 40% of Moldovan households receive remittances (Lücke at al, 2007).

Figure 2. Moldova emigration and remittances



Source: World Bank (2007) and Moldova Department of Statistics and Sociology in Cuc et al. (2005)

The remainder of this paper proceeds as follows. Section two gives the theoretical background for the determinants of migration and remittances. Section three explains the data and methodology used. Sections four and five reports, analyses and discusses the results in light of the other empirical literature. Section six concludes and discusses methodological concerns.

2. Theoretical framework

Hagen-Zanker & Siegel (2007) extensively discussed the theoretical and empirical determinants of remittances. Here we will briefly re-iterate those theories that are tested in the empirical section below.

A basic motivation of a remitting migrant may be altruistic feelings towards the family left behind. In the literature this is modelled so that the migrant derives positive utility from the consumption of the family. The migrant, thus, cares about poverty, shocks, etc. of the family and consequently sends remittances. In this case, there is a positive relationship between adverse conditions of the receiving household and remittances sent. Remittances should increase with migrant income (the migrant has more to share) and strength of altruism and decrease with recipient income (Funkhouser, 1995). There

is a wide academic discussion on how to measure altruism, but most authors agree that measuring altruism by only looking at the effect of giver and receiver income is controversial. It is very abstract and perhaps too rational an operationalisation of decision making and, additionally, captures other effects. In general altruistic migrants are considered to send less if other family members also send remittances and to send less over time due to weakened ties and changed demographic circumstances.

The second broad remitting motive discussed in the literature is self-interest. In this case, a migrant sends remittances with the aspiration to inherit, as an investment for the future or with the intent to return home. If a migrant intends to return home, he may already invest in housing, livestock etc. and will ask the family to be the agent. If a migrant wants to invest at home, the household can be a trustworthy and well-informed agent. The migrant may also send remittances to invest in his reputation at home. Furthermore, a migrant may remit in order to be ranked highly in the (implicit) will of his family. With a bequest motive, remittances increase with the household's assets and income and the probability of inheriting (dependent on the age of parents, number of siblings, etc). In the case of a bequest motive, self-interest can be distinguished from altruism using conventional explanatory variables and larger income and or wealth of the household should lead to more remittances. Self-insurance (as developed by Amuedo-Dorantes & Pozo, 2006) is essentially another self-interested motive in which migrants send remittances (an informal insurance premium) in order to receive transfers (i.e. reverse remittances) in times of shock (expatriation, unemployment etc).

The first contractual arrangement that may be the result of tempered altruism is co-insurance between households and migrants, as highlighted in the *New Economics of Labour Migration* (NELM). According to the NELM, a household member migrates to a non-correlated labour market due to market failures in the source country (for example poorly developed financial markets), entering a type of co-insurance agreement with the household left behind. These contracts are self-enforcing when mutual altruism is present or in patriarchal societies (Sana et al., 2005). Remittances are sent home when the household experiences shocks and to enable the household to invest in new technology.[1] At the same time, the household also supports the migrant, e.g. by paying for the costs of migration or during spells of unemployment. Remittances consequently increase when the household's experiences a (income) shock (like for altruism), but also when the risk-level of the migrant increases. The NELM is the only economic theory that explicitly links the motive to remit to the decision to migrate.

Another type of contractual agreement between the household and family is loan repayment, for example, repaying a human capital investment or the cost of migration. According to this theory, a household finances a potential migrant's education which enables him to find a better-paid job in urban areas or abroad (Poirine, 1997). During the next time period the migrant will send remittances to repay the family for the initial investment ("payback-phase"). At this stage the migrant might also become a lender, by financing other family member's education, which increases overall remittances ("loan phase"). In practice, only paying-back can be measured and there should be a positive link between the migrant's education level and remittances. However, this could also be interpreted as altruism or another remitting motive due to the close link between education and income.

A final contractual arrangement is the exchange motive (Cox, 1987). Here transfers in the wider sense are paid to the household at home for services provided. The theory can also be applied to remittances, whereby remittances buy various types of services (e.g. child care), usually by temporary migrants (Rapoport et al., 2005). If the migrant's income increases, remittances increase. If the household's income increases, thus making the services more expensive, remittances can decrease or increase depending on the migrant's elasticity of demand. Higher unemployment in the home country should lead to fewer remittances since less money is needed to make the household members perform their service (the opposite effect is found for altruism).

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[1] The level of development of the households' community plays an important role here. While poor economic conditions (e.g. high unemployment) may be a cause of migration, the household's community needs to have a certain level of development for investment by the household to be effective. Consequently, it is possible that fewer remittances are sent to underdeveloped communities.

While the economic literature focuses on strategic motivations that were freely chosen, more social motivations, like prestige and obligations are not considered. Furthermore, the economic literature neglects the fact that migrants may be willing, but not able to send remittances due to unexpected averse conditions in the host country.[2] Moreover, family dynamics and the question of which family member in particular migrates, has not been discussed much in the economic literature even though they are likely to influence remitting behaviour. When a migrant goes abroad or forms a new family abroad, the structure of the family left behind changes. Who migrates abroad affects the motives for remitting and, thereby, the amount remitted. For example, a husband might be altruistic and send as much as possible to his wife and children back home, while a son might feel it is a duty to remit occasional amounts.[3]

As was shown above, the theoretical literature is not able to clearly separate the different motives of remitting. This is a major obstacle from the start in the empirical applications and affects the strength of the conclusions that can be drawn[4], but it has inspired some authors (e.g. Amuedo-Dorantes & Pozo, 2006) to measure the remitting motives more creatively. In Section 4 we measure the motivations to remit in Albania and Moldova in different ways and compare and contrast our results with other empirical applications to demonstrate the difficulty of measuring the motivations to remit, when the different theories overlap and compete. These problems are also discussed more extensively in the conclusion.

3 Data and methodology

3.1 Data

We use data from household surveys in the migrant sending country as the basis of our empirical analysis. For Albania, the Living Standards Measurement Survey (LSMS) collected by Albania's statistical agency INSTAT in 2005, with technical assistance of the World-Bank, is used. It is representative on a national level and has a sample of 3640 households. This is a standard household survey and includes extensive modules on education, migration, consumption, labour etc. The survey asks whether the household currently has any international migrant and if yes, whether children and spouses currently living abroad send remittances and how much. These two remittance-sending groups, are the most important senders of remittances (also confirmed by other studies e.g. Zwager et al., 2005). We compliment the household level data with information from a detailed community questionnaire in the communities of the households, which was collected at the same time.

For Moldova the CBSAXA 2006 survey is used. The opinion research company CBSAXA conducted this migration household survey for the International Organization for Migration in Moldova. One important purpose of the CBSAXA survey is to compare households with migrants to those without. Therefore, the survey was designed to be representative of Moldovan households at the national level (excluding Transnistria), for each major geographic region (North; Centre; South; Chisinau), and for each major type of locality. The total number of households interviewed was close to 4,000, resulting in a sampling error of approximately 3 % for the share of households with migrants (Lücke et al, 2007). The survey collects information on international migrants and remittances received on a household level, as well as some background information on the household (demographics, education etc.).

3.2 Methodology

Early papers on the motivations to remit used Ordinary Least Squares (OLS) (for example Lucas & Stark, 1985) to model the remittance decision. We now know that using such a method leads to biased and inconsistent estimates, since a substantial fraction of the migrants does not remit. In recent papers, the main methodological distinction is made between modelling the motivations to remit as a one-stage decision

[2] Al-Ali, N., Black, R. & Koser, K. (2001) differentiate between the capacity and the desire of refugees to send remittances. This is an important nuance that should also be considered for economic migrants.

[3] A very interesting empirical application is Sana, M. & Massey, D.S. (2005), who show that sons and daughters from the Dominican Republic have very different remitting behaviour and clearly make the link between changes in family dynamics and remittances.

[4] Liu, Q. & Reilly, B. (2004) is one of the few papers that explicitly discusses the difficulty of drawing clear conclusions on remittance motives from multi-interpretable results.

(Tobit) where the decision to remit and the amount of remittances are made together or as a Heckman two-stage approach (Probit and corrected OLS) where the model separates the decision to remit and the subsequent decision of how much to remit. The advantage of the latter approach is that it allows a regressor to differently affect the decision to remit and the level of remittances. Amuedo-Dorantes & Pozo (2006), on the other hand, argue that using a two-part selection model leads to identification problems, i.e. it is hard to say which variables would matter for one decision and not the other.

An alternative to the two-stage approach is to assume that there is only one remittances decision in which the two stages occur simultaneously. This one-stage decision can be modelled as a single equation estimated by Tobit analysis, using both remitting and non-remitting migrants. Each regressor has the same effect on the probability of being a remitter and on the level of remittances. The convenience of this approach is that it enables the identification of a set of variables that are most significant in influencing "remittance behaviour" and thus test some of the theoretical predictions which do not differentiate between the decision to remit and how much to remit. We therefore assume that the remittance decision is a one-stage process and will model it using a Tobit model.

The Tobit model is specified as in equation 1 below:

$$R_i = \begin{cases} R_i^* & \text{if} \quad R_i^* > 0 \\ 0 & \text{if} \quad R_i^* \leq 0 \end{cases} \qquad (1)$$

where

$$R_i^* = \beta' X_i + \varepsilon_i$$

The Tobit model is used for censored data, where the dependent variable R^*_i is latent. In the following analysis R^*_i is observed for values that are higher than zero and it captures the i-th individual's propensity to remit. It has a normal, homoskedastic distribution with a linear conditional mean. R_i is the actual observed value of remittances remitted by individual i. It can be either positive or zero and it is positive for those migrants that do remit. X_i is a vector of explanatory variables that explains whether and how much someone remits. ε refers to the error term that accounts for any unexplained differences.

A disadvantage associated with the Tobit model is that the assumption of normally and homoskedastic distributed errors might not hold. If households have more than one remitter, remittances of both remitters partially depend on the same unobservable household characteristics and this results in error terms that are correlated across observations.[5] Since most households in our datasets only have one remitter, we assume that this problem is minimal.[6]

4.Why do migrants send remittances?

In this section we analyse the empirical determinants of remittances. The aim is to test the motives of remitters going beyond previous studies on Albania and Moldova (see Germenji, Beka, & Sarris (2001) for Albania and for Moldova (Craciun, 2006; Görlich et al., 2007; Görlich et al., 2008). It should be noted beforehand that while we have some individual level characteristics, we mainly use household-level data to explain individual motives. The first part of this section gives some descriptive statistics followed by the empirical application.

4.1 Descriptive statistics

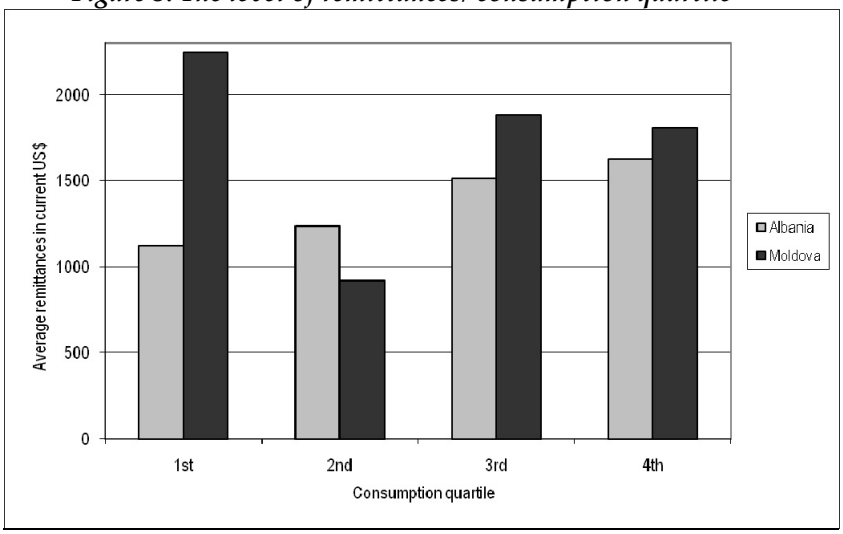
We now discuss some descriptive statistics to gain a broad overview of the characteristics of senders and receivers in our Albanian and Moldovan samples. We first look at the characteristics of the households that receive remittances and then at the characteristics of the migrants that send remittances. We only look at households that have migrants since households without migrants do not receive remittances.

Figure 3 shows the amount of remittances received by consumption quartile.

[5] For a further discussion of this problem see Gubert, F. (2002).

[6] In Albania households have 1.04 remitters on average and in Moldova 0.72 remitters/ household on average.

Figure 3. The level of remittances/ consumption quartile



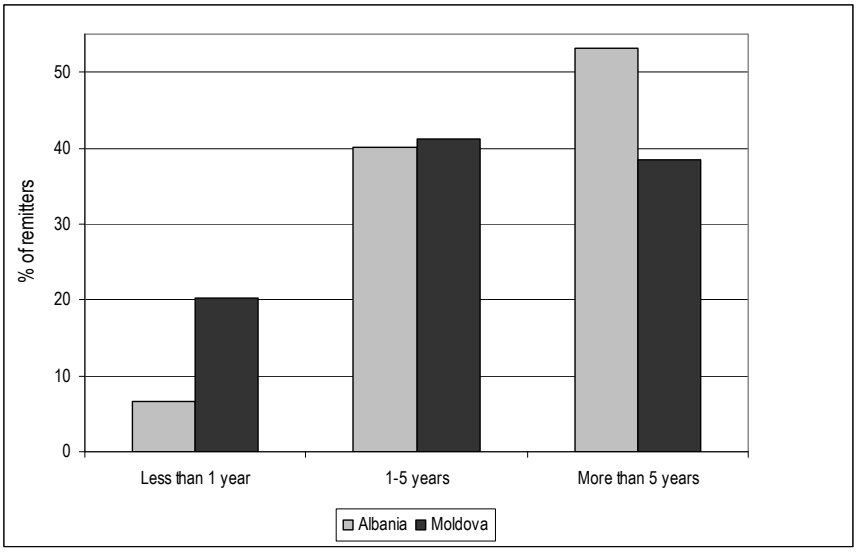
Source: Own calculation based on ALSMS 2005 and CBSAXA 2006

The first quartile represents the poorest quarter of the sample population and the last quartile represents the richest quarter of the sample population. In Moldova poorer households receive higher remittances. On average, the amount of remittances is twice as high for households in the first income quartile as for households in the second quartile. However, since the richest two consumption quartiles also receive high remittances preliminary evidence for altruism is mixed. In Albania the differences between the quartiles are not as extreme, but the richest quartile receives significant higher amounts of remittances and the lowest quartile significantly lower amounts than the average.

As discussed in the previous section, one needs to be aware of potential reverse causality. We do not know whether rich households in Albania were rich before they had migrants. Whenever we address the effect of consumption (or income) on remittances we need to be aware of this potential endogeneity bias. If possible, this bias should be corrected for.

In Figure 4 which shows the average number of years the remitter has been abroad, we begin to see some real differences in the characteristics of remitters between the two countries. In Moldova there is much short-term seasonal migration, as 20% is abroad for less than a year. These migrants generally go to Russia to work in the construction sector for a few months and return home only to leave again the next year. Albanians, on the other hand, are staying abroad for longer periods of time before returning home.

Figure 4. Years abroad



Source: Own calculation based on ALSMS 2005 and CBSAXA 2006

We continue to assess the individual characteristics of remitters by looking at the link between gender, education of the remitter, the number of years abroad and their most important destination countries and the average amount of remittances sent home by remitters of each group. Table 1 presents the average amount of remittances sent by each group in the two countries.

Table 1. Characteristics of remitters

		Albania		Moldova	
		Average amount	*% of remitters*	*Average amount*	*% of remitters*
Gender	Female	239.22***	20.16%	475.24	40%
	Male	1058.85***	79.84%	434.27	60%
Education level	Primary or less	780.34	47.74%	255.20*	7%
	Secondary	780.45	31.13%	436.79	40%
	Vocational	815.17	13.39%	457.95	37%
	Higher	631.36	7.74%	559.90*	15%
Years abroad	Less than 1 year	426.23***	7.42%	371.8	20%
	1-5 years	832.56	42.42%	477.09	41%
	More than 5 years	785.41	50.16%	456.45	39%
Destination	Other	918.19**	23.06%	651.85***	24%
	Greece (A) Russia (M)	611.18***	37.74%	335.62***	62%
	Italy	859.07**	39.19%	732.71***	14%
Average		772.35		450.5	
Number of observations		1298		1607	

Stars indicate whether the mean for each group is statistically different across groups (* significant at 10%; ** significant at 5%; *** significant at 1%)

Source: Own calculation based on ALSMS 2005 and CBSAXA 2006

87% of the remitters in Albania and 62% in Moldova are of working age between the ages of 25 and 45 and the majority of remitters in both countries are married. In both Albania (80%) and Moldova (60%), male migrants make up the majority of the remitting population (largely due to the fact that it is mostly males who migrate). In Albania, men also send higher amounts of remittances on average ($1059, which is more than three times what women remit on average), while in Moldova there are no significant differences by gender. In Albania traditional gender roles mean that it is the duty of the sons to look after their parents, much more so than for their sisters, especially if the sisters are married (King et al. 2006). Married Albanian women generally remit to their husband's parents.

As shown in Table 1, in both countries migrants that are away for longer periods of time remit more, even though this difference is only significantly different for Albania. Both countries have two major destination countries for migration to which more than 75% of the migrating population goes. Migrants from both countries that migrate to Italy remit significantly more on average, than those going to the other important destination country, although this is much more pronounced in the case of Moldova. Moldovan migrants in Italy are mainly women, who work as household helpers which is better-paid work than the construction sector in Russia, where men mainly work.

The amount of remittances sent by higher educated migrants in the two countries is quite different. In Moldova, the highest average amount of remittances is sent by those migrants who have completed higher education, and the low educated send significantly lower remittances. In Albania there are no significant differences between education levels.

The next section applies the theoretical motivations to remit in Albania and Moldova in order to give a more detailed picture of the motivations to remit in those countries and to demonstrate the problems associated with the literature.

4.2 Empirical results

As was shown in section 2 even theoretically it is difficult to distinguish between different motivations to remit. These complications are exacerbated by data limitations (only having data on either the remitter or remittance receiver) and consequently the empirical applications are often weak. Below we attempt to measure the motivations to remit in Albania and Moldova on an individual migrant level, and discuss the results in relation to other empirical papers. Our starting point is a common model that has the same variables for both the Albanian and Moldovan datasets. For this

model we measure the motivations to remit with regard to altruism versus self-insurance of the migrant. Due to the different nature of the two datasets, we specify two further models for just one of the countries. For Albania we use the data on a household and community level to model the bequest motive, co-insurance and to explore evidence for the NELM theory. Our final model tests the loan repayment motive using only then Moldovan data since we have relevant variables in that dataset.

I. Measuring altruism and self-insurance motives in Albania and Moldova

In each of the following models, we have split the independent variables into migrant characteristics, household characteristics and specific variables that are used to test a number of theoretical motivations to remit. We describe the expected effects of the variables based on the theoretical motivations to remit, previous papers and the specific situations in Albania and Moldova.

In the first model, we test for altruism and self-insurance of the migrant. The model is outlined in equation (2) below:

$$R_i^* = \alpha + \beta_1 M_i + \beta_2 H_i + \beta_3 Ri_i + \varepsilon_i \qquad (2)$$

Where

Variable	Expected effect
R= Total remittances received by household from remitter in past 12 months	n.a.
M: Migrant variables	
Age of migrant	control
Gender of migrant	control
Marital status of the migrant	control
Education of migrant	control
Country of migrant destination	control
H: Household variables	
Household size	+
Per capita income/consumption of household in splines	-
Other migrants in household	-
Household lives in urban/ rural area	control
Ri: Risk variables	
Distance between Albania/ Moldova and capital of destination	+
Migrant stock in destination	-
Migrant entered legally	-
Unemployment rate of country of destination	+
Duration of migration, in categories	-

To test the altruism motive, we look at the following variables: per capita household consumption, number of other migrants in the household and the duration of migration.[7] We use income/ expenditure quintiles to allow remittances to have a different effect for poorer or richer households.[8] For Albania we had the choice between income and consumption and we chose income as income is more reactive and a potential altruism motive can thus be measured more clearly. The coefficient for per capita household income/ consumption should have a negative sign for altruism for low income households, indicating more remittances for households with greater need. The coefficient for number of migrants in the household should have a negative sign since more migrants means more people to remit, which lowers the burden on the individual remitter. If family ties have weakened, often approximated by length of time abroad, fewer remittances should be sent ("remittance-decay").[9] A larger household at home can be an indication of need; we thus expect a positive relationship with remittances in the case of altruism.[10]

[7] Due to data limitations, we had to omit migrant's earnings, which would be an important variable to include.

[8] See Cox et al. (2004) for more detailed arguments regarding a non-linear relationship between income and transfers.

[9] We assume a linear relationship between remittances and length of stay, but one could also imagine a non-linear one.

[10] A higher number of household members can be an opportunity for the household if they are adults potentially earning an income or a risk if the members are children or elderly. Therefore, we tried different specifications also using the children or elderly ratio instead of household size, but these led to similar results.

Instead of focusing on household risks that make it difficult to differentiate between altruism and self-insurance, we focus on migrant employment risks (see discussion in section 2). Therefore we test whether the migrant insures him/ herself by looking at the effect of employment risk variables on the amount of remittances sent.[11] The basic idea is that the migrant sends more remittances (i.e. a higher "insurance premium") when the labour market situation is more risky to ensure reverse remittances in times of need or the support of the family if the migrant has to return home due to lack of work. A direct risk variable we use is whether the migrant entered the destination country legally. The indirect measures of risk we use are the unemployment rate in the host country (due to non-availability of data on migrant unemployment), the duration of migration, the distance between the migrant sending and host country and stock of Albanian/ Moldovan migrants in the host country as a measurement of networks.

A migrant that enters the country legally, has a lower risk, so is likely to send fewer remittances. If the unemployment rate in the host country is higher, then it is expected that there is a higher labour market risk.[12] The shorter the duration of migration, the more money should be sent, as the migrant is less acquainted with the labour market and probably has not found stable employment yet. The greater the distance between the countries, the higher the risk for the migrant, for example, financially, as the migration costs are higher, and the more remittances should be sent. A greater migrant stock should mean less risk, as networks are used by migrants to find jobs, housing, etc. Since we cannot control for migrant income, we measure the migrant's desire to take up insurance, but not his *capacity*.

Table 2. Results of the Tobit regression for the combined model

	Albania		Moldova	
Dependent variable: Total remittances received by household from remitter in past 12 months				
	Marginal effects coeff.	*std. error*	*Marginal effects coeff.*	*std. error*
Migrant variables				
Age of migrant	2.67	2.72	10.39***	2.69
Migrant male	439.88***	45.09	35.44	57.89
Migrant married	-166.87***	48.19	-36.38	62.48
Migrant secondary education	78.27*	43.74	194.77	125.64
Migrant vocational education	129.02**	58.44	176.28	126.42
Migrant higher education	-6.63	77.10	229.83*	133.82
Migrant in Italy (A)/ CIS (M)	-317.61	503.37	535.31	761.20
Migrant in Greece (A)/ EU (M)	-257.00	733.68	-2.79	141.78
HH variables				
HH size	28.74**	11.40	0.26	21.52
Consumption/ income quintile 1	-89.66**	21.04	-122.90**	57.87
Consumption/ income quintile 2	-86.38***	19.23	-31.34***	10.09
Consumption/ income quintile 3	-81.86***	18.44	-4.38	4.38
Consumption/ income quintile 4	-73.61***	17.95	1.92	2.59
Consumption/ income quintile 5	-60.12***	17.00	0.02	0.80
Number of other migrants	-186.68	40.59	-129.74**	64.11
HH lives in urban area	-61.91	39.86	-135.44**	63.19
Risk variables				
Distance between A/ M and capital of destination	-223.62	218.56	281.62***	105.60
Migrant stock in destination	-0	0	-0.00	0.00
Migrant entered legally	-12.37	39.16	-190.82***	62.90
Unemployment rate of country of destination	-74.36	79.71	2.86	42.05
Migrant abroad 1-5 years	389.85**	170.63	129.91*	68.60
Migrant abroad >5 years	532.99***	170.29	138.21*	72.05
Constant	2493.13	2328.95	-2349.20***	786.22

[11] For a similar analysis see also Amuedo-Dorantes, C. & Pozo, S. (2006) and Lianos, T.P. & Cavounidis, (2004).

[12] The most popular migration destination countries of Albanian and Moldovan migrants do not include illegal migrants in unemployment insurance schemes.

Number of observations	2032	1029
Number of censored observations	734 (36%)	535 (52%)
Pseudo R2	0.11	0.08
McKelvey & Zavoinas' R2	0.16	0.14
Likelihood ratio	299.88	121.34
Likelihood probability	0.00	0.00

Note: A=Albania, M=Moldova

Income is used for Albania and consumption is used for Moldova, both measured in current USD. Quartiles are equally spaced over the range of income/expenditures per capita, with 4 cut-off points with quartile 1 as the poorest households and quintile 5 being the richest households.

The marginal effects are conditional on being uncensored.

Base: Migrant primary education or less, migrant location other, migrant abroad 0-1 year

*significant at 10%; ** significant at 5%; *** significant at 1%

Source: Own calculation based on ALSMS 2005 and CBSAXA 2006

Most papers find some evidence for altruism, as defined in theory. As predicted theoretically (see Hagen-Zanker & Siegel, 2007) most papers find a positive relationship for the effect of the migrant's income on remittances[13] and a negative relationship for the effect of the household's income on remittances.[14] We do not know migrant's income, but the education level is a common proxy, as generally more highly educated migrants have a higher earnings capacity (compared to the base group with primary education). Secondary and vocational education are significant and positive for Albanian remitters and higher education is positive and significant for Moldova, thus having the expected relationship with remittances. For both countries, and most clearly for Albania, income has a decreasing negative effect on remittances. This means that the motive altruism is most strong for remittances sent to poor households. For Moldova we see a reversal and actually find a positive relationship at higher levels of the income distribution. This is similar to the picture that Cox et al. (2004) finds and the different effects at different points in the income distribution can be linked to different motivations. The motive for remitting higher amounts to the poorest quintiles could be altruism, whereas for the richer households it could be another motive e.g. investment. Causality is fuzzy here, so it is hard to draw any definite conclusion.

Still, the results on consumption and remittances do not exclude other motives. However, another variable that is often tested is the presence of other migrants in the household. More migrants in the household means that the migrant is not solely responsible for the wellbeing of the household and most papers do find this negative relationship[15]. We also find a negative coefficient for both countries (significant for Moldova). Nevertheless, the value of such a result is doubtful as it can also be interpreted completely differently, as evidence for the bequest motive, see the next analysis on Albania below.

More solid evidence for altruism is that most migrants are more likely to send remittances and send more if the household head is older and most authors also find a positive link between the dependency ratio and the level of remittances and the simultaneous estimation of the probability and level of remittances. Germenji, Beka, & Sarris (2001) studying Albania find a positive relationship between the level of remittances and a household head being older than 55. The dependency ratio type variables are not significant in our models but household size is positive (and significant for Albania) and it seems to demonstrate some evidence for altruism.

In Albania, rural households are more likely to have international migrants (see also Chapter 5), so it is not surprising that households living in urban areas receive fewer remittances. We find the same effect for Moldova, but significant and stronger. We can also expect that rural households are poorer and needier so this is additional evidence in favour of altruism. Length of stay is often used to measure (weakening) altruism. We find a positive and significant effect for Albania and Moldova. Most papers do not find evidence for remittance decay[16], which shows that migrants generally keep

[13] The sole exception is Lianos, T. & Cavounidis, J. (2004)

[14] Exceptions are Lucas, R. & Stark, O (1985) and Itzigsohn, J. (1995)

[15] The following authors found positive relationships: Germenji, E., Beka, I. & Sarris, A. (2001)., Hoddinott, J. (1994) and Pleitez-Chavez, R.A. (2004).

[16] The exceptions are: Banerjee, B. (1984) and Funkhouser, E. (1995)

links to their families and communities. Again, this result can be interpreted in terms of more self-interested theories, for example, as investment at home due to future plans to return.

To succeed in measuring self-insurance only, Amuedo-Dorantes & Pozo (2006) look at the risk level of the migrant only. The first measure of the migrant's risk level that we use is *length of stay*. As we already mentioned above, length of stay has a positive effect on remittances. This means that lower risk is accompanied with more remittances (so more insurance), which is some evidence against remittances as self-insurance. All other risk variables in Albania also have the opposite sign than expected and are insignificant, so self-insurance measured in this way is not a motivation. However, for Moldova we find the expected signs and the risk variables are jointly significant and mostly individually significant. Accordingly for Moldova we have some evidence for self-insurance. Although few papers find a significant relationship for other measures of migrant risk (e.g. legal employment), almost all of those that did, do find this positive relationship with remittances.[17] This means that migrants send more remittances as insurance.

We have shown that when using the approach currently favoured in the literature, it is difficult to measure altruism as a separate motive because it overlaps with other motives and since most authors have not been able to find good operators. It is possible to distinguish self-insurance, however, if good proxies for migrant risk are found, as these variables have opposite effects to altruism. We had only one direct proxy for migrant risk, as our remittance receiving household database has little information on the remittance senders. This is a difficulty many authors face and that aggravates the theoretical problems.

II. Measuring the bequest and co-insurance motive in Albania

Next we use data on a household and community level to test for the bequest motive, co-insurance and the NELM theory in Albania. The model is described in equation 3.

$$R_i^* = \alpha + \beta_1 M_i + \beta_2 B_i + \beta_3 C_i + \beta_4 N_i + \varepsilon_i \qquad 3$$

Where

Variable	Expected effect
R= Total remittances received by household from remitter in past 12 months	n.a.
M: Migrant variables	
Age of migrant	control
Gender of migrant	control
Marital status of the migrant	control
Education of migrant	control
B: Bequest/ household variables	
Per capita income of household	-/+
Wealth index	+
Age of household head	+
Household owns house	+
Other migrants in household	-/+
Number of elderly in household	control
C: Co-insurance	
Adverse shocks experienced by household	+
N: NELM variables	
Household lives in urban/ rural area	control
Community infrastructure index	+
Credit possibility index	+
Informal credit is a source of borrowing in this community	+
Lack of employment opportunities in community	+

To measure the bequest motive, we look at the income of the household, if there are other migrants in the household, the age of the household head, the wealth of the household and whether the house is owned by the current household. According to the theoretical literature, if the coefficient of income

[17] Only Durand, J. et al. (1996) and Konica, N. (2006) find that those migrants with stable jobs are more likely to remit

of the household has a positive sign this could show evidence for the bequest motive, since there is more to gain in inheriting. If remittances increase with the wealth of the household (or with the fact that the household owns the house), there is further evidence for the bequest motive. If there are other migrants in the household, then sending more remittances could be a sign of trying harder to win the bequest. If a higher age of the household head coincides with higher remittances, this could be evidence for the bequest motive, because the probability of death is higher (Brown 1997).

To test co-insurance of a household, we look at adverse shocks household experiences, namely a job, illness or property shock (e.g. house burns down). If any of the coefficients for the shocks variables have a positive sign, then there is evidence for co-insurance or altruism. The more general NELM theory discussed next, also measures co-insurance, but more indirectly.

To test the more general hypothesis of the NELM, we use the variables community infrastructure, formal and informal credit possibilities, the population of the community, employment possibilities in the community and whether or not the household is in a rural or urban community, thus following the approaches of Durand et al (1996) and Sana & Massey (2005) as much as possible. If the coefficient of community infrastructure has a positive sign, this is evidence for the NELM, since there needs to be a basic infrastructure if the household wants to invest. If it is negative, then it shows altruism because of need. If the coefficient of formal credit possibility has a negative sign this is evidence against co-insurance. There are possibilities to obtain money elsewhere, so there is less need for a co-insurance arrangement. If the coefficient of informal credit has a positive sign, then this shows an underdeveloped financial sector, i.e. there is need for co-insurance and evidence for the NELM. The sign for the coefficient for lack of employment possibilities should be positive for NELM (again due to lack of opportunities at home and therefore the need for co-insurance) and altruism. As can be seen from the above explanation, NELM variables mostly test investment possibility variables; so NELM also tests for the investment motive in some respect.

Table 3. Results of the Tobit regression for the Albania model

	Marginal effects coeff.	std. error
Dependent variable: Total remittances received by household from remitter in past 12 months		
Migrant variables		
Age of migrant	12.63***	3.09
Migrant male	456.32***	45.12
Migrant married	-159.53***	49.55
Migrant secondary education	45.21	46.10
Migrant vocational education	80.60	61.29
Migrant higher education	-24.08	76.25
HH variables		
Income quintile 1	-76.92***	21.42
Income quintile 2	-76.26***	19.55
Income quintile 3	-70.40***	18.70
Income quintile 4	-63.54***	18.25
Income quintile 5	-52.98***	17.18
Morris score index	148.65***	35.56
Age of HH head	-9.85***	2.75
HH owns house	-169.17*	88.21
Other migrants in HH	-146.62***	41.80
Number of elderly in HH	-10.62	30.40
Co-insurance variables		
HH has property shock	26.48	224.78
HH has job shock	-76.34	201.29
HH has illness shock	110.81	131.50
NELM variables		
Household lives in urban area	-106.49*	60.86
Community infrastructure index	-30.33	105.37

Credit possibility index	-24.37	30.51
Informal credit is a source of borrowing in this community	24.77	58.86
Lack of employment opportunities in community	117.86**	47.54
Constant	-529.98	257.11
Number of observations	1935	
Number of censored observations	708 (37%)	
Pseudo R^2	0.12	
McKelvey & Zavoinas' R^2	0.16	
Likelihood ratio	294.65	
Likelihood probability	0.000	

Note: The Morris score index is a weighted asset index (see Morris et al. 1999).
The marginal effects are conditional on being uncensored.
Base: Migrant primary education or less
* significant at 10%; ** significant at 5%; *** significant at 1%
Source: Own calculation based on ALSMS 2005 and CBSAXA 2006

In theory, migrants with a bequest motive should be more likely to send remittances and send greater sums of remittances if their parents are wealthy (e.g. they own land) and have a higher income.[18] Unlike Germenji, Beka, & Sarris (2001) in an earlier study on Albania, we find a positive and significant sign for wealth (the Morris score index) and a less negative relationship between remittances and income at higher income quartiles, which could be interpreted as an indication of a bequest motive. All other bequest variables have the wrong sign and the causality between income and remittances is fuzzy, so we do not have convincing evidence for the bequest motive.

Whether remittances are sent as part of a co-insurance contract between migrants and households can be measured by analysing the effect of household shocks and migrant (income, employment and living) risk on remittances. According to most studies that included household shocks, shocks of the household (e.g. illness) lead to a higher probability of remittances and larger sums of remittances.[19] Unfortunately, this cannot be distinguished from altruistic behaviour. In our regression the shock variables are not significant individually and only the illness and property shock variables seem to lead to more remittances.

Durand et al. (1996) find that migrants are more likely to remit to economically dynamic and entrepreneurial communities, which suggests that remittances are sent as co-insurance under the right conditions. Since the migration and remitting decision are highly linked, we expected the NELM to be highly significant since they also influence the migration decision. However, almost none of the NELM variables are significant, also not using different specifications, many do not have the expected signs and they are only significant at the 5% level as a group. Households living in communities with lack of employment opportunities receive significantly more remittances, but again this could be a sign of altruism.

Again we find that most variables used to measure the different motives are too general and therefore multi-interpretable. Only the NELM accounts for the origin community development and more research should be done in this direction as it influences both the decision to migrate and the decision to remit, a decision that is often linked for economic migrants.

III. Measuring loan repayment in Moldova

In the final analysis we use only Moldovan data and test for another theoretical motive to remit, namely loan repayment. We estimate the following model:

$$R_i^* = \alpha + \beta_1 M_i + \beta_2 H_i + \beta_3 L_i + \varepsilon_i \qquad (4)$$

Where

[18] Some papers do find this relationship: de la Briere, B. et al. (1997), Hoddinott, J. (1994), Lucas, R. & Stark, O. (1985), Pleitez-Chavez, R. (2004), Schrieder, G. & Knerr, B. (2000) but others do not: Durand, J. et. al. (1996), Germenji, E et al. (2001), Holst, E. et al. (2006), Osaki, K. (2003)

[19] Only Halliday, T. (2006) finds that for an earthquake shock, less remittances are sent, unlike for an agricultural shock. He attributes this to the fact that households cope with the earthquake by retaining family members at home to help with rebuilding.

Variable	Expected effect
R= Total remittances received by household from remitter in past 12 months	n.a.
M: Migrant variables	
Age of migrant at departure	control
Gender of migrant	control
Marital status of the migrant	control
Country of migrant destination	control
Duration of migration, in categories	control
H: Household variables	
Household size	+
Per capita expenditures of household	-
Other migrants in household	-
Household lives in urban/ rural area	control
L: Loan repayment variables	
Education of migrant	+
Education of household head	+
Cost of migration	+
Returned money borrowed	-

Loan repayment here refers to the repaying of education costs or the repayment of the financing of migration. The main variables we consider when testing this motive are: Education of the household head, education of the migrant, whether debt is the motivation to remit, the cost of migration, and whether the money borrowed for migration was returned. The higher the education of the household head, the better the enforcement of loan repayment (see Hoddinott, 1992). If a migrant is highly educated, then the remittances sent by the migrant should be higher due to the greater cost of his/ her education (Poirine, 1997). One of the motivations to remit can be to pay back a loan. If the money borrowed for migration has been returned already, it should have a negative effect on the level of remittances.

Table 4. Results of the Tobit regression for the Moldova model

	Marginal effects coeff.	Std.error
Dependent variable: Total remittances received by household from remitter in past 12 months		
Migrant variables		
Age of migrant	11.73***	3.40
Migrant male	109.30	74.28
Migrant married	-35.44	81.92
Migrant secondary education	-148.46	193.39
Migrant vocational education	-142.81	191.00
Migrant higher education	-54.47	202.68
Migrant in CIS	-166.78	121.19
Migrant in EU	47.73	130.90
Migrant abroad 1-5 years	47.36	90.92
Migrant abroad >5 years	108.53	96.21
Household variables		
HH size	-13.81	27.12
Consumption quintile 1	-72.87	74.16
Consumption quintile 2	-25.55*	13.31
Consumption quintile 3	-3.50	5.85
Consumption quintile 4	2.35	3.21
Consumption quintile 5	-.051	1.01
Other migrants in hh	-235.16***	80.82
HH lives in urban area	-202.05**	78.91
Loan repayment variables		
Household head secondary education	425.12***	148.07

Household head vocational education	311.18**	144.42
Household head higher education	173.76	170.96
Cost of migration	0.09***	0.03
Return of money borrowed for migration	413.00	849.94
Constant	-227.76	294.77
Number of observations	723	
Number of censored observations	231 (32%)	
Pseudo R^2	0.0091	
McKelvey & Zavoinas' R^2	0.126	
Likelihood ratio	84.797	
Likelihood probability	0.000	

Note: "Cost of migration" states the total amount of money spent to migrate ranging from actually travel costs to visa costs, etc.

The marginal effects are conditional on being uncensored.

Base: Migrant primary education or less, migrant location other, migrant abroad 0-1 year

* significant at 10%; ** significant at 5%; *** significant at 1%

Loan repayment can be measured by looking at migration costs and the education level of the migrant. Migrants with a higher education level could be sending remittances to repay the investment their parents have made into their education. Even from a sociological perspective this motive seems justified, as the contract may be implicit and based on a feeling of duty. However, this variable could also measure income effects. Almost all authors find a positive relationship between the migrant's education level and remittances.[20] We find a non-significant and negative relationship for Moldova, so we do not have evidence that Moldovans are remitting to repay education costs.

It is possible that those migrants that received help from their family in financing migration send more remittances as a loan repayment. This is confirmed by all empirical studies that find a significant relationship. The loan repayment variables in our analysis are jointly significant. The household head having a higher than primary education level has a positive, very significant and large marginal effect on the amount of remittances sent. It is thought that household heads with a higher education level are better able to enforce loan repayment (Hoddinott, 1992), thus the higher remittances. Cost of migration is positive, as expected (but not significant) and the variable returned loan has a different effect than expected (and not significant). Remittances are measured over the whole past year, but we do not know at what point in time the loan was returned, so it is possible that remittances still capture the effect of repaying the loan. Overall we have mixed evidence for loan repayment.

2. Conclusions

In this paper we discussed the most important theoretical motives of remitting, before testing a number of them using data on Albania and Moldova and critically comparing the results to the previous literature. We measure remittances from the receivers' perspective, but focus on the remitter's motives, analysing the characteristics of both the remitter and remittance receiving household. While we are able to find evidence for some motivations, the aim to repay loans and self-insurance in Moldova and altruism in both countries, the analysis resulted in inconclusive results, very much in line with the literature.

Albania and Moldova differ in terms of migration and remitting patterns. Males are the majority of migrants in both countries and remittances are sent to all income groups. In Albania, higher amounts are sent to poorer households. Albanian men send higher amounts of remittances, probably due to cultural practice, while in Moldova there are no significant gender differences. In Moldova the more highly educated send more remittances implying that migration was an effective human capital investment in line with Sjaastad's (1962) hypothesis.

It seems that in both countries, remitters have (some) altruistic motives. The better educated (and consequently wealthier) remit more. More remittances are sent to worse off households and migrants

[20] Only two papers find a negative relationship between the migrant's education level and the probability of sending remittances: Durand, J. et al (1996) and Osaki, K. (2003).

remit less if there are other migrants in the household, as the migrant is not the only one responsible for the wellbeing of the family. More remittances are sent to larger and thus needier households and to households living in communities with lack of employment prospects. The altruism evidence is especially strong for Albania. This is in agreement with the idea that Albanians migrate to support their families.

In Moldova we find some evidence for self-insurance. Migrants living in more risky environments (longer distance to destination, illegal entry, and higher unemployment rate in destination) send more remittances, a type of informal insurance premium. We also see remittances being paid as loan repayment in Moldova. However, the remittances motives literature has a number of serious methodological problems that will be discussed below.

It is clear that the causes and patterns of migration in Albania and Moldova influence the remitting behaviour. It is an inter-linked decision. Geographical location, economic possibilities and family situations determine where, for long and under which circumstances a migrant can migrate and send remittances. We saw that in Albania migrants seem to leave to support their families and indeed we find some evidence for the motive altruism. In Moldova on the other hand, both the decision to migrate and remit seems to be more individualistic. Migration seems to be a human capital investment leading to a location where employment prospect, given the migrants skill level, are better. The higher educated are more likely to migrate and to remit. Remitting motives seem to be partially based on self insurance and loan repayment.

There are a number of measurement difficulties. First of all, migrants may have more than one (remitting) motive in mind and motives may also be overlapping. Furthermore motives may have same effect on certain variables (for example in the reaction to shocks), even theoretically, which makes them almost impossible to measure empirically. The resulting findings are then often multi-interpretable. It is difficult to find proxies that measure human behaviour which means that operationalisation is often weak. Furthermore we need to be aware of reverse causality between the household's income/ consumption and outcome variables, like whether someone is a migrant or how much a migrant remits. Remitters are social beings and this clearly complicates the analysis. People are not always rational and they may not always be aware of (sub-conscious) behaviour. In reality the dichotomy altruism versus self-interest is not as sharply defined as in theory. Furthermore, a migrant might have more than one (migrating, remitting) motive in mind. We should therefore improve economic research to better include the social context and acknowledge the full complexity of a migrant's decision.[21]

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[21] Carling (2008) is a good example for the determinants of remittances.

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Annex 1. Summary statistics

Table A.1 *Summary statistics for Moldova*

Variable	Obs	Mean	Std. Dev.	Min	Max
Migrant remittances USD	1843	450	1274	0	75348
Age of migrant	1843	36	11	6	99
Male	1843	0.60	0.49	0	1
Married	1842	0.69	0.46	0	1
Secondary migrant	1820	0.38	0.49	0	1
Vocational migrant	1820	0.37	0.48	0	1
University migrant	1820	0.18	0.39	0	1
CIS	1843	0.63	0.48	0	1
EU	1843	0.23	0.42	0	1
Household size	1843	4.29	1.49	1	12
Expenditure per cap USD (Spline 1)	1843	31.99	41.26	0.78	277.81
Expenditure per cap USD (Spline 2)	1843	0.37	8.14	0	277.09
Expenditure per cap USD (Spline 3)	1843	0.02	0.79	0	34.05
Other migrants in the hh	1843	0.25	0.43	0	1
Urban	1843	0.28	0.45	0	1
Between 1 and 5 years abroad	1607	0.41	0.49	0	1
More than 5 years abroad	1481	0.42	0.49	0	1
Migration cost	1327	728.08	1331.38	7	7800
Repayed loan	1022	0.00	0.03	0	1
Secondary hhh	1822	0.36	0.48	0	1
Vocational hhh	1822	0.38	0.48	0	1
University hhh	1822	0.14	0.34	0	1
Distance log	1770	7.06	0.38	5.88	8.07
Migrant stock at destination	1770	181,884	127,273	266	277,527
Migrant entered legally	1282	0.77	0.42	0	1
Unemployment rate of country of destination	1770	7.59	0.89	4.6	11.1

Table A.2 *Summary statistics for Albania*

	Obs	Mean	Std. dev.	Min	Max
Migrant remittances in USD	2034	772.35	1525.60	0	24907.8
Age of migrant	2034	31.12	8.34	16	69
Gender of migrant	2034	0.65	0.48	0	1
Marital status of the migrant	2034	0.66	0.47	0	1
Migrant secondary education	2034	0.31	0.46	0	1
Migrant vocational education	2034	0.13	0.34	0	1
Migrant higher education	2034	0.08	0.28	0	1
Migrant in Italy	2034	0.39	0.49	0	1
Migrant in Greece	2034	0.40	0.49	0	1
Expenditure spline 1	2032	4.16	0.12	3.36	4.20
Expenditure spline 2	2032	0.50	0.40	0	1.39
Expenditure spline 3	2032	0.00	0.04	0	0.90
Morris score index	2034	2.60	0.59	0.04	3.48
Age of HH head	2034	61.46	9.83	22	96
HH owns house	2034	0.95	0.21	0	1
Other migrants in HH	2034	0.71	0.45	0	1
Number of elderly in HH	2034	2.39	1.44	0	10
HH has property shock	2034	0.01	0.08	0	1
HH has job shock	2034	0.01	0.09	0	1
HH has illness shock	2034	0.02	0.14	0	1
Household lives in urban/ rural area	2034	0.53	0.50	0	1
Community infrastructure index	1937	0.69	0.30	0	1
Credit possibility index	1937	0.76	0.63	0	2
Informal credit is a source of borrowing in this community	1935	0.88	0.32	0	1
Lack of employment opportunities in community	1935	0.78	0.42	0	1
Distance between A/ M and capital of destination	2034	6.63	0.71	3.21	8.91
Migrant stock in destination	2034	233,726.2	148,239.2	6281	403,856
Migrant entered legally	2034	0.55	0.50	0	1
Unemployment rate of country of destination	2034	8.55	1.24	5.1	11.1
Migrant abroad 1-5 years	2034	0.38	0.49	0	1
Migrant abroad >5 years	2034	0.61	0.49	0	1

Part II

Migration, Asylum and European Integration: Experiences of Central and South-Eastern European Countries

Migration Policy and Immigrants in the Czech Labour Market

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Abstract

After applying quite restrictive immigration policies for several decades, many developed European countries have started to partly re-appraise their approach to migration, especially labour migration, and its benefits. In particular, the problem of ageing and shrinking populations has realized the need to attract more work forces, especially highly-qualified professionals.

The nature of Czech migration policy substantially changed under the influence of a shortage of labour in certain sectors and unfavourable demographic trend. While a liberal approach to foreign workers´ access to the labour market between 1990 and 1997 gave place to a more restrictive policy, from the end of the 1990s on, there has been a shift from a passive to a more active and systematic approach to migration policy and practice: firstly, new legal provisions harmonizing Czech legislation with European laws started to come into force, after the joining of the CR to the EU on May 1, 2004; and second, Czech authorities started proclaiming that they want to approach these problems more actively. One of these "opening doors" measures was the launch of a pilot programme to select qualified foreign workers in 2003 and more recently (from 2009) came into the force the system of "Green cards".

Significant parts of the labour market comprise the irregular migrants. The "client system", and agencies intermediating jobs are an important phenomenon of the grey economy. Currently, as a consequence of the global economic crises, a voluntary return program as a sort of "regularization" or amnesty for irregular migrants was organized by the Ministry of Interior in September 2009.

Key words: migration policy, population ageing, legal migration, irregular migration, proactive policy, pilot programme, green cards.

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Introduction

The global economic crisis has led to a serious slowdown in world economic growth and considerable job losses. According to ILO forecasts the global unemployment levels could reach 29 million to 59 million in 2009 (ILO 2009), which also has an impact on immigration policy changes in countries of destination.

A number of destination countries have responded to the crisis by taking steps to decrease the inflow of migrant workers, often as a result of public pressures during the economic crisis. Immigration flows could be regulated by a variety of measures such as: adjusting numerical limits; strengthening labour market tests; limiting possibilities to change status and to renew permits; applying supplementary conditions to non-discretionary flows; and promoting return migration. The Czech government chose return migration as one of the solutions. The Czech government offered laid-off migrants air-fare and €500[1] (US$704) to return to the origin country, however they were not prevented from returning to the destination country in the future (ILO 2009). Furthermore, a number of countries have intensified their efforts to curb irregular migration.

Such restrictive immigration policies, which have been implemented for several decades and even longer during the global crises, are partially modified. Many developed European countries had started to reappraise their approach to labour migration and its benefits. The main goal has been to attract highly skilled and professional migrants by providing incentives and benefits such as permanent residence, family reunification or special (pilot) programmes. This has not been the case for low skilled migrants, although policies of destination countries vary widely.

Momentum for these policy revisions came because many developed countries with ageing and shrinking populations have started to realize that they need to attract more work forces, due to a shortage of labour in certain sectors (mismatch between the demand and the occupational structure of the labour force).

Some of the New Member States (NMS) of the European Union (EU) increasingly employ foreign workers (e.g. Czechia, Slovenia, Hungary), but at the same time they provide both skilled and unskilled human resources to Old Member States (OMS). This trend raises concerns of a permanent loss of human capital needed at home (especially in Bulgaria or Rumania). While some of the NMS are still mostly perceived to be important sources of labour migration, the net migration balance of some of the Central and Eastern European countries (CEECs - the Czech Republic - CR, Hungary, Slovenia, Slovakia) is positive.

In recent years, substantial changes occurred in Czech migration policy. From the end of the 1990s there has been a shift from a passive to a more active and more systematic approach to migration policy and practice (Roubalová 2006, Drbohlav 2006). During the 2000s, faced with worrying trends and already seeing labour shortages in some economic sectors, Czech authorities, in harmony with some OMS, started proclaiming that they wanted to approach these problems more actively. One of these "opening doors" measures was the launch of a pilot programme to select qualified foreign workers in 2003 and more recently (in January 2009) there came into force the system of "Green cards". However, the programme is still not working effectively. One reason for this is that it was planned before the economic crises when employers were short of employees and now there is not a big demand for new labour force. Accordingly, there was also adopted the Anti-discrimination Act[2] in June 2009 (in force from September 2009) which defines the right to equal treatment and bans discrimination in employment, business, education and health care.

The important momentum of the Czech labour market began with the economic crises from late 2008 when unemployment increased and thus demand for foreign labour force decreased. On the other hand the economic situation by the end of 2009 seemed to be stabilized and we can likely expect a return to the previous situation before the crises.

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[1] The immigrants could obtain within the project 500 EUR in the first phase (from February to July 2009) and 300 EUR in the second phase (from July to December 2009)(Projekt 2010)

[2] This Act is formulated very general/vague because there are not mentioned foreigners staying at the Czech Republic.

The purpose of this article is to analyze the main shift in the Czech migration policy from the beginning of the new Millennium in relation with the ageing population and the shortages at the labour market.

Demographic situation

After the political, economic and social changes in post-communist states during the 1990s, conditions were in place to allow demographic transformations similar to those which had already taken place in European democracies.

In general, the population of EU countries has been declining and ageing. Many studies confirm that this trend will continue (Grant et al. (2004), Bijak et al. (2005)) and the CR is no exception. A currently observed slight surplus in natural growth[3] is an ephemeral phenomenon which will soon be replaced by a negative balance. Over a long-time horizon (until 2050 – see EC Budgetary projection: AWG variant population scenario, Annex 2006), the development of the CR, as in many other European countries, will see the whole population shrink by 1.3 million, and the labour force shrink by 1.4 million, growing life expectancy, growing labour participation rate and general ageing (Janska, Drbohlav 2008). Growing dependency ratios might have an especially important impact on the economy (e.g. total dependency ratio[4] - from 41.2 in 2004 to 77.1 in 2050 – see Annex 2006). According to Burcin, Kučera (2003), a decline of economically active groups and, on the other hand, rising numbers of old people (especially between 65 and 79) will be particularly unprecedented.

Along with this deep change and inefficient economy, the ageing process will create very specific and demanding conditions for the further development of the Czech society. What is the future role of international migration movements in the country? Adopting the "Replacement Migration" concept (see e.g. Replacement 2001) Burcin, Drbohlav, Kučera (forthcoming) shed light on the needed volume of migration to eliminate changes to the CR's population number and age structure caused by an expected negative natural growth. There is no doubt that migration in the CR context is not able to prevent or even cure the population of demographic ageing but it can fill some gaps in the near future.

Migrants and labour market developments

GDP per capita in the CR is at the level of some old EU Member States (e.g. Portugal, Greece). However, the CR has been facing a number of serious problems which threaten its competitiveness and social cohesion in the long term as well as its capacity to fully deploy its human resources and economic potential. While in 2007 the increase of GDP per year was six per cent, GDP in 2009 was, thanks to the global crises, negative (-3,1%)[5]. The Czech Government has addressed these problems with systematic and strategic measures, in particular the Convergence Programme of the CR, in the National Reform Programme (National Lisbon Programme 2005-2008) and in the CR National Development Plan for 2007-2013 period[6]" (National 2006).

In this context, the informal economy must be mentioned as it plays an important role in the Czech labour marker. Undeclared work (within the so called "black or grey market activities") originated in the CR under the socialist economic system (more in Janska, Drbohlav 2008). It is estimated that the value of undeclared work in the CR corresponded to between nine and ten per cent of GDP in 1998

[3] The population of the CR slightly rising[3] whereas the most important part plays net migration, which for example, comprised almost 90% of total increase in 2008. Moreover, since 2006 we observed also natural increase, caused by high number of newborn children to women borne in the 1970´s. Nevertheless according the new statistics from July 2009 (CSO) it seems clear that, in the near future, the number of newborn children will decrease again.

[4] Population under 15 and over 65 as a percentage of the size of the population aged 15-64.

[5] A slight recovering of the economy is seen in the first months in 2010, when GDP per year was 1,2% (CSO).

[6] In this section I rely mainly on data from the Ministry of Finance - see: //http.mfcr.cz/cps/rde/xchg/ - e.g. National Lisbon Programme 2005-2008 (National Reform Programme of the CR from October 2005) and National Strategic Reference Framework of the CR 2007-2013, Version 5 (final), Prague, prepared by the Ministry for Regional Development.

(Undeclared 2004) and has been reducing since 1995[7]. Sectors with a high occurrence of undeclared work include construction[8], agriculture, hotel and restaurants, trade (mainly street retailing and markets), the textile industry, and other services.

Although the occurrence of undeclared work in the CR was assessed as the second lowest (behind Estonia – see Undeclared 2004) compared with other New Member States including Romania and Bulgaria, the Government has taken action to combat it. This started in a coordinated manner through various policy measures like "tax simplification, more checks on compliance with the Employment Act, active employment policy, a minimum wage, labour code amendment, regional committees against undeclared work, and the introduction of labour inspectorates" (Undeclared 2004). This is a difficult and time-consuming process.

What is clear is that in an environment where many Czechs are involved in the black or grey economy, immigrants´ participation is easier.

As early as the 1990s, the CR quickly became a country of destination and transit. Inflows of legal/documented migrants occurred, together with undocumented migrants[9]. Leaving aside undocumented transit migrants (see Ministerstvo 2006), the irregular labour migrants come from economically less developed countries (mainly former Soviet Republics, Central/Eastern European countries, Vietnam and China). They come for short and long stays and take mostly labour intensive, demanding, poorly paid jobs unattractive to most Czechs. These include construction (auxiliary works), home-cleaning and care, agriculture/forestry, hotels/restaurants, industrial branches like machinery, textiles or the food industry (see Horáková 2006).

There are differing estimates of numbers of illegal economic migrants in the country. For example, experts´ assessments in the Delphi survey range widely between 40,000 and 250,000 (see also Fassmann 2006, Drbohlav et al. 2009). What seems to be realistic and also supported by data or expert estimates from sending countries (see examples in Drbohlav 2004) is that overall numbers of undocumented migrants in the CR might at least equal those of legally registered immigrants (for some ethnic immigrant groups such numbers might be much higher – see, for instance, Moldovans or Vietnamese - in Drbohlav 2004).

Development of migration flows and stocks since 1995

The CR has been gaining migrants for over a decade (see table 1), and immigrants have become an integral part of Czech society.

Table 1: Foreign Migration in 1995-2008 (flows)

	1995	1997	1999	2001	2003	2004	2005	2006	2007	2008
Immigration	10,540	12,880	9,910	12,918	60,015	53,453	58,276	66,125	104,4	77,8
Emigration	541	805	1,136	21,469	34,236	34,818	21,796	31,388	20,5	6,0
Gross migration	11,081	13,685	11,046	34,387	94,251	88,271	80,072	97,513	124,9	83,8
Net migration	9,999	12,075	8,774	-8,551	25,779	18,635	36,480	34,737	83,9	71,8

Source: Czech Statistical Office

Notes: emigration figures are underestimated, since, although there is mandatory deregistration of Czechs before leaving the country for a long period, only a few people comply with this. Thus, net migration is, in fact, lower than it is shown in the table. A "jump" in 2002 was due to changing categories within the official Czech statistics – long-term stays started being included.

[7] Fassmann (2001, 2003, 2005 – see in Kux, Kroupa 2006) mentions some 16 per cent of GDP and between 8 and 12 per cent of GDP (only for Bohemia) depending on which method of analysis is used. Horakova, Kux (2003) set it at least 10 per cent of the GDP and between five and six per cent of the labour force.
What may also be relevant in this context is to mention that "according to estimates, the numbers of job vacancies on record cover between 30 and 50 per cent of actual vacancies available"(National 2006).

[8] "…with a very rough estimate of 250,000 to 350,000 people working illegally in the Czech economy as a whole (5-7 per cent of the labour force), the proportion of undeclared work in construction is around half of that total" (Kux, Kroupa 2006).

[9] Illegal migration relates to a situation when one´s entry or stay does not, or has ceased, to fulfil conditions for entry or long-term residence stipulated by relevant intrastate law or international agreement, to which the CR is tied.

As of December 31, 2008, a total number of 438, 301 foreigners with a residence permit were registered in the CR. This represents 4.2 per cent of the total population. Employment and business activity were the dominant purposes of stay in the category of temporary and long-term resident holders in the CR and "family reunion" was the most frequent reason for granting a permanent residence permit. Ukrainians, Slovaks, Vietnamese, Poles and Russians predominate among foreigners in the CR. In last four years (2006-9), citizens of EU countries compose around 32-33 per cent.

Even if we are now facing a global economic crises, the economic and political conditions and the geographical position of the country in the "heart" of Europe are still the pull factors for immigrants. The Czech labour market will be able to absorb immigrants in the future for the following four reasons. Firstly, because of the ongoing globalization and internationalization of the Czech economy. Secondly, a low minimum wage[10] contrasting with high social benefits led to the Czechs' unwillingness to take up low-paid jobs. Thirdly, employers make serious efforts to get cheap foreign labour to reduce expenses. Fourthly, Czech workers have low mobility within the CR making it hard to meet specific labour demands using only the domestic labour force.

Generally, there are two groups of immigrants coming to the CR especially from the economic reasons: 1) The "Western" type, characterized by highly-qualified jobs often in international firms and 2) the "Eastern" type, typical of less qualified positions e.g. in construction, some industrial branches and services. The first type includes highly-educated people coming with their families often for a short time. The second type represents mostly young men, who often left their families in their country of origin (Drbohlav 2004, Drbohlav, Janska 2004).

In 2008 the number of registered foreigners in the Czech labour market increased to 361,709 and, thus, the proportion of foreign workers (i.e. workers and business-license holders) in the total labour force in the CR reached 6.4 per cent. Besides Slovaks, who have been traditionally the most important labour migrant group in the CR, Ukrainians and Poles predominate among foreign employees in the CR.

By the end of 2008, 77 158 foreign businessmen were registered and currently, Vietnamese and Ukrainians clearly outnumber other immigrant groups. Most foreign businessmen (32 per cent) are registered in the capital city, Prague.

Czech Migration policy

It is necessary to stress that the Czech migration policy is still in an immature stage (see more Drbohlav et al 2009). Nevertheless, it has been permanently developing over time as it reacts to internal and external impulses. In 2002 the Government admitted six basic governmental policy principles in the field of international migration (the Government Resolution of January 13, 2003, No. 55). Of the policy itself, several main trends might be mentioned. A positive sign was that "security matters" no longer dominate design of the migration policies. Until recently, active approaches of the CR in the field of migration policy have been overshadowed by steps necessary steps to harmonize with EU legislation. Although this, to some extent, still continues, new pro-active measures have also appeared.

Whereas first migration policy initiatives of the country were typical of a rather multicultural approach, the latest documents and conceptions point out re-orientation towards integration reality (so called "civic integration" regime – Baršová, Barša 2005), some steps are clearly more restrictive than previously (see Drbohlav et al 2009).

Practical implementation of the migration policy

Some of the pro-active migratory programs and initiatives of the Czech Government toward regulating and managing migration flows will be introduced briefly.

[10] The Czech minimum wage is among the lowest in the EU. In 2005, the minimum wage represented 38.5 per cent of the average gross wage (Kux, Ettlerová, Baštýř a Šťastná 2006)

Regulation of labour migration

"There has always been a part of the foreign labour force whose entry into the labour market was regulated by work permits and a part which was not. The latter includes immigrants holding permanent residence, specified professions, the "specific" case of Slovak workers (they were supposed to just register at a local job centre prior to EU entry) or EU citizens, following entry into the European Union. Work permits cover migrants from "third countries", those who often come from the "East" (Čaněk, Čižinský 2006). The Act No. 326/1999 on the Stay of Aliens on the Territory of the CR (Aliens Act) which entered into force in January 2000 brought an important change into the regulation of migrants into the country. Since then, applicants must apply for visas and work permits outside the country. This closed off the possibility to upgrade to a work permit from a "tourist" visa.

Work permits are granted by Job centres in the Czech Republic. It is up to them to evaluate an economic need and a beneficial effect tied to the immigrant's arrival and proposed activity. What should be pointed out is that a foreigner (a would-be employee) can take a vacant job provided no other citizen of the CR or any other EU country is willing to accept it[11].

This law introduced a more restrictive regime for obtaining work[12] and residence permits became more difficult to attain. At the same time, the other official channels through which foreign labour migration were to be organized and recruited – mainly bilateral agreements, like that between the Czech and Ukrainian, Mongolian or Russian governments, failed to work efficiently. These turned out to be inflexible, time-consuming, bureaucratic and outdated. These conditions opened up a niche for intermediaries to organize a regular, irregular or semi-legal stay and work in the CR (see Čaněk, Čižinský 2006, Černík 2006, Intermundia 2005). One of these phenomena is called the "client system", others are agencies intermediating jobs. The irregular client system has quickly become widespread throughout the whole country[13]. However, it should be noted that to some extent the "client system" has integrated into the official Institute of Employment Agencies.

Employment agencies who are registered with the Ministry of Labour and Social Affairs (Drbohlav, Horáková, Janská 2005) obtain a license (a permit to broker employment) which allows them officially to recruit foreign workers.

Since 2004 such agencies have been growing very rapidly. There were more than a thousand agencies dealing with foreigners in 2009. Such large numbers[14] cannot be effectively monitored and their recruitment activities controlled by the authorities. A number of these agencies are in fact organized by "clients" and are responsible for exploitation of foreign workers.

In addition to the employment agencies, foreigners are using other formal and informal sources to search for jobs, for instance, private advertising publicized in mass media or through the electronic media. [15]

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[11] When doing business, foreigners have to follow the same (more simplified) rules as Czech citizens. Thus, this "entering channel" has often been misused by foreigners who were in fact, only "masked or hidden employees" (these quasi-business activities are called the "svarc system"). As already mentioned, this situation has been, to some extent, improved by Amendment No. 435/2004 of Coll., On Employment.

[12] Czech work permits give priority to domestic workers for any specific job. The supply of foreign labour force is meant to be limited to cases when an employer is not able to find a Czech (EU) candidate with certain skills or qualifications. See the Employment Act no. 1/1991 Coll. and the new act no. 435/2004 Coll. There have also been bilateral agreements on employment that the CR signed with Slovakia, Hungary, Russia, Mongolia, Vietnam, Ukraine, etc. These have, however, been losing their significance as most of their provisions can also be found in existing Czech legislation. At the same time quotas to employ citizens of certain countries have often never been filled. For example the treaty with Ukraine was not renewed after it expired a few years ago (Čaněk, Čižinský 2006).

[13] As Čaněk, Čižinský 2006 explain: "Clients are part of a system organizing labour immigration from Ukraine, Moldova and other countries of the former Soviet Union to the CR. Clients are intermediaries; they are in a client position to mafia groups. Workers involved in the client system get a full service (employment, housing, possibly a residence permit, etc.) and protection (whilst paying a large share of their income for these services). Czech employers in construction and other sectors of the economy have relied on a ready-made supply of migrant workers that they need not take responsibility for. This client system has been increasingly described as allowing exploitative, slave-like labour, plus the criminalization of a large group of migrants. This will probably represent one of the main challenges for current and future Czech migration policy".

[20] In 2009 there were registered over 2200 Agencies intermediating jobs for foreigners and also for "locals"

[15] There are also electronic portals enabling those who individually search for various jobs both in the CR and at a European level to be better informed. For example, besides "a domestic information source" - a portal of job vacancies (in the CR and EU) that is run by the Ministry of Labour and Social Affairs of the CR - there is also EURES, an interconnected public service on employment opportunities of the EU/EEA countries – see www.portal.mpsv.cz/eures.

What also contributed to increasing illegal and quasi-legal migrants in the CR are the different degrees of restrictions on immigrants' employment vis-à-vis immigrants' business activities. Unlike the latter, the former was and still is very complicated and difficult to obtain (see more Drbohlav 2004, Čaněk, Čižinský 2006). As a result, many labour migrants asked for and easily obtain trade licences and then work like classic employees (so called "hidden employment").

Some bodies in the state administration changed their approach from restrictive to a more liberal, proactive, migration policy in accordance with increasing demand from employers for foreign workers before the beginning of the global crises.

A first step towards an active migration policy can be seen in the project **Selection of Qualified Foreign Workers pilot**[16] which started in July 2003 as a special recruitment programme and was planned for 5 years.

This scheme (started on 28 July 2003)[17] recruits new immigrants (with at least a secondary education) who could help build national prosperity and complement the Czech domestic labour market which lacks some professions as well as suffers from low fertility and overall ageing – Burcin, Kučera 2003). The project was the first step in designing the future migration policy of the country. Its main goal was to encourage highly-skilled foreign workers to settle, along with their families, in the country. The crucial point is that the program tries to attract permanent immigrants (see Janska, Drbohlav 2008). One hypothesis is that foreign specialists will not compete with Czech citizens on the Czech labour market. Furthermore, they will find jobs in regions and professions in which shortages are visible presently, as well as create new jobs and economically enrich society. People who meet all these demands may ask for a permanent residence permit in a shortened period of 2.5 years or 1.5 year (for university graduates since 2007). This is in contrast to the standard 5 years period which, previous to 2006, was 10 years before introduction of the new EU directive

The Government decided to apply a "quota system" whereby immigrants apply from inside the CR or from abroad through an on-line system.

Selection is based on a points system in which applicants must reach 25 points out of 66 points as a minimum. Seven criteria are assessed: having a job, work experience, education, age, former experience with life in the CR, language abilities (but there is not a conditional knowledge of the Czech language), and family members. The CR does not provide an applicant with a job, housing or finance their trip to the country. When losing a job during a waiting period an applicant has a 45-day protection period, within which he/she does not lose their visa and their stay is not interrupted, thereby giving them the chance to find another job. In the first round the system targeted immigrants from Kazakhstan, Croatia and Bulgaria[18]. Since October 2004 would be immigrants from Belarus and Moldova along with fresh graduate students from Czech universities regardless of country of origin (except those with scholarships from the Czech government) have been allowed to enter the programme. Then, in July 2005 Canadians and citizens of Serbia and Montenegro in July 2006 citizens of Bosnia and Herzegovina, Russia and Macedonia joined the scheme. In addition, graduates of Czech secondary schools from all countries worldwide have also been permitted. Since January 2006, Ukrainians with the biggest non EU diaspora in the CR could enter the project as well.

In total 1083 foreigners entered the project within the pilot phase period 2003-2008, including 2250 cell family members being allowed to apply for permanent residence. More than one third of participants came from Ukraine and Belarus. Three quarters were university graduates and one third worked in IT sector followed by administration and engineering.

Compared to hundreds of thousands of foreigners living temporarily in the Czech Republic and recent dynamic increases in labour migration, the total number of applicants was quite low (it was also less than maximum quotas would have allowed). In addition, most of applicants were not newcomers but foreigners living in the Czech Republic for more than six months before applying for

[16] Besides these targeted settlement migrants, in terms of temporary or short-term stays, preferential treatment exempting a foreigner from asking for a work permit, within the Act on Employment, No. 435 of 2004, is applied to various types of immigrants. Furthermore, family reunion via migration is also easier (Directive on family reunification is applied).

[17] See more in the Government Resolutions No. 975, of 26 September 2001, No. 720 of 10 July 2002, and No. 340, of 14 April 2004.

[18] Bulgarians, however, after joining the EU in 2006 were, logically, disqualified and can no longer take part in the project.

the projects. On the other hand the main goals of the pilot phase – to identify legislative and system gaps, limits of active immigration policy and test the new created selection system – were fulfilled.

Following the pilot stage the project is open for participants from 51[19] countries. Government as a whole, decided in November 2008, to continue the project as permanent pro-active immigration policy mechanism. The project is implemented by the Czech Ministry of Labour and Social Affairs in cooperation with the Czech Ministry of Foreign Affairs and the Czech Ministry of Interior. In total 1698 foreigners from almost forty countries entered the project by 1st April 2010. Informations about the project are introduced at the websites http://www.imigracecz.org/?lang=cz.

Another attempt of a legal alternative to the client system was the "**Assistance program"** (pilot programme oriented to Ukraine), which tried to influence migrants and their decision-making process in their home environment. The program had three main target groups: potential labour migrants in Ukraine, labour migrants from Ukraine staying and working (mostly in irregular positions) in the Czech Republic and Czech employers. The project implemented by Caritas Czech Republic started in 2007 but was terminated in 2008. It was soon apparent that the added value of assistance (e.g. priority in visa application) was not sufficient for Ukrainians and the project was penetrated by "client" structures.[20]

The Ministry of Industry and Trade introduced in 2007 an ambitious plan called **Green Card system**. The initial goal was to react to the actual situation in the Czech labour markets that were lacking qualified specialists and skilled workers.

There was also a discussion about replacing the Green Cards with the Pilot Project of Foreign Qualified Workers focused on permanent immigration. However, after modification of the initial Green Card proposal to focus on temporary labour migration (and not only qualified workers but also low-skilled foreign workers) both programmes running collaterally at this time.

The green card as a single document enables a foreigner to stay and work on the territory of the Czech Republic for 3 years as a maximum for the group A (specialists with university degree) or for 2 years for groups B (workers in jobs with a minimum educational requirement) and C (for other workers). Compared to A and B the group C holders are not allowed to extend the card.

Since the preparative phase of the Green Cards involving relevant ministries (Ministry of Trade, Ministry of Interior, etc.) and the legislative process, it was almost two years before. The system started in January 2009 during the economic recession. Decreasing demand of a foreigner labour force followed which influenced the decision of the Ministry of Interior to open the Green Card system for twelve countries only.[21]

Although Ukraine is among the selected countries with a sustainable interest of people to work in the Czech Republic despite the crisis, the number of applications for the Green Card is very low (21 people in 2009).

One reasons for the lack of interest is that the new system does not bring many advantages in terms of simplification and shortening of administration compared to the current work and business visas system. Crucially, to stay and work as a tradesman or businessman (associate) is more attractive among foreigners compared to employment status. The Green Card system also does not reduce high dependence of workers on employers and does not provide foreign workers with new instruments to protect their rights when exploited.[22]

On the European level Blue cards were established in 2007, but the Czech government would only apply this system after May 2011 when the European labour market will be free for the Czech citizens (Germany and Austria have still some obligation for the entry).

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[19] Albania, Argentina, Armenia, Australia, Azerbaijan, Barma, Belarus, Bosnia and Herzegovina, Brazil, Cambodia, Canada, Costa Rica, Croatia, Cuba, Georgia, Guatemala, Honduras, Chile, India, Indonesia, Israel, Japan, Kazakhstan, Kyrgystan, Laos, Macedonia(FYROM), Malaya, Mexico, Moldova, Monte Negro, Nepal, New Zealand, Nicaragua, Panama, Paraguay, Philippines, Republic of South Africa, Republic of Korea, Russian Federation, Salvador, Serbia, Singapore, Sri Lanka, Tadzikistan, Thailand, Turkey, Turkmenistan, Ukraine, United States of America, Uruguay, Uzbekistan;

[20] Ministry of Interior representative Tomáš Haišman in Lidové Noviny 28. 5. 2009

[21] Australia, Montenegro, Croatia, Japan, Canada, South Korea, New Zealand, Bosnia and Herzegovina, Macedonia, United States of America, Serbia, Ukraine

[22] http://www.domavcr.cz/pracovni-migrace/zelene-karty

The current system for regulating workers in the CR is inflexible and very slow[23]. One of the shortcomings is that subjective factors can influence a decision on whether an applicant is accepted or not at the local level.

Regularization and return program

Illegal workers play an important role in our domestic labour market but their illegal status doesn`t allow them equal treatment compared with the legal employees. [http://www.uprchlici.cz/ppu/docs/regularizace-nelegalni-migrace-v-cr_20060613143500.pdf]. Despite most likely having a large pool of irregular migrants in the CR, regularization as an official instrument for legalizing immigrant stays[24] is not on the agenda (more on this issue - e.g. Papademetriou 2005, Čižinský 2004). Although the NGO`s sector, namely the organization People in Help initiated a project which opened the discussion on regularization in 2004 and 2005, the Czech governmental sector was clearly against it. The reason is probably due to its quite restrictive migration policy since 2000. There are some countries from the Post-soviet bloc which have applied regularization to some extent, e. g. Hungary or Poland (see Drbohlav, Hárs, Grabowska-Lusińska 2010).

As a consequence of the global economic crises the Ministry of Interior in 2009 organized a voluntary return program as a type of "regularization" or amnesty for irregular migrants[25] (see also page 3). The knowledge gained from this program, which started in September 2009, will be interesting for future discussions about potential official regularization in the country.

There are also other measures regulating migration, such as bilateral agreements. Employment of foreigners on the basis of international treaties or inter-governmental agreements is governed by generally binding legal regulations, unless those treaties or agreements state otherwise.

After 1990, the Government of the CR signed a series of international treaties on employment [www.mpsv.cz/cs/1340, 11.8.2009][26], several of which limited the number of migrants. Some of the bilateral agreements, signed for example with Germany[27], Austria and Switzerland, deal with a mutual exchange of trainees regardless of the situation in the labour market. The agreement between the CR and Ukraine concerning the mutual employment of their citizens expired in 2002 after five years in existence. As a corollary, Ukrainian employees that had made use of annual quotas set by the agreement have moved to a category of individual businessmen (http://www.mpsv.cz/cs/1340, Horáková 2004). On the other hand, certain agreements on mutual employment, signed with countries which entered the EU on May 1, 2004 (such as Slovakia) and on January 1, 2007 (Bulgaria), remained applicable and their provisions replace the provisions of the EU law (Acquis communautaire).

Based on information from the Ministry of Labour and Social Affairs, bilateral treaties concerning employment are currently overruled by the Amendment of the Law on Employment (Act No 435/2004 Coll., on employment).

Conclusions and recommendations

After the Velvet Revolution, from the very beginning of the 1990s, major political, economic and social changes helped quickly transform demographic behaviour towards the pattern of most developed European democratic countries. In fact, all important demographic parameters in the CR

[23] Horáková (2006) assesses the system as time-consuming and costly.

[24] It is usually an amnesty for irregular migrants who have already been in the country for some time and have worked there. For example, it has been applied in some European countries like Spain, France, Belgium and Portugal.

[25] E.g. IDNES paper 7. 7. 2009 – Cizinci žijící v Česku ilegálně dostanou v září amnestii

[26] There are according Ministry of Labour and Social Affairs websites signed 10 bilateral treaties on employment (with Bulgaria, Mongolia, Netherlands, Austria, Russia, Slovakia, Germany) and 5 international treaties on exchange of trainees (France, Luxembourg, Hungary, Austria, Switzerland).

[27] Since 1991, the CR has had an agreement on mutual employment of citizens with Germany. One can make use of five basic categories from seasonal work, trainees (1400 people per year) through IT specialists to pendlers (regular circulators or commuters) (see e.g. Horáková 2007). Since 2001 is signed the agreement on mutual employment of citizens with Austria – 500 pendlers and 300 trainees per year.

have significantly changed. When taking into account the future development (a long time perspective - until 2050), as in many other European countries, the development of the CR will be typified by a shrinking population and labour force, growing life-expectancy, growing participation rate in the labour market, and general ageing. Growing dependency ratios might have a particularly important impact on the Czech economy. Obviously, under the "Replacement Migration Concept", international migration into the CR cannot under any foreseeable circumstances compensate alone for demographic ageing of the Czech population.

Despite recent economic success (traditionally measured via GDP growth), interrupted by global economic crises, the CR faces a number of serious problems that threaten its competitiveness and social cohesion in the long term. Among other problems, there is a lack of "organizational", occupational flexibility, geographical flexibility, a need to improve the whole education system, social subsidies, high taxes on labour in general, and income in particular, exemplified by the small difference between the legal minimum wage and unemployment benefits, underdeveloped pensions and life-long learning systems. Together these result in a mismatch between labour-market demand and domestic labour supply. Also, the communist-era practice of not declaring work still complicates current economic performance.

Regarding regulation of economic migration in the CR, standard approaches known from other developed countries to attract immigrants have been applied, namely specific legislation on these issues – including defining some preferential migration categories with special treatment and bilateral agreements. What has so far been unambiguously ruled out in government is any sort of a regularization programme (amnesties for undocumented migrants). Generally, regulating economic migrants is not driven by any clear vision or active plan.

The experience of migration among the EU countries corresponds to (according to Czech experts) the expected trends. Hence, Czech emigration and short-term economic migration "westwards" has so far been rather marginal. Also, potential future rates of emigration by Czechs will almost certainly not threaten the richest economies of the old EU member states. Shrinking numbers of Czech pendlers to Germany over time supports the picture of the CR as a spatially stabile nation, stability of which is even increasing with growing economic opportunities and living standards in the country. On the other hand, lacking good working conditions and sufficient incomes, some highly-skilled, professional groups (e.g. engineers, doctors, and sometimes nurses) might decide to move westwards. However, very probably these potential Czech migrants will mostly be short-term rather than permanent migrants. Comparing demand in the CR to demand in the Europe-wide labour market, both suffer shortages in almost identical sectors.

Both the programs Pilot and Green Cards brought into the vague Czech migration policy active elements. They are also bringing new possibilities for legal entry into the Czech labour market.

What may be recommended while making use of the facts above? Some policy recommendations are given below on how to improve management of particularly economic migration (see also Drbohlav 2006):

- Formulate a general strategic vision and make specific decisions regarding the economic, demographic, cultural and social aspects of diversity.

- A more active migration policy in sectors where individual states (not the EU as such) play the most important role (like economic immigration and immigrant integration).

- Systematic and detailed economic analyses of the Czech labour market should regularly be made, whilst also mapping labour force supply and demand.

- Reliable and transparent, officially registered (public or private) intermediaries are needed to help effectively match demand and supply of foreign labour force and thus replace the present lobby of brokers in the CR that helps to provide the illegal labour market with undocumented migrants. A key issue is to significantly decrease numbers of the intermediary agencies, otherwise their effective control and monitoring is almost impossible.

- Recruitment of foreign workers (i.e. getting a visa exceeding 90 days, work permit or some bilateral agreements) must be less restrictive (not tied to such strict regulations and bureaucracy) and flexible (able to adjust to changing conditions). At the same time a system should be able to lodge a

particular group of workers in a particular spot on the labour market where they are needed (I.E. see the problems with the Pilot programme and Green cards).

- The Selection of Qualified Foreign Workers program shall be opened not only for employers but also for trade license and business visa holders from all countries worldwide. The information campaign (interrupted since April 2008) shall be implemented in target countries as well as in the Czech Republic.

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Hungary at crossroads

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Abstract

This article is to show the role of Hungary in international migration as a result of its geographical location. This former migrant sending country turned recently into a migrant receiving country. Since the turn of the millennium, more detailed, more reliable, internationally comparable and regionally detailed data are available for analysis. The authors aimed at identifying, besides the individual characteristics, the regularities of international migration that can be found here too. Hungary has been a destination country for nearly two decades and its migration strategy shifts towards a skills-based immigration policy. At micro-regional level domestic needs based integration objectives can be developed by using the input derived from databases of Hungarian Office of Immigration and Nationality on distribution of migrants. This article is to analyze those utilitarian elements, e.g. the age and employment distribution of foreigners, the propensity to pay taxes, the selection of where to settle down whose demographic-economic effects, are important in respect of how integration takes place in micro-regions and settlements.

Keywords: international migration, remittances, geographic labour mobility, immigrant workers, Europe: 1913-, human resources, regional migration, neighbourhoods, population

JEL code: F22, F24, I 64, N34, O15, R23.

The role of geographical location

Hungary's geographical location has a twofold role in international flows: on one hand, it is a host country, primarily a destination of international flows from neighbouring countries; on the other hand, it has a key intermediary role in European flows. It is a constantly evolving historical role. In 1990, the political border that divided east and west and later became an economic barrier was opened. The flow from east to west, as a result of unexpected crises in neighbouring countries, became an emphatic phenomenon that involved venture (Rédei 1994: 86-98). Despite a deep recession after regime changing in the former socialist countries, the emerging market economy and the international business relations contributed to the migration stabilization in the '90s. The painful transition was compatible with the international business climate and institutions. As a result of the capital inflow a now two-directional flow from west to east appeared along with a decrease in the proportion of flows from the former socialist neighbouring countries. With the enlargement of the European Union a free flow was realized in which the liberalization of labour migration remained the last step. Nowadays

Hungary reached a turning point because Slovakia is not only a member state but also a member of the Euro zone, Serb citizens can enter into the European Union without a visa and Romania may soon access to the Schengen zone. In this way, the former socialist countries are in a new position.

Hungary, a former sending country, at the end of the '80s, with the demolition of the Iron Curtain, made a great contribution to the realization of free migration. That is to say there was an increase in the number of non-neighbouring countries with visa free two directional flows. As a result of the ongoing crises in wider region of East-Central Europe Hungary became a relatively safe country, but besides the Southern European migration route, there was a temporary increase in the migration from east to west too. In all probability, the financial aid for refugees that the western governments provided was mainly to keep the problem in place. In this period, in addition to the refugees, an ongoing economic recession and the transition to market economy, burden sharing was a great challenge for Hungary.

In 1993, the first attempt to converge towards a mutual benefit of European migration took place in Budapest with the signature of a European Migration Charta[1]. At this time in Europe and especially in Hungary, which was surrounded by several conflicts, there was interest in migration control. In 1998, Hungary signed the point b) of Geneva Convention[2], which is related to the acceptance of non-European refugees. After joining, the interest of migrants, to get recognised refugee status, had been duplicated. Hungary had relatively few experiences of enforcing immigration regulations, afterwards the country became part of a migration route from Asia, which brought positive and negative effects too. With the approach of EU enlargement and accession (2004.) the new legal situation became an issue. The Schengen rules came into force in Hungary in 2007. Currently, the country has four neighbours (Ukraine, Romania, Serbia, and Croatia) that are out of the free flow area. The Schengen rules emphasise the migration control and security dimension with reshaping the EU borders, in spite of flows of labour migrants and the settlement of old ethnic minorities in the neighbouring CEE regions. In this situation, the accession of Hungary to the Schengen Zone was a turning point. Since the end of the bipolar world migration has been not only a security issue, but a value based and utilitarian issue too. So the human capital of migrants, variety of languages and cultural diversity factors certainly represent benefits for the Hungarian society. The question is how can we reach an optimal gain through migration?

Research hypothesis

Our research hypothesis was that the incoming migrants who are concentrated in emerging areas are younger, more educated and economically more active than the average Hungarian. As a result of this they are not only a human, but also an economic asset for Hungary. Foreigners had different preferences in comparison with the resident Hungarian population when they choose a place to live, so they are concentrated geographically. This information could be a useful input to develop regional migration strategies. We are on the opinion that the national level plays a determining role in how the volume and security issues can be regulated, but the successful migration is a place based phenomenon, so a practice of subsidiarity is recommended for policy implementation (Rédei 1994: 86-98.). In light of the vertical (governmental level) and horizontal (local level) policy influence on migratory processes, tasks and goals of different actors need consensus.

Hungary was faced with this issue after the turn of the millennium. Nowadays, out of the seven neighbouring countries, four are member states (Romania, Slovakia, Austria, and Slovenia) and three are non-member states (Ukraine, Serbia and Croatia) in the European Union.

In Hungary, most migrants are from Romania (see Table 1.). The visa free regime of Serbia was enacted in December 2009, which is the beginning of a new period. There has been a considerable migration between Serbia and Hungary since the beginning of the Yugoslav civilian wars. Serbs are the second most

[1] European Migration Charta is an agreement among the sending and hosting countries concerning Europe (e.g. from Kazakhstan to Belgium) on migration issues. Discussion was held on governmental level and three main agreements were accomplished. All countries agreed on contrasting drugs-, weapons- and human cargo, while all other migration related issues were considered each individual country's competence.

[2] Hungary was late in joining the common platform. Hungary, together with Malta, was the last to sign point b. of the Geneva Refugee Convention, which governs how the non-European refugees should be received.

important immigrant group in Hungary. 10% of foreigners staying in Hungary on 1st January 2008 were Serbian citizens. This proportion has increased during the past three years. The proportion of foreigners from neighbouring countries in Hungary is great and increasing. On 1st January 2008, about 17,186 Serbian citizens stayed in Hungary; while additional 12,556 people have become Hungarian citizens since 1993 (97% of them have Hungarian as mother language). Therefore, according to the official statistics about 30,000 Serbian citizens have moved to and settled down in Hungary within the last 15 years. (Kincses and Takács 2010: 184-185). No doubt that one of the most highlighted issue of the continent is what migration patterns the Ukrainians have. Nearly the total area of Ukraine loses population, because of deep demographic crisis in the country since it became independent. The population showed a decrease of around 7.5%, i.e. 3.8 million people between the latest two censuses (1989-2001). Migration plays a significant role in the number of population changes. In 2003, Hungary, as a part of the accession process to the European Union (EU), imposed a visa regime on the citizens of Ukraine and since our accession to the Schengen area (2008) Hungary has been subject to the EU visa and immigration policy. All this in principle, is to protect the Hungarian citizens – who at the same time are EU citizens. It is important to ask whether, in a domestic context, we could actually speak about 'an impending migration wave from the east'? (Karácsonyi and Kincses 2010: 1-2).

In Hungary there have been three sources of migration for a long time. The first and largest group (accounting for 62% of all Hungary based foreigners) with an ethnic Hungarian majority is made up of migrants from neighbouring countries. The second source is from the other countries of Europe. The first two groups accounts for 84% of migrants. The third group is from Asia (13%). Since there is not so much diversification in the regional distribution of migrants and most of foreigners speak Hungarian the integration is relatively easy in comparison with other countries. A total of 1.74% of the Hungarian residents are foreigners which is low in a Western European comparison. In spite of the fact that the majority of migrants have no language problems, a transitional period is needed especially in case of the labour market integration.

Hungary spent only a few years in the Schengen Zone. It could be early to draw conclusions, but we could reaffirm that there was a decrease in illegal migration. According to the border control reports the average annual illegal flows of 10 thousand people before joining Schengen in 2007 decreased to around 7 thousand with an 80% arrest rate after the Schengen accession. Nowadays, there is a significant illegal immigration from the direction of Turkey through Romanian and Bulgarian areas. The migration from the Ukraine is subject of an enhanced border control. Legal immigrants from the Schengen Zone, in their demographic and economic composition, are significantly different from the non-Schengen migrants. After 2001 the number of arrivals from Schengen area had duplicated and stabilised at around yearly 10 thousands. As regards the arrivals, an increasing number of immigrants are registered from Poland and Slovakia. Hungary has a female surplus from Schengen area, whereas there is a male surplus from non-Schengen area. The first pattern point out the process of family reunification, and the second one is instead related to the exploratory mode of movement, where males are the ones who explore the new local situation. Romania, Serbia and Ukraine are the country of origin of singles that look for a change in life. The juvenilia impact of immigration is relevant. The contribution to the working age group is rising: 77% of arrivals are, in fact, in this age group.

As mentioned earlier, currently national migration regulations in Hungary aim at selecting immigrants, establishing the domestic demand and setting migration quotas. Post-entry integration is about specific neighbourhoods. Best practices result from the pursuit of national objectives and the follow up of migrants even at regional level.

Migrants that have a common cultural background are tending to congregate. We carried out micro-regional analyses and time series data analyses by specific groups, e.g. groups by citizenship. Over the last 12 years, the spatial weight points of the specific foreign groups shifted towards the capital Budapest (Rédei and Kincses Á, 2008: 13). One of the important motivations of our research was the assumption that there will be an increase in the importance of the local management in the area of international migration and this process will contribute to a successful integration. The main local activities towards a successful integration focus on facilitating housing opportunities and voluntary family help for migrants, to invite them into local social life, to help their labour market

participation and to avoid any forced separation from autochthon residents. In the case of non-Hungarian migrants, this kind of best practices resulted into ethnic networking and not integration. Therefore, the impact of migration cannot fit for all. Migration as a rule brings to the surface several hitherto non-visible factors which explain why it appears in the focus of public interest. By global migration more conflicting interests emerge, more experiences meet, so to advocate for one's goal is becoming difficult. Who governs migration? This is a frequently raised question, and clear answers could rarely be found. No doubt a multifarious consensus should be sought.

In our view, successful integration means security for the State and the use of essential quality labour, as well as effective work for the migrating person matching with his/her skills. Therefore, one of the paramount questions of the future is: how does the global business viewpoint of production relate to the labour's decisions on individual mobility? And how do all these fit into a national strategy? We agreed on an impossible pattern: the monitoring of illegal migration has more impact upon the national strategy than the other domestic goals. State should set the direction against illegal migration and not vice versa. Due to geopolitical situation this region is highly affected by the shadow of mobility: i.e. the impact of illegal migration has an even more critical factor for shaping the strategy than the legal migration has.

Major findings

Since the turn of the millennium there has been a more than twofold increase in the number of incoming migrants, residents and refugees. Especially there has been a strong increase in the migration from the neighbouring countries (see Table 1).

Table 1. Foreign citizens staying in Hungary by citizenship (1 January)

Country	2001	2002	2003	2004	2005	2006	2007	2008
Netherlands	324	346	373	415	236	666	1 096	1 201
Italy	542	563	545	551	404	777	1 020	1 207
France	511	601	711	765	330	1 316	1 506	1 481
United Kingdom	624	700	872	963	440	1 451	1 911	2 107
Austria	694	785	750	780	544	1 494	2 225	2 571
Germany	7 493	7 676	7 100	7 393	6 908	10 504	15 037	14 436
EU–15	**11 723**	**12 181**	**11 629**	**12 143**	**9 714**	**18 357**	**25 394**	**25 490**
Slovenia	82	88	65	81	34	79	115	133
Croatia	917	931	800	902	837	778	813	852
Turkey	455	544	469	557	615	756	886	1 120
Poland	2 279	2 227	1 945	2 196	2 178	2 364	2 681	2 645
Russia	1 893	2 048	1 794	2 244	2 642	2 759	2 760	2 787
Slovakia	1 576	2 213	1 536	2 472	1 225	3 597	4 276	4 944
Serbia	12 664	11 975	11 693	12 367	13 643	12 111	12 638	17 186
Ukraine	8 947	9 835	9 853	13 096	13 933	15 337	15 866	17 289
Romania	41 561	44 977	47 281	55 676	67 529	66 183	66 951	65 836
Other European	20 584	21 088	21 552	22 915	24 493	24 307	25 314	26 272
Neighbouring countries	**66 359**	**70 716**	**71 913**	**85 293**	**97 711**	**99 579**	**102 769**	**108 811**
Europe	**93 197**	**97 640**	**98 230**	**110 915**	**122 261**	**130 535**	**140 827**	**146 145**
Asia	**12 603**	**14 401**	**13 480**	**14 715**	**15 121**	**18 543**	**19 733**	**22 356**
America	**2 488**	**2 557**	**2 434**	**2 535**	**2 667**	**2 989**	**3 075**	**3 557**
Africa	**1 233**	**1 318**	**1 281**	**1 455**	**1 556**	**1 800**	**1 783**	**1 913**
Other or unknown	507	513	463	489	548	563	612	726
Total	**110 028**	**116 429**	**115 888**	**130 109**	**142 153**	**154 430**	**166 030**	**174 697**

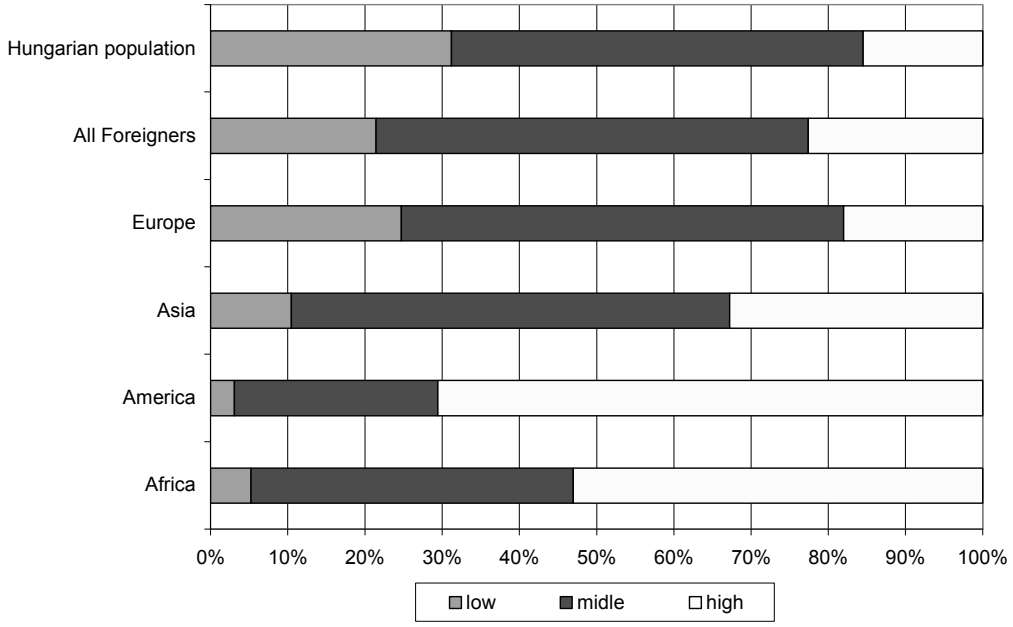
Source: HCSO, 2008.

Findings from the period following the turn of the millennium are as follows:

- From 1993 to 2009 around 120 000 people were granted Hungarian citizenship, 90% of them were from neighbouring countries.

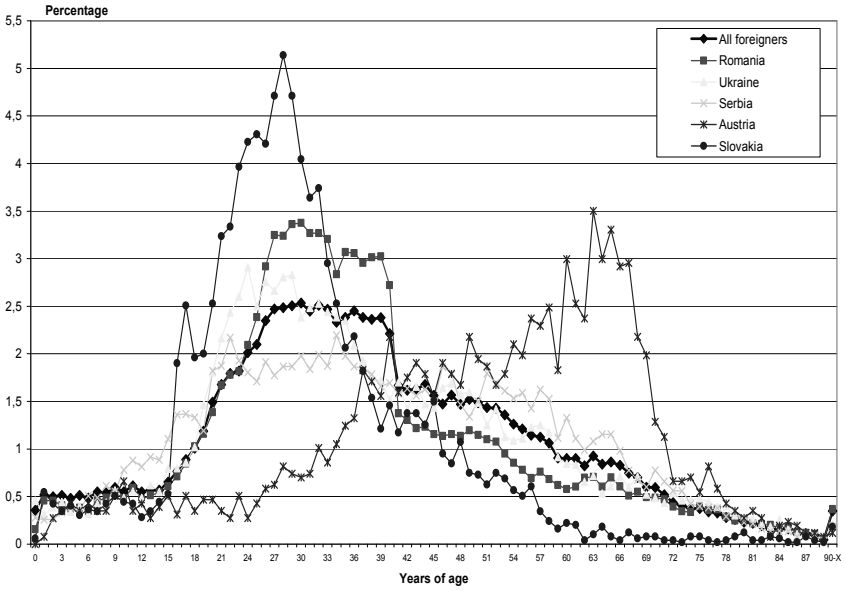
- Migration mitigates the adverse effects of the aging of population. The average age of migrants is 36 years. Despite of the ageing of migrants, they are 6 years younger on average than the resident population.
- Foreigners account for 2% of live births in Hungary.
- Migrants that arrived from any continent on average have higher educational attainment that that of the resident population. Migrants show a correlation between the length of migration and educational attainment. Migrants from Europe show the least difference, while migrants from America and Asia the highest one (see figure 1).
- The migration of families presumably is not typical. It is too early to talk about family reunification in the Hungarian case. Working age people account for 70% of migrants' (see figures 2 and 3).

Figure 1. Graduation level by region of origin (1 January 2008; aged 18-X)



Source: Rédei, M. and Kincses Á. 2008

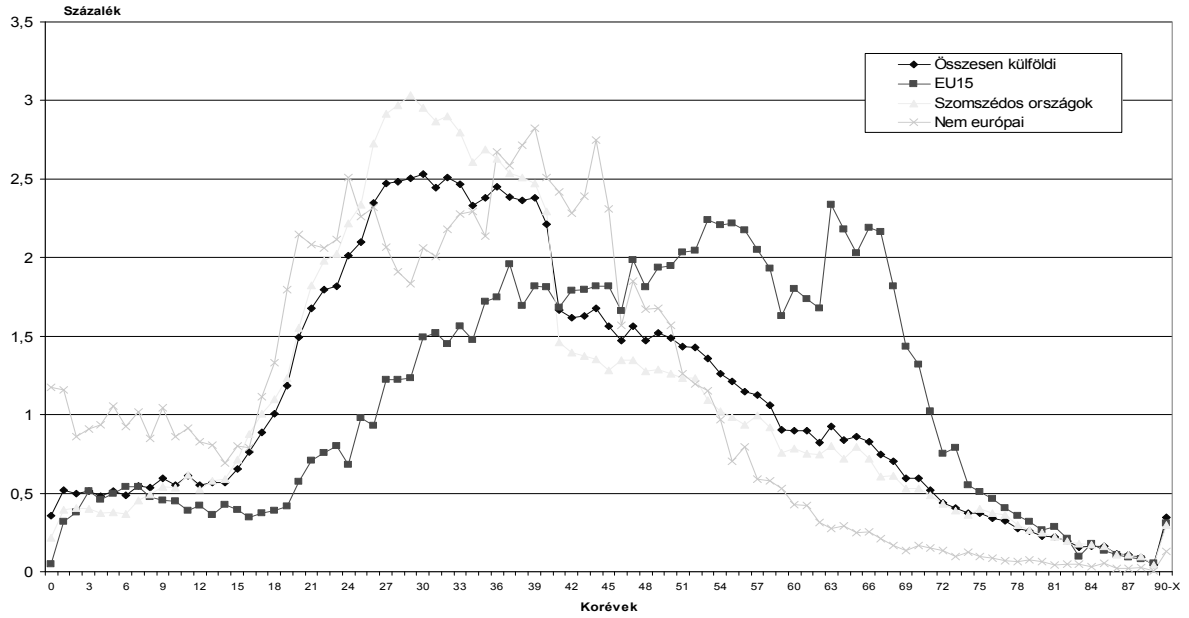
Figure 2. Foreigners by age and sending country (1 January 2008)



Source: Illés, S. Kincses, Á. 2008

- In Hungary, retired migrants are concentrated in less expensive areas with spa services and a mild climate (Illés, S. Kincses, Á. 2008: 90-97). Most of them come from the EU15 countries especially from Germany and Austria. 4,748 immigrants of sixty years or older from Germany, 949 from Austria and 312 from Switzerland stayed in Hungary at the beginning of 2008. People arriving from the West have their pensions transferred to Hungary and intend to own and maintain properties here. Since their consumption takes place in Hungary and they cover their health and social care expenses from their own resources, they obviously generate benefits for the host country.

Figure 3: Foreigners by age and citizenship (1 January 2008)



Source: Illés, S. Kincses, Á. 2008.

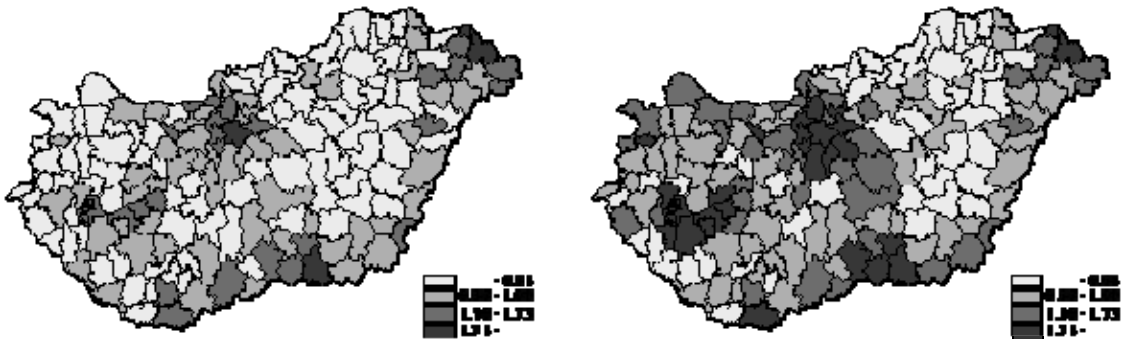
- There is an increase in home buying both in the groups of young and older people. The Germans prefer the surroundings of Lake Balaton, the Dutch the rural areas, the Irish the urban ones. Studentification exerts an effect on the real estate market of large university cities.
- There is an increase in consumption and economic activity in the destination areas of immigration. Taxes paid by foreigners and changes in local tax revenues are of special importance. In the tax year of 2007 the number of foreign taxpayers increased to 87 thousand, which is 1.94% of the Hungary based taxpayers (1.67% in tax year 2005). In Budapest, foreigners account for 4.5% of taxpayers.
- Migrant residents are concentrated in two areas: 60-70% of them live in Budapest and its surroundings, migrants from neighbouring countries prefer to buy property in the other side of the border and are frequently commuters or self employed/entrepreneurs. Border regions were traditionally considered as disadvantageous territories according to location theories, because of the barriers in international trade and the threats of military invasions. National borders have negatively affected regional economy because of increasing transactional costs. Taxes, different languages, cultures and business practice represented obstacles for cross-border trade in general, which reduces the willingness of national and foreign companies to locate in these regions. The alteration of this unfavourable image could generate a new increase in the border regions through greater international economic integration – with lower trade barriers. These regions have characteristics by which they can be defined as active contact regions (Nemes Nagy J., 1998: 140-143) (Nijkamp 1998: 1-22; Van Geenhuizen, Ratti 2001: 369-387) (see map 1).

Important target regions of international migration from Serbia towards Hungary are the settlements and counties near the border (besides the capital city). Border regions are thus

increasingly become active contact areas. For examples, between 1988 and 1999 there were 3982 Yugoslav investments realised in Hungary, which made 16% of all foreign investments. 70% of them were in the South Great Plain region (border region with Serbia), while only 20% in Budapest (which, however, reached its peak in 1993 with about one thousand enterprises) (Szónoky Miklósné Ancsin, 2001: 18-30). This activity is based on buying house in Hungary and the everyday commuting to e.g. Romania and Slovakia or by running business activity in Hungary and to live in Serbia. It can be realised thanks to a permeable border, except for the Ukrainian case.

Map 1: Proportion of foreigners per 100 residents

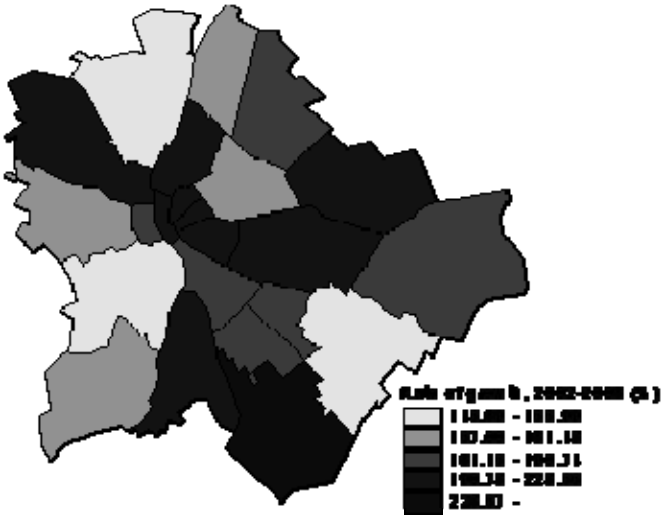
1 January, 2001 1 January, 2008



Source: Rédei, M. and Kincses Á. 2008

- Budapest host citizens from 158 countries: 58% of Africans, 77% of Asians, and 56% of Americans in Hungary lives in the capital. The farther one the foreign citizen comes from, the more likely he or she will chose the capital as first destination. 36% of people arriving from neighbouring countries (who know Hungary closer) live in Budapest: among them the Romanians represent the 41%, the Ukrainians the 36%, Serbian 23%, Slovakians 35%, Slovenians 47%, Croatians 20% and Austrians 17%. Significant number of immigrants comes from the EU 15 countries, and then from Slovakia, Turkey, China, Vietnam, Serbia-Montenegro, Ukraine, Russia, and Syria. The highest rate is from Romania with 37 000 persons.
- A relatively small and rich proportion of migrants prefer to live in the more prestigious areas of the Buda side, while the overwhelming majority of them live in the Pest side. In the district II of Budapest, the dominant immigrants are from the EU 15 countries (32% of total foreigners live here), and from Asia (23%). Besides them, there are quite a lot of residents from the USA (6%) too. Not more than 16% is the ratio of Romanians who also live in the district II, which is half of the 41% average of Romanians living in Budapest. We notice similarities in the XII. and V. districts, i.e. the former area where the ratio of EU 15 citizens is 34%, Asians 14%, Americans 9%, Romanians 18%, Ukrainian 5%; and the fact of latter area is: 25%, 18%, 5% and 16%, together with 12% of Ukrainian citizens. In district VI. the ratio of EU 15 citizens is still high (19%). The ratio of persons arriving from the American continent is 4%, but the Asians (21%), the Romanians (25%), Serbian-Montenegrins and Ukrainians (7-7%) ratios are much higher. There is even a more significant difference in the VII district (10% of EU15, 19% Asians, 35% Romanians, 8% Serbian-Montenegrins and Ukrainians). The VIII. district has ratios like: 36% Asians, 38% Romanians, 7% Ukrainians, while the X. district is interesting, since the ratio of Asians (53 %!) is the highest, that of Romanians represent the 27% and Ukrainians the 7%. The X. is the only district where among foreigners the number of Asians is the highest, which is in correspondence with the market they operate. Earlier, it was also noticeable that markets were redirecting the Asians choice to settle (Rédei M., 2009: 41-42).

Map 2: Rate of growth of foreign residents in Budapest by districts (2001=100%)



Source: Rédei 2009

- The fact that migrants from neighbouring countries, except for Romanian citizens, on average have a better educational attainment than that of the resident population results in a considerable increase in skills (Németh et al, 2009: 621). Hungary became a destination for students from wider distance, coming from all over the Word. Around 17 thousand foreigners are currently studying in the country. Hungary attracts young people from the neighbouring countries, who, after their graduation, will choose where to use their acquired skills. The student flow is a cursor of highly-skilled migration and it goes on replacement style. In 90s the Hungarian students filled the international schools in Hungary or they used to move to foreign countries. Nowadays Ukrainians, Serbs, and Croatians students are filling the educational institutes. The question of studentification is a peculiar focus of major cities. Foreign students reshape the local economy and the social milieu. In most cases, former military camps were re-used. At time of creation they were outside of towns, nowadays as towns grew, they became a part of the towns and towns decided to re-use these buildings. In some places not only the milieu, but even more the structure of the city has changed. Finally what is going in the "head" of enrolled students when they take a decision where to study? The answers seem always uncertain about their intentions. The first result of our Eurobroadmap survey (2009) which compares Hungarian students with others from new EU member states seem also to show a limited spatial extension in their mind. Main motivation of their movement is towards the western countries, but not so much as main immigration goals. The low level of interest is to the neighbourhoods countries. It was surveyed, although, that they know this environment far better.
- Remigration is a multifaceted phenomenon (Illés S-Kincses Á, 2009:731-734) in the Hungarian context. One of these groups is made up of those ethnic Hungarians from neighbouring countries who spent a longer period in some western country, became eligible for a pension granted upon retirement, maybe were granted citizenship there and following their retirement settle down here. Another one is from those who emigrated in 1956 and return home to live in Hungary. The third one is made up of expats and those who spent a period of 6-8 years abroad and return home to start a family. Last year, as a result of the global crisis, there was an increase in the number of less-educated people returning from western countries. These migrants are the hardest hit labour force group, they become redundant. This vulnerability is partly due to the fact that migrant workers are overrepresented in economic sectors that have benefited from the previous long growth period, and are now particularly hard hit by the crisis such as construction, hotels and restaurants, etc. But immigrants, in particular those representing the most recent arrivals, are also more often employed in less secure and low-skilled jobs which are among the first to disappear during an economic downturn. Some comparative explanations are however useful in this global crisis framework related to different migration stages and dissimilar conditions affecting different categories of migrants. The

eastern European migrants are in different situation than the third world countries migrants in Hungary. Eastern migrants can make a "wait and see" approach, compared to those who have difficulties for re-migration. The third world migrants, during the crisis, disappear in the shadow economy, thus contributing to a rising of the illegal situations. Last year the remittances to Hungary decreased by 5%.

- During the socialist period, skill development was of low importance and no considerable investment in skill development for Hungarian young people was made by their families. The emerging market economy increased the value of skills and made migration easier. The cohorts of late 80s of the labour market in Hungary is now aware of the effects of supply and demand, is socialized in an international environment, had better and international skills, and as a result of this has a higher propensity to migrate (see e.g. the out migration of physicians). A social dialogue is needed to be maintained so to disseminate clear messages and show related effects. This social dialogue is necessary as to how their life and domestic conditions will be matched in order to shape the future. It is essential to find a common platform, on the basis of mutual benefit, respect and advocacy of the goals. It is the time to start an initiative addressed to the different stratus of the host Hungarian society about their idea of "hospitality" as well as to set up clear political framework for the migrants about the kind of integration that can be implemented together.
- In the future not a reactive, but a domestic needs based pro-active strategy is needed. It should be clarified what skills are expected from the "would-be migrants" and what lesser or greater community needs can be satisfied in this way. The "laissez faire" policy can re-act to the past, and not framing any pro-active immigration policy. In our view, migration processes do not happen spontaneously; they rather emerge through implementation, with the harmonization of decision-making and executive powers. So the successful decisions of migration policy are always a reflection to those, who are hesitating to do the same.

Finally, the success of any target depends on how the society is able to adopt the long-term goals, to incorporate the individual and common interests and the above mentioned migration management principles. This outcome can serve as the framework for any social dialogue. Would the duty of society be confined to reactions to past events or rather pro action management based on the policy of central governance would prevail? Will there be a bottom up or a top down process? Social dialogue is the way to create a win-win solution. Feelings of shared responsibility, and the objective of creating a common platform based on social and individual benefits both for the migrants and the host country are currently still missing in the Hungarian society.

Conclusion

A migration strategy is not for everybody. This is the risk of the applied strategy.

International migration is a key asset for the Hungarian population policy. As a result of our unfavourable demographic situation our population is expected to fall below 10 million people along with a sharper decrease in the number of working age people. Inward migration may offset this demographic deficit, but it is questionable how the neighbouring countries will be able to satisfy this demand.

Budapest has an ageing population with an outflow resulting from suburbanization. According to the forecasts a positive net international migration of 300 thousand people is needed to reach a population loss less than the national average. As a result of these forecasts, an even higher spatial concentration and a slightly higher annual inflow are expected.

Since the turn of the millennium, migration strategies have had to react to an ongoing increase in the geographical diversity of migrants bringing in concomitant challenges. This outcome underlines the fact that a model of integration that is only subject to national rules will be increasingly insufficient. Generally the national rule is able to avoid the illegal and mass migration, and limit staying permit holder in a legal environment. After having step in the country, the immigrant is residing in a given geographical place and new social context. The regional conditions will determine

the success of his settlement, fill his expectations and possibly react to his motivations. So the national rules impacted the event of migration, and the regional rules contribute to a prosperous rooting process.

In our view, successful integration means security for the state and the use of essential quality labour, effective work for the migrating person matching with his/her skills, and a sorting surplus for the employer and the society as a whole in terms of social and human capital. Therefore one of the paramount questions of the future is: how does the global business viewpoint of production relate to the labour's decisions on individual mobility? And how do all these fit in a national strategy by matching the economic with a rights-based approach?

Eastern European countries are significant players in the international migration system. Currently a new legal barrier within the free stream area has divided their interests. Although the former conflicts are not attached to the border area, the global crisis points out some rapid processes. After the period when security aspects came to the fore it is high time to develop a value oriented migration strategy.

Hungary as part of EU will play a role in the migration monitoring of the continent until the free travel area will have an external border (similar to Rio Grande). So Hungary like during the Iron curtain period, on the one hand it is in a preventive position to avoid playing again the guard of irregular migration. On the other hand there is a chance to filter the would be migrants taking into account their cultural diversity and thus enriching Hungary by an external source.

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Building "Fortress Turkey": Europeanization of Asylum Policy in Turkey

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Abstract

Refugee and asylum policies in Turkey and Greece lead to one of the major humanitarian problems at the south-eastern borders of the EU. Hundreds of refugees from Middle East, victims of human trafficking, lost their life while passing Aegean or national borders in various illegal ways and leave behind problems of human rights and insecurity.

Based on data collected during a field research carried out in Ankara, Istanbul and Konya, the study explores the institutional success and structural shortcomes in the ongoing Europeanization of the Turkish asylum policy as a process twisted between discourse of public order and national security. It underlines the role of EU as a challenger for institutional reform and modernization of the border security and migration management as well as a process that undermines the development of rights-based approach toward asylum issues in Turkey.

Keywords: asylum, Turkey, burden sharing, Aegean, Europeanization

Introduction

Hundreds of refugees from Middle East, South Asia and Africa lost their life while passing the Aegean Sea or Meriç/Evros border in various illegal ways and leave behind protracted problems of human rights and human security. Fortress Europe data show that 3.500 "boat people" died in the Aegean and Mediterranean Sea during the last ten years. There are also people found dead in the smugglers' trucks, river streams, or mine-fields along Evros River on the Greek-Turkish border. (Fortress Europe, 2007) In 2008, 1.502 migrants and refugees died at the gates of Europe, 181 of those lost their life in the Aegean Sea while sailing in punctured inflatable boats from Turkey to Greece or back. (Fortress Europe, 2008) The problem of the Aegean boat people takes place at one of the most challenging borders of the EU, the south-eastern borders with the Middle East and Turkey. Placed on

one of the major transit routes and a candidate country Turkey raises important challenges to the Europeanization of migration and asylum policy in the EU.

After a short introduction to the refugee profile and the asylum policy in Turkey, the study elaborates the security implications of the administrative and local asylum practices and their role in the securitization of migration-asylum nexus as inner process that leads to insecurity at the South-eastern borders of the EU. The impact of the ongoing Europeanization of asylum policy in Turkey and its shortcomes in promoting a rights-based approach towards the refugees in Turkey constitute the main comparative body of analysis. The research question focuses on the building of "Fortress Turkey" as a project based on "detention", "tightened and extended border controls", implications in the sphere of refugee rights and Europeanization of the migration-asylum nexus in Turkey.

The paper is based on a field research on "Migration and Asylum Policies in Bulgaria, Turkey and Greece" project supported by Istanbul University Research Fund. The field study was organized around in-depth interviews with open questions implemented to refugees, representatives of the local governments, NGO's and UNHCR representatives in Istanbul, Ankara and Konya. A total of thirty-five in-depth interviews have been carried out. The potential groups of respondents were: 1) refugees and asylum seekers in Konya, 2) representatives of the major city governments in Konya 3) representatives of the human rights associations, 4) representatives of UNHCR Office in Ankara, 5) representatives of Foreigners Departments of MOI in Istanbul and Konya.

1. From transit to protracted refugee situations in Turkey

Turkey as a country placed on one of the major routes connecting the Mediterranean migrations with the EU borders, serves both as a transit line and lately indefinite destination for refugees coming from Asia, Middle East, and lately Africa.

According to the General Security Directorate statistics in 2005 there were 60.000 people on irregular move in Turkey. (AI, 2008) Most of these irregular migrants come from war-affected regions. According to the UNHCR statistics of 2008 there are 18.000 registered asylum seekers and refugees in Turkey. Around 10.000 are from Iraq, 4.000 are from Iran, 1500 are from Somalia and 900 refugees are of Afghan origin. (USCRI, 2009) Compared to the previous data there is approximately a 30 percent increase in the number of the asylum seekers since January 2006. (UNHCR, 2007) This growth in the number of the asylum seekers is not result of the higher access to the asylum procedure, but it is based on the increase in the number of Iraqi and Iranian asylum seekers who has higher chance for resettlement. After 2005 there is an increase in the number of African women and child asylum seekers. There is also increase in the cases of deportation of convention refugees during the last years. According to AI data in July 2008 Turkey deported 135 UNHCR recognized Iraqi refugees. (UAÖ, 2008)

Turkey used to be considered as a transit country providing temporary protection to asylum seekers from Iran, Iraq, Syria and partly Afghanistan. Since 2004 Turkey has been witnessing a different type of refugee movement commencing from non-border regions such as Africa, Asia, and south Middle East. (UNHCR, 2008) In 2007 these refugees constituted around 30 percent of all refugees in Turkey. (UNHCR, 2007) Since 2004 there has been a continuous growth in the number of African refugees coming from Somalia, Congo, Ethiopia, and Eritrea etc. In 2007 they constituted 15 percent of the total of 12.086 refugees. (UNHCR, 2007a) Coming from non-border countries of origin most of them are provided protection under UNHCR's extended mandate in Turkey. Since the resettlement countries give their preference to convention refugees from the Turkey's neighbourhood, the extended mandate status gives less chance for resettlement. According to UNHCR statistics as of the end of August 2008, 2.462 out of 16.000 refugees departed for four resettlement countries.[1] Only 74 of them originated from Africa. (UNHCR, 2008a) These statistics reveal not only the low resettlement chance of the African refugees, but also the fact that the recent number of the refugees under extended mandate increases.

Today Turkey is exposed to deal with two categories of refugees: convention refugees that are under temporary protection with a certain prospect for resettlement, most of them Iraqi and Iranian

[1] Acording to UNHCR statistics, by the end of 2008 there are only 4 resetlement countries that accept mainly –Australia, USA, Canada and Finland. (UNHCR, August 2008)

refugees; and protracted refugees who are expected to live under temporary protection for indefinite time. Each of these categories requires special policies and approaches. While the first category urges Turkey to stop forced deportations, the emerging protracted refugee situations in the country require policies that foresee local integration and self-reliance policies. [2] All refugees and asylum seekers are accommodated in 37 satellite cities, where local authorities and the charity associations are assigned to provide the minimum of their economic and social needs.

2. Asylum policies in practice: from criminalization to otherisation

The *2006 Implementation Direction of the National Action Plan for Implementation of the EU Accession Criteria in the area of Asylum and Immigration* introduced a twofold institutional framework for refugee determination and integration assistance in Turkey. This twofold framework involves *administrative* and *non-state* bodies. The *administrative body* is responsible for refugee determination and securitization and involves central and local offices of the Ministry of Interior, governorships, municipalities and local branches of the Foundation for Social Solidarity and Assistance. For the first time in the history of asylum in Turkey, the Direction of 2006 officially introduced *a non-state body* consisted by refugee-concerned international organizations, NGOs and humanitarian or charity associations, and "charitable families". Both of these complimentary bodies are directly or indirectly coordinated and directed by the Ministry of the Interior (MOI). There are two stages that the refugees and asylum seekers undergo when apprehended in Turkey: a) criminalization through security-concerned administrative practices and b) otherization through marginalization and social dependency.

In general, refugees apprehended within the national borders undergo two administrative procedures in Turkey. If apprehended before applying for asylum the refugees are approached as illegal migrants called "*kaçak*"(*i.e.* escapee, illegal migrant) and jailed in the so called "foreigners guesthouses" until decision for *deportation or repatriation* is approved.(See Figure 1) In some cases the detention at these centres may last two or three years. The foreigners Guesthouses are access-forbidden halls or buildings where *kaçak*s are prohibited of freedom of movement, right for communication, reach of information, access to the lawyer, and right to appeal.[3] According to the UNHCR Report of 2008 there are 65.000 *kaçaks* arrested for being *a priory* subject to national security considerations in regard to illegal passage of the national borders.

Refugees that apply for asylum themselves undergo a parallel asylum procedure for "asylum seeker under temporary protection regime" where UNHCR's recommendation for protection is subject to final approval of the Ministry of the Interior. MoI is the absolute authority that decides whether an asylum applicant deserves access to protection or not.

According to the Article 12 of the Regulation of 1994, the asylum applicants follow a security-concerned procedure that follows purge of the so called "fake refugees", "terrorists, trouble makers, suspicious subjects, agents and saboteurs", identity, crime, fingerprint (AFIS), disease determination and body cleansing. Here the refugees are categorized as dangerous-safe, reliable-suspicious, worthwhile-harmful etc. and compulsorily dispatched to the relevant satellite cities. According to the Implementation Direction of 2006 except some particular cases related to family reunification or health problems, the refugees* have no other choice but moving in the designated satellite cities. Here the refugees live under regular surveillance and control of the local Foreigners Department of MoI. They cannot leave the city without the permission of the Foreigners Department. The refugees who get an official refugee identity card and pay their regular residence fee for foreigners have access to public education and health services and benefit from poverty assistance provided by local municipality

[2] Interviews with officials at the Governorship of Konya and the UNHCR Office in Ankara, respectively 5 September 2008 in Konya and in 15 September 2008 in Ankara.

[3] About the conditions in Tunca Camp see: Human Rights Watch (2008). Döner Kapıda Sıkışıp Kalanlar, Kasım 2008, p.1. Available at: http://hrw.org/en/reports/2008/11/26/stuck-revolving-door-0

* In the whole article I employ the inclusive conception of refugee that refers to the both asylum seekers, refugees who do not have access to asylum procedure and convention refugees and the refugees under the extended UNHCR mandate)

funds or charity associations. The residence fee and the official refugee ID card amounts to 400 USD per year. Most of the refugees are not able to pay this amount and stay left out of any social rights.[4] Exemptions for those in financial need are available, yet, their application depends on the will of the relevant authorities. UNHCR use to pay monthly aid only to the convention refugees.

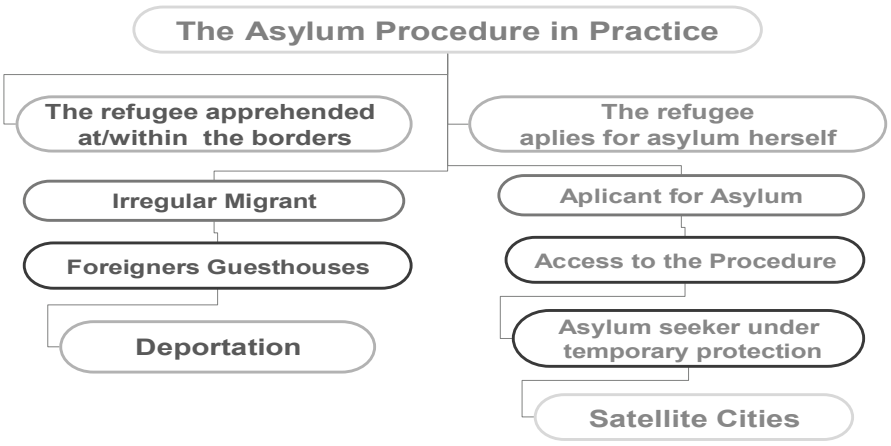

Figure 1. Categorisation of the Refugees in the Administrative Body

Placed under the 4817 numbered Law for Right of Employment for Foreigners (Aybay, 2007: 157-160) the refugees are foreseen to follow the same procedure as the foreigner employers and economic immigrants. The employers have to apply and undertake the expenses of the application to the Ministry of Labour and prove the residence registration, special skills and attributes of the refugee employees. The respect to the local unemployed is of primary condition. Almost all of the refugees *a priori* fail at this application procedure, because most of them cannot pay the regular residence fee. Beside, the high unemployment rate and the common tendency of exploitation of illegal migration constitute foundational obstacles in the operation of this system. And finally, it is important to note that refugees are not asked for their employment skills and projections. Constrained under the legal regulations placed over the access to the basic social rights any chances for self-reliance and realization as "reliable and socially productive" people become administratively prevented.(See: Figure 2)[5]

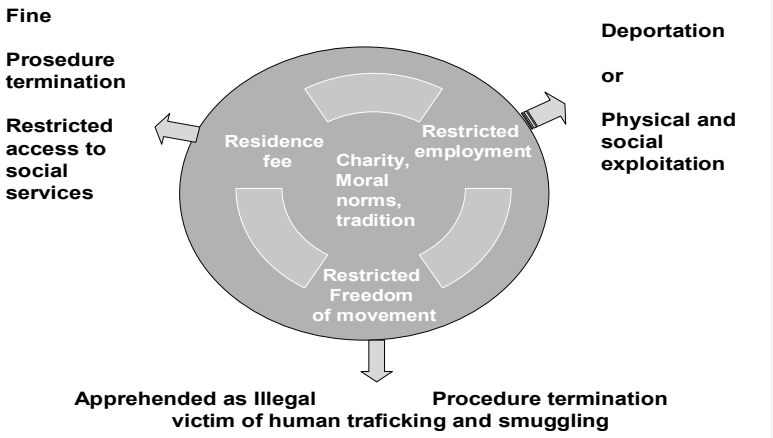

Figure 2. Criminalisation of the Refugees

[4] The yearly amount per family consisted of a single women and 6 children reaches 3200 USD. This is amount that many local employees would not be able to collect within one year. The paid fees are written and signed in the Residence Documents of the refugees. I had personal opportunity to examine some residence documents provided by the interviewed refugees.

[5] A refugee woman from Ivory Coast complained that as a coiffeur she has higher chance to find job in the big cities than in such conservative and male-dominated cities. Personal Interview, Konya, 2.09.2008.

At the any stage of the administrative procedure the refugees are forced to violate the legal system and to trespass into the illegal sector. The refugees who cannot pay their regular residence fee are punished with fine, termination of the asylum procedure or deprivation from the health services. (Figure 2) Because of this problem out of 162 accepted for resettlement African refugees, only 74 had the chance to depart from the country in 2008. (UNHCR, 2008) It is not safe to seek self-reliance or attempt to work illegally as well. Those refugees face the risk to be deported or in most of the cases fall under social and physical exploitation. Similarly, if a refugee leaves the city without permission, risks to be detained as *kaçak* or become victim of human trafficking.(Figure 2) The 5683 numbered Law on Residence and Travel of Foreigners (Articles 19-22) puts forward a very broad definition of violation of the Law for Foreigners[6] resumed in general as "*violation of the political and administrative requirements*". All refugees are *a priori* subjects to the clauses for protection of the public order and national security placed under the direction of the Ministry of Internal Affairs, General Directorate of Security. They are expected to obey the law and respect the public order and peace. This final obligation is secured under the corrective discourses and practices of the humanitarian associations and charitable actors.

After Direction of 2006 the refugees are placed under the status of "*hemşehri*" (i.e. fellow countryman). Established under the 5393 numbered Law for Local Administration and Municipalities this status allows them to look for the assistance of the local NGOs, charity associations, and charitable citizens.[7] This strategy has found ground in the EU *acquis* that calls for further involvement of the NGO's in the asylum policies. The state withdrew from its social responsibilities in the area of migration and refugee policy. Under this *A la Turca* welfare system the refugees are pulled off from their universal refugee rights and respect to human dignity perspective. They are left to the goodwill of charity associations usually represented by some Islamic charity foundations such as *RibatFoundation for Education, IHH-* The Human Right and Freedoms Humanitarian Aid Foundation *Ravza Foundation for Education, Dost-Eli Association, Mazlum-Der* etc. These regulations block any chances of local integration and construct refugees as subjects of the locals' mercy while leave their destiny to the personal attributes and tolerance of the local social servants. This charity-based framework constructs the refugees within the discourse of morality and poverty; suppress their rights-based active agency and leads to marginalization and otherization of the refugees. Based on submission to the Islamic ethic and understanding this normalizing approach situates the refugees in a docile, passive and inoffensive position of inferior while raises the charity associations to the position of superior. In lack of any human rights basis this hierarchical relation obstructed the establishment of rights-based perspective among both the refugees and the humanitarian agents. Moreover, it turned into exclusionary mechanism placing the refugees under social degradation and unclear future. As the case of the refugees in Konya shows, the refugees end up under the image of passive consumers and "*ungrateful, lazy, irresponsible, dubious beggars incapable of self-reliance and human dignity*". (Ozgur Baklacioglu, 2009)

The direct effect of this twofold asylum system has been a clear message to potential asylum seekers abroad that Turkey is not the right place to trespass or settle. (Kirişçi, 2002) This system forces refugees to choose between unclear futures in Turkey and "boat people" move to the West. As expressed by the refugees they do not have other option but crossing the Aegean Sea: "*…at least there is going to be a chance to reach safely the opposite coast. You get there, all life changes, get better! It is very dangerous, crazy, but it counts to try especially for those who are strong and young…*"[8] This way is inevitable for refugees whose asylum procedure fails or gets longer as result of the UNHCR extended mandate.

The system of securitization and marginalization of the refugees results in criminalization and otherisation where no other ways for personal autonomy and self-reliance are present but deportation or smugglers' assistance. So far implemented this asylum policy indirectly constructs the "clients" of the human smuggling and trafficking in the region. Moreover, it aggregates tension that caused

[6] There is not a finalized refugee law in Turkey, the legal framework is constructed by National Action Plan of 2004 followed by the Directive of 2006 and some provisional regulations and decisions adopted from the Law for Foreigners.

[7] The refugee guide brochures of the Foreigners Directorate of MoI advise refugees to apply for aid to the charity organizations, NGO's and municipality funds for humanitarian aid. See: (Ministry of Internal Affairs, General Directorate of Security, 2007).

[8] Personal notes from an in-depth interview with a 19 year old Eritrean asylum seeker in Konya, September 2008.

rebellions among the refugees and irregular migrants detained in Kumkapi and Kırklareli. (Davenport, 2009) There raises the clear need for a rights-based perspective that provides access to dignifying protection and self-realization. Europeanization has been at the core of these refugee-concerned expectations of the human rights organizations in Turkey until 2006. Now the issue is about where exactly the Europeanization takes place within these expectations and does it suggests a more rights-based protection for the refugees.

3. On the way to "Fortress Turkey": Europeanization of asylum policy in Turkey

Europeanization of the asylum and immigration policies has building role in further manufacturing and harmonisation of the asylum policy in Turkey. The adoption of the EU *aquis* has impact at two general levels:

- *change in the national legislation and adoption of the EU norms and standards*
- *policy formation and implementation in line with the EU standards: institutional, infrastructural and structural building.*

3.1. Europeanization of the institutional and legislative body

Since the adoption of the 2003 Accession Partnership Document there is an ongoing intensive transfer of guiding principles of certain norms, policy programs, procedures, instruments and progressive institutional transfer through building specialized administrative agencies in the area of asylum.

Following the Accession Partnership Document, the Turkey's National Harmonization Program of 2003 put forward the first consistent implementation program in the area of asylum harmonization. It aimed at initiation of Turkey's EU harmonization process through further adoption and implementation of the EU acquis, extensive institutional building and legislative formation. Under the 2003 National Program, Turkey has initiated a Draft for Asylum Law and its legislative and administrative regulations. It designed a comprehensive work on harmonization of the Turkey's Law on Migration, Foreigners and Asylum. The Program seeks to adopt a specified asylum law and single institutional body in the area of migration and asylum.

In 2005 Turkey adopted the National Action Plan for Alignment with the EU *acquis* on Migration and Asylum, followed by the Implementation Direction of 2006. There is still not available comprehensive law on asylum. The asylum practices are regulated by a number of pieces of legislation attached to the Law No. 2510 on Settlement, the Law No. 5683 on Residence and Travel of Foreigners in Turkey, the Passport Law No. 5682, the Law No. 4817 on Work Permits of Aliens and by the Asylum Regulation No. 6169 of 1994, amended by the Implementation Direction of 2006. According to the EC's 2007 Turkey's Progress Report the Turkish legislation is to a certain extent aligned with the EU *acquis.* However, there is a need for further institutional and technical improvement. There is a lack of single institutional body to initiate a far-reaching policy and transparent account of the situation of asylum in the country. (UNHCR, 2008) Under completion is the so called Asylum and Migration Specialization Unit established under the authority of the MOI and the Deputy Directorate of Foreigners, Asylum and Borders. This specialized asylum agency aims at screening the asylum applications independently.[9]

According to the 2007 Report of the Directorate for Fight Against Smuggling and Organized Crime-KOM (KOM, 2008: 148-9), there is an intensive work on securitization of the borders and migration through projects and action plans on fighting illegal migration (Ay, 2006), terrorism and organized crime, trafficking and smuggling through high technology borders and registration, and Europol documentation security etc. Though scrutinized as a national security matter, asylum harmonization in Turkey involves international actors such as UNHCR and European Commission as central partners of the harmonization process. UNHCR undertook important role in processing applications originating from outside Europe, as well as in the education, training and capacity building in the police force, military force, and the legislative body. (UNHCR, 2008)

[9] Ankara University Human Rights Research Center (2008), Personal Notes from the NGO Meeting on Asylum Legislation in Turkey, Ankara, December 1-2, 2008.

There is an apparent continuity in the tension accumulated during the Iraqi refugee crisis of 1991. Indeed, the "*Bylaw on the Procedures and the Principles Related to Mass Influx and Foreigners Arriving in Turkey either as Individuals or in groups Wishing to Seek Asylum from a Third Country*" of 1994 continue to define the security-oriented foundation of the refugee policies in Turkey. Written under the conditions of the Iraqi refugee crisis of 1991-1992 the Bylaw of 1994 has designed strict securitization procedure and practices for coping and managing asylum in the country. It not only affirms clear distinction between asylum seekers and refugees, European and non-European refugees, but conveys the foundational security-concern that sees the refugees from Middle East as a potential threat to the public order and national security. This tendency shows convergence with the so called "war on terror" prosecution, deportation and extradition policies applied by some EU member states. (AI, 2005) The asylum policies in both Turkey and the EU show significant resemblance in the general perception of refugees as a source of threat and insecurity in its traditional *high politics* dimension. In both cases the concepts of "danger to national security" and "particularly serious crime" lack clear definitions under the EC and the Turkish law, thus open the way to extensive interpretations.[10] In both cases the highly politicized practice of "diplomatic assurances" serves as a base for the abuse of both the right to asylum and non-refoulement principle. (AI, 2005)

The Bylaw of 1994 keeps the absolute role of the MoI in both domestic policies and the pre-accession harmonization process. MOI keeps its authority not only in regard to the refugee issues but at the very foundation of the forthcoming EU-adapted asylum law in Turkey. According to the National Action Plan of 2005, the EU funds and the national budged provided for asylum policies are placed under the jurisdiction of the MoI. This absolute authority of MoI hinders the institutionalization of a rights-based asylum and refugee legislation. This becomes vivid in cases where important decisions about the destiny and rights of the refugees appear captured within the personal attributes and personal degree of tolerance of the police officers in the Foreigners Departments of MoI or respectively in the Governorship.

Nevertheless, the main success of the EU accession process was Turkey's consent to lift the geographical limitation on condition that necessary asylum information infrastructure (AsyInfoSystem) and administrative reforms are finalized, "freedom of movement" for Turkish citizens is provided and "burden sharing" realized. (Güvenç, 2005) This advance was followed by involvement of the international organizations and local human rights organizations in the asylum policy and practices after 2006. Since then there is an undergoing technical and physical infrastructure construction and administrative capacity building in the fields of data protection, fight against illegal migration and organized crime, drugs, trafficking in persons, fraud, corruption, money-laundering and border management. Especially after 2008, Turkey has placed its preference toward extensive utilization of the EU funds and initiated arrangements in education and training of asylum specialists in border security offices, police academy, and satellite city foreigners' department offices and in the reception offices. Some of these initiations found realization via twining projects for adoption and implementation of accession legislation and policies initiated in cooperation with EU member states known for their security-concerned restrictive asylum policies such as Denmark, Austria, and United Kingdom.[11]

The main objectives of the ongoing National Program of 2008 show that these prior initiatives have not improved the life of refugees and asylum seekers in Turkey. Most issues related to the establishment of Asylum Coordination and Research Unit and Asylum Education Academy under MoI, country of origin and asylum database system and well equipped reception centres are postponed for completion during 2009-2011. There is vivid success in the EU-drafted training and education projects for higher awareness of refugee issues among part of the police and local authorities. There is a positive change in the general attitude among the officials dealing with the issues of migration, borders and asylum. Indeed, during academic cooperation meeting organized by

[10] Human Rights Watch, Diplomatic Assurances Report, Supra No: 115. According to AI, the case of the deportation of Kaplan from Germany to Turkey showed that the proof for committed crime is not needed; suspicion based on facts suffices for deportation. (AI, 2005)

[11] MoI (2006), Personal notes from the meeting with the refugee-concerned NGO's, İstanbul, June 23-24.

UNHCR in Ankara, the asylum-concerned undersecretary of the prime ministry underlined a need for human rights perspective in the asylum policy in Turkey.[12] This awareness encourages the activities of the NGOs and motivate the officials to take refugee-concerned decisions. For example, lifting the residence fee and facilitated right to employment are expected within a near future. Correspondingly, Europeanization did lead to observable legal and institutional initiations at the bureaucratic level; some modifications in the legal conditions of refoulement and better access conditions to the asylum procedure followed during 2005-2006. Nevertheless, the Europeanization could not break, but institutionalized and legalized the securitization of the migration-asylum nexus in Turkey. Securitization still keeps its priority in the ongoing projects under a new "Europeanized image". The most part of the budget of the National Harmonization Program of 2008-2011 covers expenses on building administrative and technological capacity in fighting illegal migration, Repatriation and Deportation and strengthening border management and security through building border reception, detention and deportation centres, technological innovation in the sphere of custom monitoring, cooperation, information exchange, and education and training of specialised police and gendarmerie utilities.The human rights and freedoms aspect of the asylum reforms seems postponed to 2011. The slight withdrawal from the previous well-motivated Europeanization tendencies raised some pessimism among the civic actors of the asylum field after 2008**.** By the end of 2009 numerous refugee-concerned NGOs expressed pessimism in regard to the harmonization reforms and emphasized the priority of the human rights provisions under the international refugee law that apparently has gained priority over the interest in the EU alignment process.

Five years after the commence of the asylum reforms in 2005, only 50 Iranians from a total of 4000 UNHCR-supported Iranian asylum claims were granted asylum by MoI in 2008. In the same year Turkey detained 350 refugees and deported over 200 of them. (USCRI, 2009) For difference from the previous year Turkey has drawn a considerable list of deportation and expulsion of asylum seekers and convention refugees. The human rights organizations say that this was not a case during 2006-2007[13] and point to return to the security-centred perception of the refugee as a threat to national security. This backlash in the harmonization reforms has both internal and external dimensions. The domestic dimension is related to the growth in the number of protracted refugees, their social burden, the unexpected pressure of the rights-based NGOs and the Turkey's well-known historical suspicion in regard to the EU's intentions in funding a new border, asylum and immigration infrastructure in Turkey. In regard to the external factors, the priority that EU places on fields of border security and fight against organized crime, drug trafficking and human trafficking (CEC, 2007) followed by a call for considerable and sustained efforts in police cooperation and external borders[14] have converged with Turkey's priorities in the implementation of Chapter 24 of the EU Acquis (see Table 1).

Another indirect factor that led to lag in the Turkey's alignment on the *acquis* is related to the weaknesses in the *communitarisation* of the EU asylum regime and the restrictive and externalizing asylum practices in most of the EU member states. Although Turkey as a new candidate does not have right to opt, these gaps in the overall EU asylum practice find negative reflection on the Ankara's motivation for extensive implementation of the EU criteria. The "Fortress Europe" principles of "safe third country" and "first country of asylum" found reflection on Turkey's arguments to keep the geographical limitation as a discriminative implementation of the universal right for protection. Indeed, refugee rights such as release from registration fee, right to employment, right for self-reliance, right to free settlement etc. are almost approached as reforms contingent upon the realization of "just burden sharing" with the EU. The 2006 Council Decision on the Principles, Priorities and Conditions Contained in the Accession Partnership with Turkey suggests that asylum takes place under a heading to be considered during the last stages of the harmonization process and completed upon lifting of the geographical limitation.

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[12] Personal notes from the "Academic Cooperation Meeting on Asylum, Displacement and Statelessness", December 3-4, 2009, Ankara: UNHCR.

[13] Interviews and notes from a meeting of the volunteer asylum lawyers organized by AI and Ankara University, Human Rights Research Center, 28-29 December 2008, Ankara.

[14] Council Decision on the principles, priorities and conditions contained in the Accession Partnership with Turkey, 23 January 2006, (2006/35/EC)

3.2. Europeanization of the asylum policy: manufacturing insecurity in "Fortress Turkey"

Since year 2003 the implementation of the criteria brought by the Accession Partnership Document has prioritized two important dimensions of the asylum policy in Turkey: the following National Action Plan and the foreseen EU asylum legislation[15]. These dimensions aim at strengthening of *external borders* and building *internal* ones in fighting illegal migration. Approached from the states' point of view these dimensions involve institutional and legislative projects aiming at improved management of security in Turkey through building Fortress Turkey via:

- *pre-frontier measures* of fighting irregular migration through management of the porous borders, strengthening of the border security and psychological deterrence, and
- *post-entry measures* such as detention, accelerated procedures, repatriation, deportation restrictions on mobility, employment, accommodation and social services.

3.2.1. Building the frontier of "Fortress Turkey"

Building "Fortress Turkey" through fighting illegal migration and extension of border control and security remains the principle issue in the asylum practices under the migration-asylum nexus in Turkey. Indeed, the most important outcome of the asylum harmonization process is the establishment of expensive and high technology border control and migration-asylum management systems based on EU guidance and funding. Beside its own traditional security considerations, the EU has raised as the main stimulus in rebuilding the system of border management and security in Turkey. One of the most significant legacies of the Iraqi refugee crisis is concerned with the fact that the Turkish border could easily become a conduit for terrorists from neighbouring states or potential zone of massive refugee influxes. This fear rests in the subconscious of the authorities in both EU and Turkey. Thus for the EU, strict control of the external border is a significant factor in any accession negotiations. (Prosser, n.a.) Border control and SIS (Schengen Info System) are a priority area of the EU funds and projects for strengthening of the external borders which utilize the most part of the EU funds since 2002. (MOI, 2008) According to the budget of 2008 National Harmonization Program, the EU funds cover most of border security implementation projects, such as Building Centres for fighting Illegal Migration, Repatriation and Deportation, Border Security Unit, so called Border Police, and Border Management Education, and Administrative capacity building for mass refugee influx situations in Turkey (See Table 1)[16]

After the membership Turkey is expected to control one of the most volatile borders, thus, it needs very strict border control system to ensure the internal security of the "Fortress Europe". That is why border security, fighting irregular migration and organized crime raise as the primary areas under the Chapter 24 (see Table 1).

Turkey decidedly applies the EU criteria related to border security and fight against organized crime, drug and human trafficking.[17] These conditionalities address Turkey's concerns on its fight against PKK whose primary source of income is based on arms and drug trafficking and human smuggling across the south-eastern border. It is hard to convince Turkey in ceasing refoulement while the conflict with PKK and the instability in Iraq stays on the agenda. After the membership as a safe country of origin, thus probably Turkey will have to face with these problems again and will have to accept the repatriation of the Turkish refugees living in its neighbourhood (i.e. Northern Iraq) and in the EU member states.

Nevertheless, since 2002, the introduction of the EU security, control and inspection facilities, the import of information and biometric technology and training of border guards and liaison officers is the major priority in the MoI's design of the EU funds. Indeed, one of the first concrete initiatives for compliance with the EU *acquis* was the introduction of Special Task Force, three working groups and three strategy papers in the fields of "protection of external borders of Turkey", "migration

[15] Accession Partnership with Republic of Turkey, Helsinki European Council Decision, http://www.mfa.gov.tr/grupa/ad/adc/Accession.partnership.pdf

[16] According to the data expressed by the chief officer of the asylum and migration unit in the MoI, the EU funds will cover 75 % of the expenses. See: Recent Developments in the migration and Asylum.

[17] Commission of the European Communities, Communication from the Commission to the European Parliament and the Council: Enlargement Strategy and Main Challenges 2007-2008, COM (2007) 663 final, Brussels, November 6, 2007, p.60.

management" and "asylum". The strategy paper on protection of the external borders of Turkey, followed by the National Action Plan for Implementation of the Integrated Border Management Strategy were initial among the others and occupied the prior part of the General National Action Plan adopted in 2005. Intention for rapid progress in aligning the country's border and migration management with Schengen system covers most part of the 2008 National Harmonization Program for the period between 2009 and 2011.

Table 1: Summary of the 2008 Turkey's Harmonization Program to the EU Acquis, Chapter 24

2009		2010		2011	
Subject	EU meets *	Subject	EU meets	Subject	EU meets
Conditions to be evaluated upon the membership perspective	Constituting a Council for Evaluation of Appeals to the 1st instance asylum decisions		%100	Fingerprint Data basis for enabling Dublin to work in Turkey	%80
Building authority for protection of the personal data, biometric data etc.	%81	Building Immigration and Asylum Unit	%70	Preventing discrimination in the public services	
EU Legislation Implementation Education Project		Acceptance of Comprehensive Asylum Law		Custom monitoring, cooperation, information technological innovation.	
Administrative capacity building for mass refugee influx situations	%95				
Reform of the armed forces task and international cooperation	%80	Law for Foreigners under the Schengen Criteria for combating Illegal and economic Migration		Operational cooperation with Europol in the areas of information privacy and security	
Building Centres for fighting Illegal Migration, Repatriation and Deportation	%75	Border Security Unit and Border Security High School	%75		
Building Criminal laboratories and fight against terrorism, combating cyber crimes	%75	Asylum Competent Translation Team	%80	National Schengen System N-SIS and connection to Central SIS infrastructure	
Establishing Country of Origin and Asylum System	%85	2005 EU Council Procedure Directive, establishment of Asylum Education Institute	%85		
Opening of Asylum Reception centres, Detention centres and Guesthouses	%75			Entering Regulation for Implementation of the Asylum Law: under the EU principles and papers on safe 3rd countries, countries without well-founded risk of persecution, ill-grounded asylum applications, minimum standards for asylum procedures, Amsterdam Treaty Protocol for asylum for EU citizens, 2004 Charter/Directive	

Source: MOI(2008), Turkish National Harmonization Program, August 2008.

* EU meets % of the foreseen budget, i.e. the percentage of the budget to be covered through EU funds.

By the end of 2010 Turkey envisions concrete results in harmonization in the area of biometric data, armed forces, mass refugee influx, "centres for fighting illegal migration", fights against terrorism, all issues related to strengthening of the border security. According to the 2009-2011 budget most part of the financial resources and the budget is delivered to personnel education and training, infrastructure and capacity building. As Table 1 shows, asylum take place under two headings one related to management of asylum via established country of origin and asylum data system and the other on opening of reception, detention and repatriation centres. EU covers respectively 85 and 75 % of the headings' budged. Until the end of 2010 Turkey foresees the establishment of Immigration and Asylum Unit, introduction of a comprehensive law on asylum, and education of a translation team in the field of asylum. The main part of the EU provisions and directives on minimum standards, repatriation, safe third country, ill-grounded asylum etc. and the implementation of the first Turkish Law on Asylum is postponed for the year 2011. To summarize, until 2011 asylum policy seems approached within the framework of securitization of the borders and fighting irregular migration. There is less emphasis on fighting human trafficking and smuggling.

Approached from the point of asylum the "Fortress Turkey" project prioritizes preventive and restrictive measures in an attempt to create a restricted and discouraging profile of a transit country. That is why conditions related to Turkey's transition to country of asylum such as constituting appeal system and Dublin-oriented biometric data systems are conditional to final evaluation upon certain membership perspective. This approach fits to one of the primary EU objectives, i.e. "...installation of deferential measures in order to discourage potential asylum flows...". (Phoung, 2003:397) This EU objective is especially important for protecting internal peace and security in the "Fortress Europe" and is condition for concessions regarding freedom of movement and abolition of the internal borders upon Turkey's membership.

The general tendency in the EU supports Turkey's prioritization of institutional and legislative improvement in the management and security of the external borders. What lacks at that point is the absence of an attempt to reconcile the so far improved state security with human rights dimension based on a comprehensive and rights-based approach to improve the social, administrative and legal conditions in the field of asylum.

3.2.2. Fighting Asylum Burden through *Internal* Borders

Important dimension of the "Fortress Turkey" project rests on building "internal" borders *as post-entry measures* for control and management of irregular migration and asylum through detention, accelerated procedures, repatriation, and deportation, restrictions on mobility, employment, accommodation and social services. Based on otherisation at the local level, internal borders aim at preventing access to universal protection for asylum seekers from out of Europe and restricting accommodation facilities and social support to refugees.

Taking under consideration the EU's general policy of preventing immigration through psychological discouragement of potential flows, the Turkey's asylum practices seem parallel to the contemporary asylum practices as applied in some EU member states. As reported in numerous refugee rights reports, the EU member states are profoundly criticized for expanding practices of refoulement and deportations, low recognition rates, and hard detention and settlement conditions. (USCRI, 2006) Most of the EU directives on minimum standards on procedures, reception, qualification of refugees and procedures introduced after 2005 found low implementation rate in most of the EU member states and resulted in different asylum policies in the EU. (USCRI, 2006) Similarly to some EU member states, there is expanding utilization of practices related to manifestly unfounded applications and accelerated procedures in Turkey. That leads to deep concerns among the human rights organizations in Turkey.

The foremost provisions related to the alignment with the EU acquis are foreseen under a common project on building a Country of Origin and Asylum Information System and Country of Origin Information System under the guidance of German Federal Asylum and Immigration Section since the beginning of 2008. There are more than 114 EU-funded projects under implementation in reception centres set up in 7 Regional Centres for Proceeding Asylum Information in Istanbul, Ankara, Izmir,

Kayseri, Gaziantep and Van. These centres aim at close and coordinated prosecution of the refugees after their entrance in the country. The projects prioritize coordinated collection and share of biometric and all personal information about the refugees. This asylum information system aims at securitization of asylum through close observation, prosecution and seizure of the refugees who leave or intend to leave the legal space. Without improvement in the social rights of the refugees this system will serve as a guard against any attempts for local integration.

Similarly to the reception centres, the detention practice in Turkey corresponds to the one in the EU. EU has recently accepted deterrence measures for fighting irregular migration through 6 to 12 months long detention of irregular migrants that very often include considerable number of refugees. (AB'de yasadışı Göçle..., 2008) As already mentioned the apprehended migrants and refugees in Turkey are detained in detention centres called "guesthouses" with conditions that correspond to the deplorable conditions in the "warehouses" in Mauritania (Spain), Samos (Greece), Sand Holm (Denmark) or Lampedusa (Italy). As such, the problem of inhuman conditions in these "guesthouses" lies at the very foundation of the human insecurity and violation of basic human rights in regard to the irregular migrants and refugees in Turkey. Indeed, the last uprisings, the harsh police interventions and hunger strike initiated in some of the main detention centres-for example Kırklareli and Kumkapı, (MAZLUM-DER, 2008) have strong potential to reflect on the EU accession process and the international credibility of the country.

Although the National Action Plan foresees provision of separate deportation centres, there are still not built up deportation centres in Turkey and the "guesthouses" serve as centres for deportation of irregular migrants and refugees. Since the deportation procedure usually takes place in an accelerated manner and out of sight, there is rarely access to an appeal procedure. In most of the cases deportation is based on readmission agreements concluded with the neighbouring countries such as Greece, Syria, Bulgaria, Uzbekistan, Lebanon, Libya etc. There is not yet a readmission agreement concluded with the EU, however, the way Turkey operationalizes these agreements corresponds to the way the old and new EU member states utilize them in performing the accelerated deportations. The human rights NGOs are concerned about the combination of the readmission agreements with the Dublin Convention and the application of safe third country rule as a way for "chain deportations" of refugees all back to the countries of origin. Likewise, there are not strong guarantees against direct and indirect refoulement. The EU-designed strict immigration measures increased the risks of refoulement in the new member states (Guild, 2006) and the same is expected in the case of Turkey. The process of criminalization of the refugees and irregular migrants itself is a process that produces numerous open doors for deportation or repatriation based on "violation of the public order or national security".

Restriction of freedom of movement and the approaching encampment of the asylum seekers and refugees are practices imported through the EU provisions. While until very recently the refugees in Turkey were permitted to settle on an out camp basis, nowadays the Ministry of Interior introduced 7 satellite cities for the encampment of the refugees and asylum seekers in so called Asylum Reception and Detention Centres and Refugee Guesthouses with capacity of 750 people. AI criticized this policy since it foresees warehousing of the refugees in camps with capacity of 5000 people. (AI, August 2008) This provision is grounded not only on the difficulties in providing public services as raised by the Governorships and local charity associations, but primarily inspired by the diverse asylum practices and directives in the EU. So, although the EU Qualification Directive grants freedom of movement for refugees and beneficiaries of subsidiary protection, the EU Reception Directive allows states to restrict the freedom of movement of asylum seekers within the national borders. Similarly the EU Directive on Long-Term Residence does not grant freedom of movement to the refugees. (USCRI, 2006)

Many discourses and studies show that encampment does not mean necessarily more security for both the states and the refugees. However, it is obvious that local integration requires provision of prospects for legal residence *and personal autonomy* that is possible only on condition that the right for self-reliance is granted to the refugees. The restriction of the right to decide on settlement and the restriction of the right for free movement obstructs the potential for self-reliance of the refugees, thus leaving them to the mercy of the local society. Not only the minimum EU standards, but the need for

more secure environment urges Turkey to provide dignifying conditions to meet the social needs of the refugees. (UNHCR, 2008)

Under this perspective Turkey is expected to provide access to employment for the refugees, guarantee access to public services, and lift the registration fee. On the contrary, similarly to the practices in some EU countries Turkey approaches these issues through the migration-asylum nexus. Correspondingly, the EU Reception Directive and the Directive on Refugee Status allows states to restrict access to employment based on the situation of the labour market and allows states to give priority to the EU citizens. As a consequence, the right to earn a livelihood or access to employment in Turkey resembles the general practice in Germany, an EU member state where the refugee is thrust into competition with the unemployed EU or German national. (USCRI, 2006)

As a compensation for the so far restricted right to employment, the EU law grant asylum seekers right to subsistence-level public assistance that could be limited and is in practice limited to core benefits. In this way the public order is to certain extent protected through provision of minimum health and accommodation services to the "unwanted foreigners". Similarly to Germany and Poland there is also a minimum level of public assistance provided in Turkey, based on condition that the required registration fee is accomplished. (USCRI, 2006)

As analyzed up to this point, both Turkey and the EU member states construct the general perception of asylum as a social burden based on the traditional migration-asylum nexus. Indeed, both the National Action Plan and the European Commission insist that there is mutual interaction and connection between migration, illegal migration and asylum. (Kale, 2005: 280) This is an important point from the aspect of the social rights of refugees, so far defined under the Law for Foreigners. The absence of a specialized law on asylum that provides special social rights for the asylum seekers and refugees, leads to the impoverishment and externalization of the refugees. This is verified by the Ankara's insistence not to include the "fellow countryman" refugees and asylum seekers in its Poverty Reduction Strategy Paper prepared for international donors or in other development plans. (USCRI, 2008) There is not any additional clause related to the social rights of refugees in the National Harmonization Program of 2008.

And finally, no single provision could work efficiently without further asylum specialization among the officials and bureaucrats in the associated ministries, the Foreigners Departments and local administration. As already mentioned the General Directorate of Security is the only authority that has the competency to use the fund for personal education. Accordingly, most part of the education and training budget is allocated for the training of security officials in the Department of Foreigners, Borders and Asylum. (Kale, 2005:255) There are not enough asylum-informed officials at the local level or at the level of the associated ministries.

As explained above, Turkey's alignment to the EU criteria on asylum does not seem to progress "*in line with the EU best practices*", available at no more than 4 or 5 members of the EU. Thus so far performed the alignment process fell short of bringing a comprehensive rights-based approach to the official asylum policies in Turkey. Obviously, further success in the development of a rights-based approach toward the refugees depends primarily on the completion of the goals put forward in the ongoing National Harmonization Program of 2008. Yet, as the preliminary experience show the improvement of the competence, specialization and precision of the officials involved in the asylum policies brings remarkable progress in the access to protection and rights-based treatment. In an absence of institutionalization the rotation of the officials jeopardizes the accumulation of expertise knowledge, as well as leaves the refugee-concerned practices to the officials' goodwill and capacity to undertake refugee-concerned initiatives. Today, within the complex and person-prompt bulk of circulars and regulations the fate of the refugee often depends on her ability to arose the officers' compassion for her situation (Şefkat-Der, 2008). This practice not only abrades the legitimacy of the official practices, but also jeopardizes the security of the refugees and asylum seekers and leads to a protracted situation of insecurity. Furthermore, the prevalence of these practices and general treating of the refugees as subjects of mercy may become a significant obstacle in the entire implementation of the EU asylum reforms.

As the experience of the new EU members show, the so far exported EU asylum legislation do not promote further access to the procedure, instead, restricts the access to protection and leads to strengthening of the migration-asylum nexus against the refugees. (Phoung, 2003: 394) Moreover, based on exclusion at the Frontex-protected borders and responsibility under the safe third country and safe country of origin principles, the contemporary EU asylum policy demonstrates inconsistency in the EU's commitment to the international asylum law. (Guild, 2006) As such the Fortress Europe project tends to aggregate protracted insecurity situations and implications in the field of refugee protection in the Aegean and in Turkey as the future south-eastern border of the EU.

Conclusion

The asylum practices in Turkey show that the Europeanization of the asylum policy in Turkey does not end, but leads to the affirmation and institutional modernization of the ongoing practices of detention, deportation, social marginalization and otherisation of the refugees. As a project based on tight border security and prevention measures, the "Fortress Turkey" does not seem to prevent the irregular trespassing across Turkey. The collected statistics show that in spite of the harsh deterrence policies the number of the irregular migrants and refugees across the Aegean is in constant growth. While there were 60.000 irregular migrants apprehended in 2005, the Turkish Armed Forces General Staff statistics show that by December 2007 their number reached 104.574 people. (UNHCR, December 2007) This data proves that the so far exercised security-based detention and deportation policies of Fortress Turkey do not tend to bring durable solution to the boat people problem across the Aegean. The restrictions on the access to local integration in other words the *internal* borders continue to produce boat people who continue to defiance the modern high-technology security equipment of the "Fortress Europe".

According to the UNHCR's 2008 statistics, Turkey is one of the Top-20 ranking of countries based on applications lodged during the first quarter of 2008. At the same time it is one of the top-20 ranking of countries of origin of asylum. (UNHCR, October 2008) By receiving 14% of the total Iraqi asylum claims, Turkey was the third country in the ranking of countries based on number of logged Iraqi asylum claims during 2008. As a result of the geographical limitation, Turkey ranks among the states with relatively low rate of asylum applications. (UNHCR, October 2008) On the other hand, differently from the new EU-member states Turkey is placed on the transit route of the irregular migration from the main asylum-producing regions such as Middle East and South Asia. (UNHCR, December 2007) Because of that, in many official circles Turkey is already pronounced for the great numbers of asylum seekers transiting or waiting at the Turkish south-eastern border. After lifting the geographical limitation Turkey is expected to face with intensive flow from Middle East, Africa, Asia and the Caucasus. As the German perspective anticipates, when reaches asylum system equivalent to the one in the EU member states, Turkey will be prepared and expected to receive returned asylum seekers, and probably undertake the most part of the "asylum burden" in the EU. Indeed, one may infer that this is the inner condition under which EU agrees to meet almost 90 percent of the Turkey's budget on Chapter 24 of the National Harmonization Program of 2008. That recalls the case of German-Polish readmission agreement, where Germany funded 120 million DM for Poland to readmit the respective refugees. (Phoung, 2003: 397)

Significant dimension of Turkey's perception of insecurity in relation to the asylum issue draws on its reservations in regard to the EU's intention to reach equitable burden sharing within the EU. As expressed at diverse political levels, Turkey does not want to fall into a buffer zone of first asylum countries surrounding the EU or turn into safe third country in case membership fails. Important point of disagreement and tension between EU and Turkey from the very beginning of the accession negotiations is the issue of readmission agreements with Turkey under the status of "*safe third country*". As Phoung points out, the EU uses to employ these agreements in order to transfer the asylum burden to the candidate or new member states. (Phoung, 2003:393) This tendency has significant impact on Turkey's reserved approach to conclusion of readmission agreements with the EU countries before the full membership.

As an EU candidate country placed on one of the most sensitive borders of the EU, the so far available protection infrastructure and financial budget and the readmission-based EU response to burden sharing issue do not seem to address the security implications associated with the foundational insecurity drive behind the Turkey's anxiety toward refugees from Iraq and Iran. For difference from African refugees who constitute mainly socio-economic burden, the refugees from Iraq and Iran are perceived as a source of threat and insecurity based on historical fears of secession and terrorism. So, for difference from the other new member states' perception of refugees as temporal, Turkey is concerned of mass influx of refugees from its south-eastern borders, that may accumulate long-term threat to its national security. From this point of view, the ongoing resettlement of the Iraqi and Iranian refugees conciliates Turkey's decisiveness in the process of EU harmonization. So, the understanding of burden sharing as a practice of resettlement of the unwanted refugees seems to gain advance both in Turkey and in the EU.

In principle, sharing any potential security burden should aim at reaching durable and rights-based protection to *all* refugees regardless of their country of origin or ethnic background. Otherwise burden–sharing could emerge as a discriminative practice of "wiping out" the "fake refugees", i.e. the potential terrorists. Approached as such burden sharing stands up as another possible source of insecurity for Turkey and the region. The divergence and inconsistence in the construction of this notion within the EU itself opens the way for its erosion as an opportunity for constructing a safer environment in the EU.

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Part III

New Approaches to the Enlarging European Migration Space

The EU Visa Liberalisation Process for Western Balkan Countries as a Reflection of the Politics of Modernity

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Abstract:
This paper will explore the visa liberalisation process and its implications affecting Western Balkan countries from the perspective of postmodern politics. It will be argued that the idea of citizenship which is deduced from the entire idea of visa liberalisation process for Western Balkan countries rests on a modernist notion of citizenship which is based on the idea of stable and fixed identity. This idea of citizenship is contradictory to the concept of European citizenship as a postnational, and, thus, postmodern concept based on multiple and shifting identities. Postmodern European politics should overcome universalist assertions of modernist Europe, which do not acknowledge the "non-European world".

Key words: visa, liberalisation, Western, Balkans, postmodern, identity, difference.

Introduction

Jakobs and Maier emphasize that it is hard to define Europe geographically, culturally and historically. (Jakobs & Maier, 1998) They argue that Europe is a vague concept whose borders are uncertain. According to Lowenthal, "Europe has always been more of a mental construct than a geographical or social entity. " (Lowenthal, 2000: 314) On the other hand, it is often argued that newly constructed term "Western Balkans"[1] is vague and confusing.[2] This concept cannot be sharply defined as it is constantly transformed. Thus, it is constantly reinvented. However, this is not acknowledged by the EU visa liberalisation politics, which perceives Western Balkans as a territory only defined by fixed borders. In this way, the EU visa liberalisation process creates a number of binary distinctions

[1] This term refers to Albania, Bosnia and Hertzegovina, Croatia, Serbia, Montenegro, Macedonia and Kosovo (whose status is not clear yet).
[2] This term is officially introduced in 1998 by the Austrian Presidency of the EU.

because it perceives various ethnic groups as homogeneous and fixed. Subsequently, it sharpens ethnic divisions and it does not represent a path towards more inclusive politics. It does not acknowledge the fact that groups are made of individuals who have different narratives, experiences and perspectives. Therefore, they are not homogeneous and they are continually changed and reinvented. The EU visa liberalisation politics should embrace postmodern notion of identity, which represents the foundation of a new, more inclusive notion of citizenship.

1. The Postmodern Account on Identity and Difference

Postmodern politics attempts to overcome the dichotomies between global and local, between citizens and strangers, between self and other, universalism and particularism and so forth."With the advent of post-structuralist thought, the term 'post' has taken an adversarial and phantasmal meaning whereby one always occupies a position of radical contingency in the wake of identity-formation." (Radhakrishnan, 1987: 219) Postmodern politics rejects grand narratives and comprehensive explanations of historical events, knowledge and power. Grand narratives imply the modern notion of identity as a fixed, stable and unified subject. This notion of identity denies heterogeneity of human experience, which cannot be explored by postulating universal explanations and values. On the other hand, the critics of postmodernism argue that the postmodern critique of grand narratives represents a grand narrative itself. However, this point of view is not valid, because postmodernists argue that the meaning is constructed, and therefore, always open for reinterpretations. This means that even the postmodernist critique of grand narratives is constantly reconstituted and transformed, that is why it is not another grand narrative itself.

The fall of grand narratives led to the emergence of the postmodern fragmentary and shifting notion of identity. "Postmodern perspectives on the political have tended to adopt non-topographical conceptions which are dynamic and fluid. Rather than focusing on institutions, these perspectives have highlighted discursive, linguistic, psychological and performative moments of political action." (Squires, 1998: 121) Politics of postmodernism emphasizes the importance of recognition of difference. Postmodernists reject the notion of fixed borders. Borders are perceived as metaphors or mental constructs. "The 'border tensions' of postmodernism as method have blurred the boundaries between genres and disciplines, high and popular culture, theory and practice and a host of binary oppositions – center/periphery, global/local, assimilation/ethnic purity – which validate or authorize restrictive cultural images of social actors inscribing them in terms of fixed being rather than fluid becoming." (Smith, 1992: 517) Consequently, ethnicity is perceived as flexible and shifting notion.

Postmodernist theorists argue that representatives of modernity gave priority to identity understood as conscious, rational and stable subject over the difference. These thinkers argue that the notion of difference should not be understood in universalist modernist assumptions. The idea of "difference"should be understood as heterogeneous. Fragmentary notion of identity emphasized by postmodernists does not perceive ethnic groups as monolithic and essentialist categories. They are considered as heterogeneous, because they consist of different individual narratives and experiences, which are dynamic and constantly in a process of re-figuration. Thus, they include multiple and often different and opponent voices.

Postmodern authors argue that the notion of identity should be considered as flexible and dynamic.[3] Consequently, the post-modern notion of identity cannot be based on binary oppositions and sharp distinctions of any kind. Postmodern notion of identity does not perceive self-consciousness as the foundation of selfhood. It is based on the idea that other-consciousness is also necessary part of the self. Postmodernist concepts of identity and borders are fluid. The proponents of postmodernism argue that universal, rational and global concepts of the Enlightenment are not prior to local, socially and historically particular concepts. Postmodern notion of identity overcomes universalist and trans-

[3] Richardson argues about four notions of the self: 1) traditional notion, based on the idea of moral responsibility; 2) modern notion founded on the idea of conscious, rational and unitary subject; 3) postmodern notion which emphasizes discoursive constructedness of the self and 4) dialogical notion which contains all three ideas of the self: pre-modern, modern and postmodern. (Richardson, Rogers & McCarroll, 1998)

historical subject of the modernity. Representatives of postmodern thought argue that identity is not stable and unitary, but fragmentary. It is culturally and historically constructed. Consequently, "'ethnicity' is one such provisional, historically conditioned social construct. Ethnic identity is not a thing outside itself (...) Rather it is a dynamic mode of self-consciousness, a form of selfhood reinterpreted if not reinvented generationally in response to changing historical circumstances." (Smith, 1992: 512) Subsequently, ethnic identity is continually reinterpreted.

Some feminist authors criticize the postmodern notion of fragmentary and fluid identity, because it undermines the subject in the ontological sense. They argue that the postmodern notion of identity makes politics impossible and it emerges just in time when women, minorities, and other marginalized and denied groups and individuals attempt to form their subjectivity. (Smith, 1992: 525) However, postmodernist theorists do not undermine the idea of subject. They argue that the subject is produced by discourse[4] and it is constantly reconstituted. Consequently, the term "difference" should also be perceived as fluid and changeable. It should not be perceived as a term to which all marginalized groups can be assimilated, because in this way it is perceived as a modernist homogeneous and monolithic term. (Smith, 1992)

Braidotti argues that even the neo-liberal notion of "difference" implies new forms of exclusion on national, regional and local level. (Braidotti, 2005: 7) In order to promote dissociative character of the postmodernist notion of "difference", which cannot be equated with modernist understanding of this term, Derrida introduces the idea of "differance". Derrida's notion of "differance" rejects all kinds of binary hierarchies and is constantly reinterpreted. According to Bhabha, the notion of difference reflects cultural hybridities. Therefore, it is socially constructed (Bhabha, 1994). Foucault argues that the postmodern notion of "difference is transformed into which must be specified within a concept, without overstepping its bounds. And yet above the species, we encounter the swarming of individualities. What is this boundless diversity, which eludes specification and remains outside the concept, if not resurgence of repetition?" (Foucault, 1977: 82) The post-modern notion of identity is produced through difference and overcomes the idea of stable and unitary self.

2. The EU Visa Liberalisation Process for Western Balkans Binaries

According to Braidotti, European Union is a paradoxical and controversial project. It contains both characteristics of the modernist and the postmodernist politics. On the one hand, the EU represents an attempt for creating united market, but on the other hand, it is an attempt to overcome European nationalism. (Braidotti, 2005: 6) Europe is reconstructed and decentralized from within Europe. Braidotti argues that this process leads to creation of a multi-layered and shifting European identity, which she refers to as "nomadic". She maintains that "being a nomadic European subject means to be critical of unitary, hegemonic and imperial notions of Euro-centrism." (Braidotti, 2005: 7) Thus, the nomadic subject rejects modernist Cartesian idea of the unitary self. For this reason it can be compared to the postmodern concept of identity. This conception of identity is not tied to geographical or geopolitical notion of borders. However, the social space of the EU is paradoxical and is determined by both fixed borders (which represent a form of control between the EU and its non-member states) as well as their erasure within the EU member states. (Braidotti, 2005: 8) Braidotti concludes that, in this way, the postnationalist identity coexists with the discrimination and marginalization which are produced by the fixed notion of identity. Consequently, the EU as a project does not overcome the dichotomies between modernism and postmodernism.

According to Young (1989), the modern liberal conception of citizenship is based on the priority of universality and sameness over particularity and difference. This means that the rules are the same for all and apply to all citizens in the same way. However, this conception of citizenship implies homogeneity and sameness. Modernist universal citizenship is a myth, which denies diversity. This concept of citizenship is exclusionary, because it is based on the modernist notion of fixed identity, which does not include difference.

[4] This was emphasized by Lacan in his *Postmodern Condition*.

Modern liberal political thinkers create a number of binary oppositions, such as right/good, essential/contingent, nature/culture, reason/emotion and so forth. The first term is considered dominant, because it is perceived as based on reason and the idea of "right," which is considered universal. The second term in those binary oppositions is often neglected and denied, because it is considered to be based on the concept of "good," which is regarded as contingent. The politics of modernity cannot embrace the idea of pluralism and the notion of fluid and multiple identity.

The EU legal discourse still employs modernist fixed terms, which include various binary oppositions such as: European/non-European, citizen/stranger, self/other, and so forth. This point of view is the most obvious on the example of European identity. Delanty argues that "European identity is becoming a white bourgeois populism defined in opposition to the Muslim world and the third world." (Delanty, 1995: 3) Fossum argues that idea of supplanting the national identity with a European identity[5] should be replaced by the process of transformation of national identity in order to become post-national. (Fossum, 2001) The EU is multilevel entity which includes local, regional, national, transnational and other identities. The concept of unified European identity is founded on the idea of Cartesian[6] *cogito*, as the foundation of modern notion of identity. *Cogito* represents the idea that unified, conscious and rational thinking self, which cannot be questioned.[7]

The *Declaration on European Identity* (1973) states that "unity is a basic European necessity to ensure the survival"[8] of European civilization. Although this declaration emphasizes the dynamic nature of European unification, the idea of diversity is defined by common principles and values, which is flawed. "The diversity of cultures within the framework of a common European civilization, the attachment to common values and principles, the increasing convergence of attitudes to life, the awareness of having specific interests in common and the determination to take part in the construction of a United Europe, all give the European identity its originality and its own dynamism."[9] Subsequently, the idea of European identity still represents the modernist notion of identity as stable and self-contained subject. Consequently, it cannot embrace pluralism and particularism.

Stychin criticizes essentialist conceptions of the politics of modernity within the EU and makes a case for a "politics of affinity" and a flexible notion of Union citizenship that accommodates multiple identities. The "politics of affinity" avoids homogenizing assumptions and unitary conceptions of European, national regional, sexual and other identities. It promotes diversity, otherness and fluid character of the postmodern European citizenship. It also advocates a more fluid idea of boundaries. The politics of affinity grounds European politics and citizenship discourse on affinity (not identity). According to Stychin: "A politics of affinity differs from one centered on a fixed identity in that affinity suggests that the fictions of a homogeneous and totalizing group attribute have been rejected in favor of a recognition that a shared characteristic or experience – which may lead to (or require) common endeavors- cannot overwhelm the differences that exist between numbers of the group." (Stychin, 2001: 113)

The *Declaration on European Identity* advocates the modernist essentialist notion of identity. On the other hand, Stychin's idea of politics of affinity points to the post-modern notion of fluid identity. Both the modernist and the postmodernist perspectives are still employed in the studies of Balkan identity. For example, they can be identified within Bechev's distinction between primordialist and constructivist approach to Balkan regional identity.[10] The primordialist approach perceives Balkan regional identity as essentialist and fixed by borders and "specific cultural content." (Bechev, 2004: 81)

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[5] The *Treaty of Amsterdan* (1997) asserts that European citizenship supplements national citizenship.

[6] However, it should be emphasized that Descartes was influenced by the Zeitgest of the Reformation.

[7] Descartes argues: "But what then am I? A thing that doubts, understands, affirms, denies, is willing and also imagines and has sensory perceptions. This is a considerable list, if everuthing on I belongs to me. But does it? The fact that it is I who am doubting and understanding and willing is so evident that I see no way of making it any clear." (Descartes, 1988:83)

[8] *The Declaration on European Identity* (Copenhagen, 14 December 1973), www.ena.lu/declaration_european_identity_copenhagen_14_december_1973-2-6180

[9] Ibid.

[10] Bechev also introduces continualist approac to Balkan regional identity, which is a intermediary position between primordialist and constructivist approach.

This approach to identity can be compared to modernist idea of identity. On the other hand the constructivist approach to Balkan regional identity introduced by Bechev shows some basic traits of postmodern notion of identity. It perceives identity as a mental construct which is dynamic and not based on the distinction between "us" and "them".

The EU visa liberalisation process for Western Balkan[11] countries reflects modernist, i.e. primordial notion of Balkan regional identities and neglects the postmodern, i.e. constructivist approach which should be applied to contemporary, pluralist societies. Postmodern politics rejects the essentialist notion of ethnicity. Radhakrishnan argues that the new conception of "post-ethnic" should be introduced "as a radical and necessary extension of the 'ethnic'." (Radhakrishnan, 1987: 202) The visa liberalisation process for Western Balkan countries is based on the idea of fixed, universalist identity, where the particular and local is diminished. The idea of hybridity of cultures is not taken into account. On 19 December 2009, visa free travel is granted to Macedonia, Montenegro and Serbia. It is argued that: "Albania and Bosnia and Herzegovina are not considered to have met all the benchmarks[12] agreed under the visa liberalisation dialogue with the countries of Western Balkans."[13] Kosovo is also excluded from the process of visa liberalisation.[14] Consequently, visa liberalisation process divides the people of Western Balkans instead of uniting them. It makes binary oppositions: European/non-European, we/them, Christian/Muslim, majority/minority, global/local, and so forth, where the first term is considered as dominant over the second term. The EU law makes a distinction between the Western Balkan countries whose nationals have right to free movement and those who have not. The EU law oversimplifies the notion of identity of Western Balkan countries nationals. However, on 7 October 2010 the European Parliament gave its green light to visa free travel for Bosnia and Herzegovina and Albania.[15] This decision does not substantively change the perception of the Western Balkans within the EU law. Western Balkans is still perceived as monolithic entity: "The Commission entered a statement to the ministers of the Council meeting on the establishment of a follow-up mechanism to the visa liberalisation process for the Western Balkan countries. This follow-up mechanism concerns the monitoring of the reforms which these countries need to continue to carry out. It also introduces emergency consultation arrangements so that the European Union and its member states can, in cooperation with the authorities of the countries concerned, react on the best possible conditions to any specific difficulties which might arise with flows of persons from the countries of the Western Balkans and states that the Commission may if necessary propose the suspension of the visa travel."[16] It is clear from these lines that the Western Balkan countries are ascribed homogeneous identity that does not recognise the difference.

In the recent European studies it is often emphasized that visa liberalisation is another example of the idea of EU, and Europe as a whole, as Christian community. In the preamble of the Treaty of Lisbon, "the cultural, religious and humanist inheritance of Europe"[17] is emphasized. However, a number of theorists argue about homogeneous picture of European heritage, based on Christianity.

Olli Rehn, former member of the European Commission responsible for the EU enlargement argues that values define Europe, not borders.[18] He argues that "the map of Europe is defined in the minds of Europeans."[19] Rehn argues that "enlargement is a matter of extending the zone of European

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[11] "The Council decided to grant visa free travel to and throughout the Schengen area for citizens of the former Yugoslav Republic of Macedonia, Montenegro and Serbia (15521/09). It did so by adopting amendments to regulation No. 539/2001. The visa waiver will apply from 19 December 2009 to holders of biometric passports. ", *Visa Liberalisation for Western Balkan countries*, Brussels 30 November, 2009, 16640/09 (Presse 349).

[12] "The main areas where benchmarks were set under the visa liberalisation dialogue are border controls, passport security, fight against organized crime and corruption as well external relations and fundamental rights." *Visa Liberalisation for Western Balkan Countries*, Brussels 30 November, 2009, 16640/09 (Presse 349)

[13] *Visa Liberalisation for Western Balkan countries*, Brussels 30 November, 2009, 16640/09 (Presse 349).

[14] Kosovo is not included in this process, because its status is not clear yet. The five of 27 EU member states did not recognize its independence.

[15] *Visa Liberalisation for Albania and Bosnia and Herzegovina*, Council of the European Union, Brussels, 8 November 2010, 15957/10 (Presse 294)

[16] Ibid, p. 1

[17] The *Treaty of Lisbon*, www.eudemocrats.org/eud/...Consolidated_LISBON_TREATY_3.pdf

[18] Rehn, O, "Values Define Europe, not Borders", 2005, Available at: ec.europa.eu/commission.../rehn/.../rehn_ft_european_values_en.pdf

[19] Ibid.

values, the most fundamental of which are liberty and solidarity, tolerance and human rights, democracy and the rule of law."[20] However, the definition of these terms is not clear.[21] Olli Rehn also argues that the country must have a "European vocation", which is measured by the will of its people to join the Union.[22] However, the problem of the definition of a "European vocation" remains. If it is perceived as an instrumental concept which is defined by exact rules and values than it cannot be perceived as a mental construct defined in the minds of Europeans (as previously argued), but as a fixed term which implies borders. Contradictory to the introducing assertions of his speech, Rehn concludes that: "Although the borders of Europe are more mental than physical, geography still matters when it comes to spreading European values."[23] Consequently, values are tied to borders and, thus, fixed.

The EU visa liberalisation politics does not take into account that the Balkans is a heterogeneous, multiethnic area. The former EU visa free regime which included the former Yugoslav Republic of Macedonia (FYROM), Serbia and Montenegro, did not take into account that Bosnia and Herzegovina is divided into two entities by Dayton Agreement in 1995. Those entities are the Serb Republic and the Muslim-Croat Federation. In Bosnia and Herzegovina there are three ethnic groups: the Bosnians, the Serbs and the Croats. "Most Bosnian Croats already have Croatian passports and since the Serb Republic residents can apply for and obtain Serbian passports, the EC proposal for Bosnia would affect the majority of Bosnian Serbs, Jews and others that live in the Muslim-Croat Federation. The EU's message now weakens already non-existent national identity and opposes EU's earlier multiethnic ideals."[24] Although the EU policy emphasizes pluralism and integration, whose aim is to avoid new ethnic divisions, visa liberalisation process for Western Balkan countries creates new boundaries between ethnic groups.

The Young European Federalists[25] emphasize that new visa liberalisation proposal will make deeper some ethnic divisions. They argue that this process is founded on the binary opposition Christian/Muslim, where Muslim identity is denied. The Young European Federalists emphasize that the EU policy towards Kosovo[26], shows numerous contradictions: "If Kosovo is considered as part of Serbia, Kosovars should be allowed visa-free travel like the rest of the country. In contrast if Kosovo is recognized as an independent state, it should be brought on the road to visa liberalisation."[27] Minority Rights Group International reports about the status of minority groups in Kosovo, which are marginalized and discriminated. Consequently, some minority groups such as Turks, Serbs and Ashkali began to leave Kosovo. On the other hand, minority groups, such as Roma and Egyptians do not have countries to escape to, which will increase marginality and poverty of those groups.[28] Thus, in Kosovo dichotomy majority/minority prevails, where minority is denied and excluded.

The document which establishes visa liberalisation process in the Western Balkans, does not acknowledge multiple identities in this area. These identities are heterogeneous, and they are more fluid in the borderlands. One example of the phenomena of shifting and fluid identity is the case of

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[20] Ibid.

[21] For example, what kind of liberties are fundamental for Europeanness. Berlin makes a distinction between negative and positive liberty. Negative liberty is often defined as a freedom from constraint, while the positive liberty is founded on the idea of self-realization. The *Charter of Fundamental Rights of the European Union* does not acknowledge some positive freedoms such as freedom from poverty, the right to self-development. It mostly embraces negative freedoms such as: freedom of thought, conscience and religion (Article 10), freedom of expression and information (Article 11), freedom of assembly and association (Article 12), and so forth. On the other hand, the notion of solidarity is not clearly defined within the framework of European legal discourse. The solidarity is described as a "value" within the *Charter of Fundamental Rights*, while within the *Treaty of Lisbon* it is characterized as a "principle". This makes a confusion because principle is a broader concept than value. For example, the principle of democracy embraces four values defined by the Charter: dignity, freedoms, equality and solidarity.

[22] Rehn, O, "Values Define Europe, not Borders", 2005

[23] Ibid.

[24] Rusila, A, "EU's Visa Freedom Dividing Balkans", 2009, Available at: elections.thinkaboutit.eu/...eus_visa_freedom_dividing_balkans

[25] YEF is a pro-European political movement.

[26] There are EU divisions over its legal status.

[27] "EU-Balkan Visa Deal Slated as 'Anti-Muslim'", 2009, Available at: www.euractiv.com/.../eu-balkan-visa-deal...anti-muslim/article-184040

[28] "Kosovo's Independence Leaves Vacuum in International Protection of Minorities", 27 May 2009, http://www.minorityrightsorg/497/campaigns.html

Albanian Crypto-Catholics.[29] (Duijzings, 2000) The Visa liberalisation process in the Western Balkans is based on the assumption that every individual who is granted new right of free movement within the EU has a new biometric passport. This identification document is perceived as a representation of the individual's real being and true identity, where all particularities are not taken into account. The new biometrical passport is a symbolical representation of the (fixed) identity of peoples of the Western Balkan countries who are part of the visa liberalisation process. The citizens of Western Balkan countries who are excluded from the visa liberalisation process are denied. However, their identities are also perceived as homogeneous. Consequently, new dichotomies in the Western Balkans emerge such as: included/excluded, we/they, inner/outer, European/non-European, and so forth. Identities are not determined by feelings and beliefs, but by fixed borders and strict dichotomies.

Conclusion

This paper argues that the visa liberalisation process for Western Balkans represents the example of the politics of modernity which is based on the fixed notion of identity. The modernist account on identity on which the EU visa liberalisation politics for Western Balkan countries is founded, creates various dichotomies and creates new forms of exclusion, where some ethnic, religious and other groups are marginalized. These groups are perceived as homogeneous and their multiple and fluid identities are denied. Although idea of European citizenship includes multiple identities, such as regional, national, European, etc. and creates the room for the new, postnational and postmodern politics based on the idea of shifting identity, the EU visa liberalisation does not succeed to escape modernist pitfalls. It deepens ethnic divisions and it can be questioned whether it leads towards greater freedom.

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[29] Crypto-Christian groups in certain regions of Kosovo and Albania can be traced back to the 17th century. Crypto-Christianity is another example of multiple and heterogeneous idea of identity. Crypto-Christians have both Christian and Muslim names. Their Christian names belong to the domain of the private, while their Muslim names are public. Crypto-Christians go both to the mosque and the church. They are representatives of both Christian and the Muslim values and beliefs.

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The Quest for Talent: EU Policies towards the "Brain drain" Phenomenon

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Abstract

Generally speaking, brain drain phenomena in Europe fall into two distinct trends. The first is an outflow of highly-qualified scientists from Western Europe mostly to the United States. The second is a migration of skilled workers from Eastern and South-eastern Europe into Western Europe, often made easy by the new EU membership. Despite all the efforts to stimulate the mobility of the higher qualified labour force within the EU, the amount of migration of the highly skilled is low and it increases only slowly. As a result, the EU lacks the magnetic power to attract high skilled foreign scientists and to become leading centre of research intensive (service) production. Without them Europe will not be able to maintain the same standards of living to which it is accustomed. A new vision and new tools are indispensable for reversing this trend.

Key words: *brain drain, brain circulation, highly skilled elite, returns policies, development*

General trends of highly skilled migration in Europe: does Europe have enough magnetic power to attract highly skilled migrants?

Perhaps the oldest question in economics is why some countries are rich while others are poor. Economic theory has emphasized that differences in the educational levels of the population are an important part of the answer (Carrington and Detragiache 1999). Here the migration of the qualified people that could contribute to the economic growth of the host countries plays an important role. As Lee Kuan Yew, the Singapore's elder statesman, rightly put it, trained talent is the yeast that transforms a society and makes its rise (Wooldridge 2006: 10). Starting with the papers by *Paul Romer* (1986, 1987, 1990) or *Robert Lucas* (1988) the immigration of skilled migrants has been evaluated as stimulating the dynamics of economic growth (Wooldridge 2006: 14), and the contribution of foreign skilled workers to economic growth and achievement in host countries, in particular to research,

innovation and entrepreneurship, is increasingly recognized – witness, for instance, the number of foreign-born US Nobel Prize winners or creators of global high tech companies, such as Intel or eBay, and other successful start-ups (Brain Drain). The spreading of this phenomenon was noticed as early as the 1960s (Carrington and Detragiache 1999), when a mass and permanent emigration of highly skilled people (researchers, scientists, and even graduate students) took place (Vedran 2004: 76), prompting Britain's Royal Society to coin the term '*brain drain*' (Chu 2004: 3). What the talent elite everywhere has in common is that it is more mobile than the rest. Two economists, Frédéric Docquier and Hillel Rapoport, estimate that average emigration rates worldwide are 0,9 % for the low-skilled, 1,6 % for the medium skilled and 5,5 % for the high-skilled (Wooldridge 2006: 12).

Generally speaking, brain drain phenomena in Europe fall into two distinct trends. The first is an outflow of highly-qualified scientists from Western Europe mostly to the United States (Brain Drain). The 'export' of education services (by an 'import' of foreign students) has become a money machine for the US. Every year foreign students contribute over $7bn to the US economy (Straubhaar 2000: 8). In 2000, for example, the U.S. spent €287 billion on research and development, €121 billion more than the EU. No wonder the US has 78% more high-tech patents per capita than Europe, which is especially weak in the IT and biotech sectors (Chu 2004: 2). In 2006 over 250,000 Europeans emigrated to the United States (164,285), Australia (40,455), Canada (37,946) and New Zealand (30,262). Germany alone saw 155,290 people leave the country (though mostly to destinations within Europe). This is the highest rate of worker emigration since reunification, which itself was equal to the rate in the aftermath of World War II (Brain Drain). In relative terms in 2002-2003 the EU produced more science graduates (PhDs) than the United States but has fewer researchers (5.36 per thousand of the working population in the EU compared with 8.66 in the USA and 9.72 in Japan) (Carrington and Detragiache 1999).

The second is a migration of skilled workers from Eastern and South-eastern Europe into Western Europe, often made easy by the new EU membership (Brain Drain). Lithuania, for example, has lost about 100,000 citizens since 2003, many of them young, well-educated, to emigration to Ireland in particular. Similar phenomenon occurred in Poland after its entry into the European Union in 2004. In the first year of its EU membership, 100,000 Poles registered to work in England, joining an estimated 750,000 residents of Polish descent (Brain Drain).

While historically, the United States has been extremely pragmatic and has rolled out red carpets to immigrants with specific skills, Europe has been reluctant to open its borders (Straubhaar 2000: 7-8). Compared to the US, Europe is increasingly unsuccessful at attracting the highly skilled. 'We are not good enough at attracting highly skilled people,' European Commission President Jose Manuel Barroso stated on a press-conference on 10 October 2007 (Spiegel online 2007). Highly qualified workers from all third countries account for 1.72% of the EU's total workforce, which is also well behind other important immigration countries such as Australia (9.9%), Canada (7.3%), the US (3.2%) and Switzerland (5.3%) (Gentili 2008).

Despite all the efforts to stimulate the mobility of the higher qualified labour force within the EU, the amount of migration of the highly skilled is low and it increases only slowly (Straubhaar 2000: 10). Of course, the main reason is that the immigration options for people from outside the EU into the EU are extremely restrictive. And even for students or PhD candidates the hurdles to surmount are time-taking, troublesome and even sometimes rather arbitrary (Straubhaar 2000: 10). The attractiveness of the EU suffers additionally from the fact that at present highly qualified migrants must face 27 different admission systems, do not have the possibility of easily moving from one country to another for work, and in several cases lengthy and cumbersome procedures make them opt for non-EU countries granting more favourable conditions for entry and stay (CEU 2007). However, even where specific schemes exist, these are exclusively national and do not allow any facilitation for highly qualified third-country workers needing or wishing to move to another Member State for employment, therefore segmenting the EU labour market and not allowing for more efficient (re)allocation of the necessary workforce (CEU 2007). At present, each EU member–state operate a series of bilateral agreements with certain third countries and decides whether and how to recognise qualifications. In practice, this attitude amounts to a waste of skills, with negative spin-off not only for

the economy of a country – immigrants do not contribute up to their capacity – but also for the process of integration (Bertozzi 2007: 13 - 14).

As the result, as it has been already mentioned, the EU lacks the magnetic power to attract high skilled foreign scientists and to become leading centre of research intensive (service) production (Straubhaar 2000: 20). For example, some 400,000 European science and technology graduates now live in the U.S. and thousands more leave each year. A survey released by the European Commission in November 2003 found that only 13% of European science professionals working abroad currently intend to return home (Chu 2004: 3).

Several years ago, EU leaders vowed to make the union 'the most competitive and dynamic knowledge-based economy in the world' by 2010 (Chu 2004: 2). Moreover, in a market where there is increasing international competition for these workers, Europe can only succeed in attracting 'the best and the brightest' if it speaks with one voice (Cerna 2008: 4). In this context, the Hague Programme of 4-5 November 2004 clearly recognized that 'legal migration will play an important role in enhancing the knowledge-based economy in Europe, in advancing economic development and thus contributing to the implementation of the Lisbon Strategy'(Cerna 2008: 5). In their turn, members of the European Parliament recognized that 'Apart from the preference communautaire' applied in large sectors of our economic policies, there's no question that a real demand exists for specific skills, varying from one country to another, which can't be met inside the EU. In those cases, it's fair to open our doors' (Cerna 2008: 15). As Franco Frattini, European Commissioner responsible for Justice, Freedom and Security, mentioned in 2007: 'It is essential, for example, for Europe to become a real magnet for highly skilled immigrants. We have to push this idea of being the sole player to overcome the challenge of globalisation' (Frattini 2007: 2). Several years before former German Chancellor Gerhard Schröder noted: 'Only if we manage to keep our innovation at the top will we be able to reach a level of prosperity that will allow us to keep our welfare system in today's changing conditions'. To make that vision a reality across the region, Europe will have to add 700,000 new researchers by 2010 and lure back the Continent's scientific expats (Chu 2004: 4).

An expert group convened by the European Commission concluded at the end of 2003, that 'new European approaches to strengthening research are urgently needed', including a publicly funded, science-driven body to support research. 'There's a need for a competitive funding scheme independent of national interests', says Danish scientist Mogens Flensted-Jensen. 'To define excellence, you need competition on a European level that is supporting basic research' (Chu 2004: 9).

EU strategies towards the attraction of highly skilled migrants

Definitively, without immigrants, Europe will not be able to maintain the same standards of living to which it is accustomed (Bertozzi 2007: 15). In order to achieve the objective of raising Europe's investment in research to 3% of gross domestic product (GDP), as decided at the Barcelona European Council meeting in March 2002, the EU will need 700,000 extra researchers (Carrington and Detragiache 1999). The foundations for this policy strategy were already laid by the Lisbon European Council (23-24 March 2000), which set the EU the strategic objective 'to become the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion. [...] The shift to a digital, knowledge-based economy, prompted by new goods and services, will be a powerful engine for growth, competitiveness and jobs' (Bertozzi 2007: 15).

This target is to be met through a series of interlocking measures, such as making scientific careers more attractive to young people, promoting women's involvement in scientific research, extending the opportunities for training and mobility in research, improving career prospects for researchers in the Community and opening up the Community to third-country nationals who might be admitted for the purposes of research (CEU 2005). For example, a number of concrete achievements were met after 2000, namely, the launch on 10 July 2003 of the European Researcher's mobility portal (http://ec.europa.eu/eracareers/index_en.cfm) (Europea.eu 2003).

Based on a thorough analysis of career prospects in the EU, the *EC Communication* '*Researchers in the European Research Area: one profession, multiple careers*' proposed concrete steps to encourage and structure improved dialogue and information exchange with researchers and to establish a genuinely competitive research labour market at a European level (CEC, 2003). Recommended actions included a '*European Researcher's Charter*', a '*Code of conduct for the recruitment of researchers*', a common way of evaluating and recording researchers' skills, qualifications and achievements, advanced training tools, access to adequate funding and minimum social security benefits for PhD students (CEC, 2003). Consequently, the European Council requested in June 2004 to proceed quickly on the work of encouraging the mobility of researchers. Work in this area is implemented by the European Commission in cooperation with the Member States through the '*Steering Group on Human Resources and Mobility in the European Research Area*'. Recent results are the Pan-European Researchers Mobility Portal and the European Network of Mobility Centres (ERA-MORE) (Conclusions and recommendations of the EU-Conference 2004).

The above-mentioned Hague Programme stressed the importance of developing 'a policy plan on legal migration, including admission procedures capable of responding promptly to fluctuating demands for migrant labour in the labour market' (Bertozzi 2007, 9). The EU *6th Research Framework Programme (FP6 2003-2006)* devoted nearly 10% of its budget (€1.6 billion out of a total of 17.5 billion), to actions aimed at enhancing training and mobility opportunities for researchers, such as the Marie Curie Actions representing a 60 % increase in comparison to the previous Framework Programme (Europea.eu 2003). In the Marie Curie Human Resources and Mobility Actions schemes individual support measures exist for top-class third-country researchers wishing to come to Europe (Conclusions and recommendations of the EU-Conference 2004).

The Council Directive 71 of 12 October 2005 is intended to foster the admission and mobility for research purposes of third-country nationals for stays of more than three months, in order to make the Community more attractive to researchers from around the world and to boost its position as an international centre for research (CEU 2005).

The European Job Mobility Action Plan (2007-2010) represented a further, important step in a long line of initiatives to promote mobility (CEC 2007). Based on a process launched in February 2001 by the *Commission's Communication on the New Labour Markets* (*CEC 2001)*, the conclusions of the *Stockholm European Council* of March 2001 and the work of the *High Level Task Force on Skills and Mobility*, the Commission adopted in February 2002 an *Action Plan for Skills and Mobility (CEC 2002)*. The *Final Report* on this Action Plan, adopted on 25 January 2005, looked at the lessons to be learnt from the plan and presented three main areas for follow-up: making education and training systems more responsive to the labour market and to preparing people for mobility via language learning; removing legal and administrative barriers and promoting the cross-border recognition of qualifications; and setting up a one-stop mobility information portal, based on the EURES job vacancy system (CEC 2007). At the end of 2005, DG Employment, Social Affairs and Equal Opportunities Commissioner Vladimír Špidla together with DG Justice and Home Affairs Commissioner Franco Frattini presented the *Policy Plan on Legal Migration* (Ministry of the Interior of the Czech Republic 2008). This Plan assumed to propose four directives that would regulate the conditions of entry and residence of particular categories of workers from third countries, and one framework directive that would regulate the set of rights of these six categories of third country workers (Ministry of the Interior of the Czech Republic 2008). The explanatory memorandum set out the main arguments for highly qualified migration: the business argument – businesses need economic migrants to fulfil their recruitment needs; the demographic argument – the EU is no longer producing sufficient numbers of workers to meet its business needs; and the evidence of the failure of the current highly qualified regime exemplified by the fact that the highly qualified from the EU's North African neighbours go to Canada and the US, rather than to the EU (Guild 2007). *The European Parliament's resolution of 26 September 2007 on the policy plan on legal migration* supported any measure designed to increase the attractiveness of the EU to the most highly skilled workers so as to meet the needs of the EU labour market in order to ensure Europe's prosperity as well as to meet the Lisbon targets (EP 2007).

On 23 October 2007 the Commission adopted two legislative proposals in the area of economic migration. The first proposal aimed at establishing a framework Directive for the purpose of admission of highly qualified migrants to the EU, creating the *EU Blue Card*. Referring to this initiative Commission President José Manuel Barroso underlined: 'Labour migration into Europe boosts our competitiveness and therefore our economic growth. It also helps tackle demographic problems resulting from our ageing population. This is particularly the case for highly skilled labour. With today's proposal for an EU Blue Card we send a clear signal: highly skilled migrants are welcome in the EU! We are also proposing to give a clear set of rights to all third country nationals who legally reside in the EU. This will protect EU citizens from unfair competition in the labour market and promote the integration of migrants into our societies' (Europa.eu 2007). In his turn, Vice-President Franco Frattini, the Commissioner responsible for Freedom, Security and Justice, stated that "Europe's ability to attract highly skilled migrants is a measure of its international strength. We want Europe to become at least as attractive as favourite migration destinations such as Australia, Canada and the USA. We have to make highly skilled workers change their perception of Europe's labour market governed as they are by inconsistent admission procedures...A new vision and new tools are indispensable for reversing this trend. We will also minimize the risk of brain drain from developing countries" (Spiegel online 2007). The European Parliament adopted this legislative resolution on 20 November 2007, by 388 votes to 56 with 124 abstentions (Europeanunionbluecard.com 2009). And the European Council adopted it on 25 May 2009. Following its publication in the Official Journal of the EU, the member states will have two years to incorporate the new provisions into their domestic legislation.

The EU Blue Card seeks to create a single application procedure for non-EU workers to reside and work within the EU, and to establish a common set of rights for workers in member states (Cerna 2008: 2). The Blue Card is valid for up to two years and is renewable. It allows holders and families to live, work and travel in the EU. The applicant must have a one-year EU job contract with salary of three times the minimum wage. Permanent residency is automatic after five years. The application procedure is expected to take less than three month (Cerna 2008: 15). Potential immigrants will, therefore, not have to face 27 different systems, but will know, easily, the conditions to be satisfied in order to be admitted in any member state (Cerna 2008: 4). Holders of an EU Blue Card would be treated just like EU nationals as regards tax benefits, social assistance, payment of pensions, access to public housing and study grants (Cerna 2008: 4).

Summarizing, the factors behind the EU Blue Card initiative have mainly to do with the global economic competition, demand of multinational companies for non-EU cheaper labour and simplification of work visa processing and plans of EU to establish knowledge based economy (Maru 2008: 5). Thus, the EU Blue Card is an attempt of the EU to compete mainly with Australia, Canada and the United States (US) in a 'global war for talent' (Cerna 2008: 2).

EU member-states national policies towards the "brain-drain" and highly skilled migration: pro or contra?

Member states vary in their openness towards high-skilled immigration. Different labour market conditions and needs exist across countries and, thus, EU member countries will be reluctant to cede their responsibility to regulate labour market access and to grant rights to immigrants based on EU-figures and expectations (Cerna 2008: 2). EU member-states do not want let the EU dictate who they have to admit and who not (Cerna 2008: 15). For example, the EU Blue Card has met with some resistance, particularly in Germany, where many remain sceptical of a pan-European solution to the problem. During the negotiation of this initiative German Economy Minister Michael Glos said: "Germany could not take in large numbers of foreign workers just because it needs them at one particular moment" (Spiegel online 2007). But, at the same time, business leaders in Germany have complained that shortages in skilled workers, such as engineers and computer specialists could start to have a negative effect on the economy (Spiegel online 2007). The United Kingdom, Ireland and Denmark were not taking part in the Blue Card negotiation (Eucoherence.org 2008). Mr Massimiliano

Cali of the Overseas Development Institute doubted if the Blue Card would be able to address to the migration barriers that exist at the moment. He stated that 'there is a 40 % of brain waste currently within the EU: these migrants have a job in the EU that they are overqualified for. High skilled workers in low skilled jobs. There is a need for matching the right of workers: labour mobility. Most migrants only come here in the EU after they have found work' (Preda 2007). To alleviate the fears of some member states, the European Justice Commissioner said that '[the EU Blued Card initiative] is not an open doors policy', because, 'if a given member-state needs engineers or doctors, it has to decide how many, and then I will provide a state with a common procedure'. So, each member state will maintain the right to determine the number of immigrant workers that can be admitted into the domestic labour market through the Blue Card (Cerna 2008: 7).

In this context, the examples of the national policies towards the 'brain-drain' or highly-skilled immigration in some EU member-state are worth to be mentioned. For example, the UK government aimed at increasing the salaries of post-doctorates by 25% and increase funding for the hiring of university professors. Also, the British government, in cooperation with the Wolfson Foundation, a research charity, launched a £20 million, five-year research award scheme aimed at drawing the return of the UK's leading expatriate scientists and sparking the migration of top young researchers to the United Kingdom (Brain Drain). The UK's Highly Skilled Migrant Programme, which began in January 2002, was designed to allow people of high human capital to migrate to the UK in order to seek and take up work. In effect, it encouraged highly skilled foreigners to nominate themselves for immigration. It used a points system based on educational qualifications, work experience, past earnings, achievements in chosen fields (Salt 2005: 30).

In France, some 7000 teaching-researcher posts have been created since 1997 to retain talent and encourage the return of post-doctorates working abroad (Brain Drain).

In Ireland returning highly-educated migrants enjoy a 10% wage premium over their stay-at-home compatriots (Wooldridge 2006: 10).

Special programmes for attracting third country highly-skilled workers were common in some Member States (Austria, Germany, Greece, Italy, and Sweden). Other Member States (Ireland, Latvia, the Netherlands) had programmes which were part of larger visa or work permit schemes giving certain advantages to highly-skilled workers (European Migration Network 2007: 22).

Besides, various EU-member countries had implemented a 'science visa', designed to make it easier for non-EU researchers to get working visas within Union countries (CEU 2007).

"Brain drain" versus"Brain gain"

The efforts to mitigate the negative effects of the brain drain for the source countries should be implemented as the brain drain could have a negative impact on the growth potential of the source country's economy by depriving it of its innovation potential (Europa.eu 2008). According to the UNESCO report "*Science, Technology and Economic Development in South-eastern Europe*" of 2007, many countries experience emigration of up to 70% of their skilled professionals. Two out of three teaching and research jobs are lost on some university campuses, devastating scientific research and higher education capacities (Preda 2007). More than 500,000 Russian scientists and computer programmers have left the country since the fall of the Soviet Union in 1991 (Brain Drain). Especially, brain drain impacts negatively on vital sectors such as education and health, and reduces those countries' capacity to achieve the Millennium Development Goals (MDGs) (Eucoherence.org 2008).

Summarizing experts' opinion on possible causes of highly-qualified migration or 'brain drain', we can highlight the following: the violation of human rights or academic freedoms; political, ethnic and religious persecution; economic difficulties facing countries in transition make it less likely that they will be able to substantially invest; deprivation of the right to education (Vedran 2004: 77). According to Olesen, bad governance also plays an important role in the migration of highly skilled persons. It seems that this population is particularly sensitive when 'they find the human rights/governance situation in their home country unacceptable. This can have many forms: honest civil servants refusing to be corrupted; lack of freedom to speak one's mind, especially for civil servants; and

promotions based on unprofessional criteria' (Vedran 2004: 76). Moreover, according to Bozoki, it could be said that most talent leaves a country because the present social elite in their domicile countries have emerged from the turbulence of transition often tainted with corruption and a wild, non-ethical capitalism which created an 'oligarchic' concept of state management that cannot be attractive. In this context, the brain drain phenomenon could be interpreted as avoidance of direct social conflict and some kind of silent revolution by those who want to be valued according to their merits and not 'managerial' capabilities that can be perceived as the base for implementing false-transition (Vedran 2004: 90).

From quite opposite point of view, scholars now recognize - the beneficial impact that brain drain can have if to be turned into 'brain circulation' (Vedran 2004: 77). The researches argue that although the emigration of educated workers leads to lower growth and welfare in the short run, it can act as a stimulus for government to invest more in education in order to improve their labour market and increase the skill level (or so-called 'skill ratio') of their workers (Vedran 2004: 92).

Return migrants, in particular, bring back their skills and work experience from abroad boosting productivity. Expatriates who remain abroad contribute money via worker remittances; and many observers claim that their transfer of knowledge or technology to developing countries can increase productivity and economic development (Vedran 2004: 81). They may also make professional and personal contacts, which prove useful and productive for their endeavours back home (Vedran 2004: 81).

The above mentioned necessity of using the possible beneficial impact of the brain drain for the source countries are recognized by the EU member-states. For example, in its "*Global Approach to Migration" Communication* of 2005 the Commission mentions that 'an equitable immigration policy which incorporates return and/or circular migration might appear to be needed' (European Migration Network 2007: 8). In point 2.4 of *European Commission's Communication "Migration and Development: Some concrete orientations*", adopted on 01 September 2005, 'The Commission encourages Member States to develop mechanisms [...] to limit active recruitment in cases where it would have significantly negative repercussions for targeted developing countries' (Bertozzi 2007, 13). In the following *European Commission's Communication "Global Approach to Migration one year on: Towards a comprehensive European migration policy"* it is mentioned that 'in developing policies that take account of the potential benefits to third countries of labour migration to Europe, the EU should be very much aware of the risks of brain drain and its socio-economic consequences on developing countries' (CEC 2006). The European Parliament tries to promote the same approach. In its *resolution of 26 September 2007 on the policy plan on legal migration*, '[European Parliament] considers it important that the risks of a brain drain be taken into account when EU legal immigration measures are laid down […] calls upon the Commission, in conjunction with the countries of origin, to carry out statistical studies with a view to identifying the areas of expertise in which there is a clear risk of brain drain' (EP 2007).

Conclusions

Concluding it should been mentioned that the continuation and even acceleration of the international migration processes, including the "highly-skilled" migration, into the extended European Union should be expected. In this context, the consolidation of the migration policies as in the EU itself, as in the EU neighbouring countries with the purpose of formulating adequate responses to the causes of this phenomenon is of great importance. For example, the Lisbon Treaty that entered into force on 1 December 2009 sets the EU the specific aim of developing "common policies" for both asylum and immigration (legal as well as illegal) and accordingly empowers it to legislate for "uniform standards" and for "the gradual introduction of an integrated management system for external borders. Therefore, "managed highly-skilled migration" policies could serve a solution in this sense.

Taking into consideration, that one of the triggers of the "brain drain" phenomenon is the alarming difference in the level of economic development, the following conclusion might be drawn: continuation and acceleration of the financial assistance and implementation of various development

programs in EU's partner-states could be one of the efficient means of forwarding the highly-skilled migration in desired channel. Moreover, it would help the EU neighbouring countries to finish their political and economic transformations to counteract such push factors of highly-skilled migration as poorness, unemployment, bad governance, lack of development of research and scientific infrastructure, etc.

In this regard, it should be noted that highly-skilled migration could have positive impacts on both receiving and sending countries. For receiving countries, the taxation of the highly-skilled migration could serve as a certain compensation for those layers of the population that potentially "suffer" as the result of this type of migration. Besides, against the background of the deepening demographic problem in the EU, the highly-skilled immigration could partially neutralize this problem. Thus, the EU countries might examine the possibility of introducing the mechanism of selective immigration policies, offering so-called "quota" for the highly-skilled migrants, after conducting the analyses of the EU particular needs. However, it should be highlighted that the UE should promote the differentiated dialogue and partnership with its partner-states, taking into consideration the internal situation in every country.

The positive effects of the brain circulation for the sending countries can be strengthened and even utilized for a country's development. As some scholars argue, the presence of a highly skilled elite is required if a country wants to proceed with economic development and successfully implement transition reforms. In order to create the conditions for circulation, states must, at least, encourage the return of their nationals, increase investment in science and education, develop contacts with Diaspora and perhaps even initiate short-term positive discrimination in employment, tax and housing areas (Vedran 2004: 82). For example, Iredale suggests that 'sending' countries may consider encouraging or supporting their highly skilled population to take part in brain circulation instead of trying to contain them (Vedran 2004: 82). In Morocco, for instance, civil servants who emigrate tend to be excluded from the civil service for their lifetime. This means that they cannot deploy their knowledge or skills upon return and this will effectively reduce their inclination to invest and return (Vedran 2004: 82).

It also must be emphasized that return policies should be long-term oriented and can be efficient only when the home-country 'can offer prospective returnees satisfactory career conditions in their field, which itself implies a high(er) level of socio-economic development' (Vedran 200: 82-83). In this sense, a well developed scientific infrastructure, higher investments in the science sector, and the stability of a consolidated democratic government that assures human rights and academic freedoms all provide a suitable environment that allows for this form of migration to occur (Vedran 2004: 84).

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Right to Refuse

Choices of Sovereign States in Transforming Migration Scenarios

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Abstract:
There are three options for immigration policy: immigration is completely forbidden, immigration is completely open (access is granted on demand), and immigration is limited by certain conditions. In the last case these limitations need to be justified. This essay discusses the justifiability of immigration in the context of sovereign states and other political communities, possible arguments for completely open borders, and demonstrates that limits on immigration can be validly justified. Furthermore, it seems that entities such as the European Union could justifiably act as limiting agents.

Key words: immigration, immigration rights, universality of rights, sovereignty, political philosophy

Discussions of immigration often contain a silent presumption that an individual has a right to immigration, and, consequently, to citizenship on demand; immigration is therefore often viewed as inevitable. In general, this presumption is not valid, even if there may exist cases where a given individual has these rights. This short analysis is meant to show the inadequacy of that presumption and to demonstrate that in a democratic society, the immigrant-receiving side also has rights. I analyse some arguments which could justify the limits on immigration, and also demonstrate the weakness of the case of the "borderless world," and, finally, I briefly analyze different limiting agents to demonstrate whether European Union could be a justified agent of limiting immigration.

Definitions

As the terms of immigration studies are sometimes controversial, disputed and unclear, I find it important to clarify some definitions of the concepts I am going to use throughout the argument.

Sovereignty is a concept defined in history and literature in a number of different ways – the concept itself deserves a separate article; here I am going to base my argument on two different definitions, both of which are accepted in contemporary political and scholarly discussion. *First*,

rooted in theory of Bodin and the treaty of Westphalia, sovereignty is defined as an autonomous power, the highest and final in a given territory and independent in relation to other powers (both internal and external) [Blackwell Encyclopaedia: 1994, pg 493]; sometimes as a purely juridical term, a legal sovereignty [for example: Raphael: 1993], where hierarchy as such seem not to be important. It is emphasised that a sovereign has to be recognized as such by other sovereigns. *Second*, presented by Geoff Demarest [Demarest 1998], sovereignty is defined as a property relationship, like any set of rights and obligations tied to real estate: the state is a property of its citizens, just like a stock company is a property of its shareholders.

Sometimes it is said that because sovereignty and borders are continuously disputed [Mezzadra 2006] or violated, therefore the sovereignty is a hypocritical term (for example [Krasner 1999]) or that there is no more space for it in modern world. I will not discuss these arguments in depth here, but some clarifications need to be made. The dispute or a violation as such does not render a concept useless or void. There are no other rules as violated and disputed than traffic codes – but no-one would call them useless or suggest the complete abolition of traffic codes because there are people who keep crossing the street on red light. According to one of the most widespread explanative theory in contemporary political science, realism, humanity today is explicitly divided into sovereign units, the states. In inter- or intranational relations, the state is the only agent; war can be declared only by states; other actors act through states not parallel to states. Multinational corporations do not have rights to create laws which have to be accepted in the courts of law in the same way than states do. Multinationals may use the help of its government to influence other governments or other actors, they may lobby their own governments but all this influence is exercised through states not by ignoring the states. Organisations like the United Nations or IMF are organizations composed by the states. European Union has been quite efficient to limit the methods of Microsoft. It could be that the EU is changing to be a new sovereign entity, but this does not change the overall international situation composed by sovereign actors.

Immigration is a request by an individual to have a right to enter to another state to live and – if wished – to work there on a permanent basis. In many cases, immigrants also apply for citizenship (but not always, and sometimes they apply for it, but do not understand the difference between a modern citizen and a subject under a monarch). Immigration without a right to a citizenship, however, creates a class of "second-class citizens", less important, permanent residents without certain number of political rights, which clearly is not in accordance with liberty in the sense of John Stuart Mill or simply with prerequisites of democracy. Immigration is not only the act of crossing the borders (tourists cross borders!), but the wish to tie one's life-project to another physical place than it was before. The last does not necessary mean that the first one is denounced completely, a British retiree might prefer living in Italy for its food or climate, remaining politically interested in United Kingdom – there is no obligation of citizenship.

In contemporary world, *"living permanently"* is of course a less clear concept as it was maybe 150 years ago, the movements are easier, there exist individuals who are dividing their time permanently between two (or more) states – *the transmigrants* – sometimes, but not always, temporary changes of a place to live turn into a permanent ones (via jobs in multinational corporations, studies abroad). Nevertheless, we can create an argument regarding the limits of entrance, drawing broad differences between the "temporarity" of a tourist or diplomat and the "permanence" of a transmigrant whose life plans include working and living in a target country for a considerable amount of time every year. If no limits on immigration are justified then the blurry edges of "permanence" do not have importance; if they are justified, the different types of permanence may create a need for different justifications and policies.

*Request for asylum (*political, in case of natural catastrophes, etc) is not immigration in a strict sense. Asylum does not have to be permanent, in some cases it cannot be. Sometimes the initial purpose of the person who crossed the border changes (a refugee may decide later to wish to remain permanently in a target country), but this will be a new situation, therefore the asylum-rights require a different argumentation and in this paper I don't consider asylum-seekers as immigrants.

In some cases the borders cross people not vice versa, as in the cases of the end of Soviet Union or Yugoslavia. This is not immigration, because it lacks the intent from the part of individual to change a place of residence. Some problems which arise from these changes could be similar to that of immigration, but having different causes, they need different justifications and legal solutions.

Setting up the problem

Logically, deciding on immigration, we have three options: immigration is completely forbidden, immigration is completely open (access is granted on demand), immigration is limited on certain conditions. In the last case we need to discuss the justifiability of these limitations. In the 19th century there were no serious doubts that the sovereign states had the right to control the movements on their borders and decisions on the right to live in given states; since the second half of 20th century, political scientists have started to discuss the limitations on immigration as something that need to be justified. In reality, both in the 19th and 21st century, all states regulate immigration in some way.

Authors who write in favour of unlimited entrance or almost-unlimited entrance to a sovereign state – or political powers who advocate for such ends – use usually two kinds of arguments. One is the *charity-obligation argument*, under which those who are well-off are morally obliged to give part of it to those who suffer, consequently, the "rich northern/western states" are morally obliged to give access to their resources to "poor southern/eastern" ones. One variant of charity-obligation argument is the *colonialist argument,* which claims that the "western world" cannot live without people who are ready to perform dirty, difficult, dangerous and low-paid jobs: if these are assigned to immigrants, then Europeans and Americans are free to do skilled jobs, for example in [Legraine: 2008, pg 99]:

The number of unskilled jobs is declining, but there are always jobs for human beings: caretakers, for example. If we open the market, all Europeans and Americans are free to do skilled jobs, without immigrants we all wouldn't have the possibility to accomplish or pursue our dreams.

The other is the *territory-rights argument*, which is based on an idea of the right of a person to choose a place to live as a human right [for example Mezzadra: 2006, Carens: 1994]. Some of its proponents claim also that there are no specific rights which arise from living in a certain territory, as birth is a random act and we are all born as human beings, the insiders can't be justified to have any more rights to any place than outsiders.

Sandro Mezzadra, opposing the charity argument, claims that in the contemporary world, even if there are coercive elements in the organization of travel, the majority of participants set out of their own free will and the "average experience" of migrants clearly shows that the migration is undertaken purposefully, [Mezzadra: 2004, pg 271] the migrant should be analysed also as the individual actor, a subject rather than object. Mezzadra uses his "subjectivity of immigrant" concept to create a right-based argument for free movement, calling it the "right to escape". Escape in his sense is *"one of the basic tools to refuse banality and repetitiveness of everyday life and its suffocating restrictions. In that way escape has been almost a privileged way to subjectivity, a road to freedom and independence".* Mezzadra continues describing the ways people try to ignore the "barriers" and "frontiers" created by society and states to pursue the life-goals.[1]

As it is definitely important to discuss immigrants as the same type of actors as members of the receiving society, if we want to operate in the terms of a free society (not necessary a liberal one, one can value liberty without being liberal, take Isaiah Berlin as an example) – and as ignoring immigrants as actors leads easily to a colonialist argumentation - centering the discussion primarily on "subjectivity of immigrants" produces same kind of blind spots.

Mezzadra's "right to escape" is a good example of the hidden assumption of the universality of rights and the rights arguments itself. This argument, that everyone should be free to move according to their life plans, assumes another kind of universality, which also turns out to be oversimplified: it is

1 Mezzadra uses the argument to show that these individual movements constitute itself a criticism of the capitalist system, trying to set forth a Marxist argument where the word "proletariat" is substituted with word "migrants" or "migrant workers", but he does not analyse the relevant economic theory or discuss if immigrants could be named a "class" in Marxist sense.

the universality of "template"[2]. Most of discussions of rights and especially those concerning immigration tend to take right to free speech as a framework and assume that all the other rights (or, at least, those that are claimed "universal" or "international") could be reduced to this model. Mezzadra, ironically, shares the same sort of template as the liberal authors he opposes, viewing the "right to escape" as something concerning strictly one individual.

Universality and templates of rights

I severely doubt that we can speak of "universal rights" - maybe in one or two very limited cases (the right not to be tortured could be considered as a candidate, but even this is not without its opponents). The moral and political choices are made by persons in given, particular conditions, in societies where they belong, weighing the real options for acting, not all imaginary options that there could have been in the course of history. This means that the decisions have different moral values respecting situations where they are made. In the highly industrialised society of advanced capitalism, slavery is easily shown to be an immoral choice. But if we take the primordial agricultural society where most of the necessities are produced manually and most of work is used to guarantee one's possibility to survive, then we encounter a different situation. In these societies it might not be possible to guarantee the survival of everyone without limiting the liberty of some. It is not a good choice, for the modern point of view, it is even a cruel choice, but under given circumstance a person could choose food over liberty. As Tolstoy put it: the farmer is first interested in boots and then in liberty. In this case, the slavery could be a morally justified choice, for example, with obligation of treating slaves in a certain way (guaranteeing food, clothing, and not being tortured directly).

This doesn't imply extreme moral relativism, which says that there is no basis to criticize the choices of a different culture than our own (largely argued, as described by William J Tallbott, by incommensurability of cultures, bias towards other cultures, or cultures own infallibility), but accepting that in different economic or social situations there may be different justifications - as put by Karl Marx in XIV Brumaire of Louis Bonaparte: people choose freely but they do it under the given circumstances they find them in (so, our choices are not limited only by culture). Therefore, if I object to universal rights, then I object to rights which hold in every point of time-space scale. The universality could be maintained, though, in similar situations, under similar relevant factors and similar choices; we could be able to find a justification – moral or political – to favour one choice over another. As Marco Revelli argues "the rights and norms of action must have a level of universality, all places and all occasions, if they are applied selectively they lose their legitimacy", but we need to remember that the laws do apply on same conditions, as otherwise they would be arbitrary, and would lose their legitimacy as well.

The problem of today's world, which differs from the 19th century of Karl Marx, is the vast differences of material conditions and the performance of economic systems on the planet, with the possibilities of moving from one condition to another by modern transportation accessible for a very large number of persons. This makes the question of rights and possible choices under different circumstances not only the question for historians or moral theorists, but also a practical question of everyday life. The moral choice made in the same time but in a different society could have devastating results. Jack Snyder and Karen Ballantyne have demonstrated [Snyder: 1996; Loone: 2000] how western free-speech advocate groups' actions in Rwanda lead to uncontrolled spill of hatred in mass-media which helped inflame the genocide. The rights and choices applicable in an industrial society turned out to be lethal in an agricultural one.

The Estonian philosopher Eero Loone [Loone: 2004] has indicated that there are many classes of rights where the template of liberty of free speech is not applicable and which therefore need to be justified in a different way. Formalizing the right to free speech, according to Eero Loone, contains following affirmations:

1. I may express my thoughts without limitations

2 As the template in word processing programs in which are defined "the normality" of document.

2. the public officials have an obligation to eliminate all obstacles of my such right
3. my right is limited only by the same right of other individuals

The last two affirmations are important because the discourse of rights is practically meaningful only in relation to others, and we should note here that proposition (2) assumes the existence of some sort of sovereign power or community. This model has two types of agents: internal (an individual who expresses his/her rights) and external (public official and "other individuals"). Externality means the parallel relationship of agents: everyone has their right to liberty, but no-one has a right to request that a public official limit the liberty of others, to make them a slave, for example; until words of given person A do not limit the words of B, A has a right to these words. As put by E. Loone: Saddam may think of George, the acts of George may create new thoughts in Saddam, but they are anyhow thoughts of Saddam and he is free to express them and George has no right to limit his doing so. [Loone: 2004].

But not all the situations in the society are those of one internal agent, as the case of free speech. E. Loone draws [Loone: 2004] the attention here to the institution of marriage: in relation to it we may talk of "the right to marry", the right to use certain guarantees from society with respect to this institution. Different from the right to free speech, or, for example, right to not being tortured, this is a good example of a non-universal right in almost all societies; even the most liberal ones have limitations on age and civil capacity. Marriage is also an exclusive institution, one person is not allowed to have several marriages at the same time (even if there might be more that one husbands or wives in one family). In different cultures there could be other limits, the Catholic Church, for example, forbids its members to marry a non-catholic without the consent of the church – so, a catholic does not have a right to be married to a non-catholic, in the Soviet Union for many years it was forbidden to marry a citizen of another country. Not all of these limits are acceptable in democracy or in a liberal society, but it doesn't still make the right a universal one.

But, the right to marry has another two important differences if compared to that of free speech. First, it is a "two level right". Concerning the marriage of individual Y, we can distinguish two rights: "right to marry" and "right to marry an individual X". The first one is tied to non-universality, here the public official has to make clear whether the person X really belongs to the class of persons entitled to marriage in a given society, and if so, he has no right to limit the exercise of that right. "Right to marry X" involves other that "other individuals" and "public officials", who are still external agents, also another internal agent, individual X. If both Y and X belong to a class who are entitled to marry and they both wish it, the public official has to institute this right. But if X does not wish to be married to Y, he/she has a right to request a limitation of the right of Y to be married (to X); he/she has a right to refuse.[3] If there was an obligation to X to marry whoever makes the first request, he/she would lose his/her own right to marry. Therefore, we could also say, that the "right to marry" is a right to make a proposal.

Coming back to immigration and the "right to escape" we should analyse what template is the "right to escape". The territory-rights argument considers a right to choose a place to live a universal one – could this be affirmed to all societies? For example [Loone: 2004] if an Italian requests to live in Palazzo del Quirinale, should it be granted? Surely there is room for more families than only for the president of the Italian republic – but if this request will not be granted, as this is also a working place for a public official and because it would turn a public place to private one, it can be justified to be in the interest of all the citizens. In real life there are almost no such requests as they are generally never accepted.[4]

Further, let's assume that we have a person A who wishes to live in a house belonging to B, and is ready to pay high rent. Let us assume that B does not wish to rent out his/her house. In the society

3 In practice, the refusal of one part is accepted in all societies where there is no organized marriage; but the right to marry is applicable also to those with certain other conditions. Further elaboration of this case can be found in [Loone: 2004]

4 There has been a case of a student in Tallinn in 2009-2010, who made a request to live in the office of the mayor of Tallinn, to be applicable of social benefits granted to residents of Tallinn. According to that student, the mayor promised that if she is unable to find the place in a dormitory or houses belonging to student unions, she will be granted a right to live in the mayor's office if accepting the rent. [SLÕhtuleht, 31.12.2009; private conversation with student involved]

which acknowledges private property, the owner is justified not to sell or rent his/her property, B has the right to refuse to rent the rooms even for a high rent – and this right to refuse has to be protected by public officials. There could be, of course, exceptions, for example, in cases of natural catastrophes like earthquake, war, etc the public official have a right to use public and a right to make a request to use private places to provide persons involved a shelter until the catastrophe has passed – but this is a case of temporary situation (the case of asylum-seekers might fall under this template). Bolsheviks, after the Russian revolution, who did not recognise the private property, did not accept that right to refuse. The temporary policies of wartime became permanent, most of the real estate was nationalized and public officials started not only to decide where one could live, but where one should live. [Loone: 2004]

This does not mean, however, that the owner may do whatever he/she wishes with the property owned. In most states in the world there are sanitary and security regulations or norms regarding rental property, for instance, the owner has to guarantee that the property does not endanger others. In the Netherlands until recently there has been a law which ruled that if a building is empty, has not been in use for 12 months, the owner has no urgent need of using it (beginning contract of rent etc), any citizen in need could live there (but entering by force was not justified, the house must be "open"). But, even the last one is a specific situation, a regulation regarding how one is entitled to use his/her property and does not create an universal right to live in whatever place on demand.

Limiting immigration

Immigration, as marriage, is a right to make a request and is, as marriage, a two-level right, which could be limited in general level also in liberal societies (for non-liberal, there could be a series of limits, Soviet Union, for example, in practice forbade also emigration). It is still quite logical to assume that a person making a request to use his/her right to immigrate, has a minimal capacity to analyze the consequences of his/her actions, therefore, the limitations on civil capacity could be justified in most theories. Therefore, we may claim, that the right to immigration is a non-universal one.

In practice, immigration is always in a form of immigration to a given state: a right to be accepted. Therefore we have two internal agents: one making a request and the other accepting, immigrant and target community (which is a collective actor). Until we accept the sovereign community in some form, the existence of collective actor is acceptable also in liberalism, given that the collective action is a compilation of individual interests, collective actor exits to guarantee the individual.

Different from marriage, though, the refusing side has to motivate its decision, not all types of refusals are acceptable. There are some refusals, some limits on immigration, which are easily acceptable in most theories. For example, the refusal might be temporary, in the form of quotas – a person might be granted a right to immigrate after five years, as before the quota is full. If all the Chinese would have a right to have a citizenship of Malta in the same day, it would create a quite impossible situation. This sort of argument is applicable also for the internal movements of a given state: if every citizen present in a territory in a day of elections of a local government would have a right to vote, a candidate could find a sufficient number of voters from other municipalities, even more than the number of original residents, to vote for him/her. He/She would win the elections, but the democracy would stop existing. On the state level, if there would be a right to citizenship-on-demand, it would give to organized crime or simply other states a legal way to take over the government.

The Italian political scientist Giovanni Sartori has indicated another problem regarding to strong communities and democracy: "if we give everyone a citizenship now, it may happen as happens in the case of mayors of southern Italy, where, we all know, the elections are conditionized by mafia and elected will be the person chosen by mafia. With the existing strong networks it will happen exactly the same with the immigrant communities" [Sartori: 2000, 102-103]. In addition to possible ethnic organized crime groups (independent, or co-operating with already existing groups), the participants in certain ethnic networks might not be willing to become members of a democratic community, in some cases they might not understand that they have the possibility. Communities with distinct value

systems and ethnical/religious ties tend to form what Sartori has called isolative cleavage communities. If these groups are highly hierarchised they might create the same problems in democracy (voting decisions made by group leader) as are now observed in mafia regions. If the groups are numerous enough, this may render a state non-manageable. According to Sartori, precisely the countries where immigration and integration work mainly through ethnic networks, which give solidarity and defence, providing therefore an alternative to the state, such as Italy and France, face the most difficult situation regarding regulating immigration.

If we accept the definition of sovereignty as a property, then the right to refuse is a proprietor's right to decide who could be the co-proprietors or who could live on their property, in which, as described above, one has a right to refuse. If we accept the concept of citizenship as participation of society as proposed by Marshall, it is inevitable that the society has a right to determine the rules of participation and who these persons to whom these rules apply are.

One of the best arguments justifying the right of a community as a sovereign entity to limit immigration is given by the communitarian Michael Walzer in his famous "Spheres of Justice" [Walzer 1994]. He claims that some limits to immigration are inevitable, excluding the possibility of the special permanent immigrant status – if one is granted the right to live and work permanently in given community, he should also get the right to participate in the political process. The closed territories of states always create some minorities, foreigners of some type, whose expulsion would be unjust; people who live permanently in given territory should be treated equal – discrimination based on nationality would be unjust [Walzer 1994]. This does not mean that the citizenship should be granted to every legal immigrant crossing the border, for administrative reasons or the same problem of "legal occupation" described above: the norm which establishes that every immigrant has the right to citizenship after x years of legal residence (x being the reasonable number compared to human life cycle) would be just in this sense. As noted before, this assumption is not necessarily a communitarian one, the avoidance of "second-class" citizens based on injustice is in accordance also with liberal principles.

The right of a state to have a territorial jurisdiction derives implicitly from the right to a place to live of an individual; this right may have either a collective or an individual form; sometimes they may conflict, but it is not possible to claim that one is always more important than the other, besides, the collective form exists to guarantee the individual one. The first place for which a person has a right, is the place where he or she has lived, his/her family has lived, the ties and hopes regarding that place. If a person cannot have exactly that piece of land, he or she has to be offered another in the limits of general "place", so, at a given moment, we can talk of the rights of membership in a sense that people who define "membership" and decide on admission are those who are already there. [Walzer 1994]

For Walzer, the sovereign is the executive of distributive justice and asserts that the distributive justice cannot be guaranteed without the control over common resources.[5] Moreover, political communities are territorial and so the land is a common good – and that in two different ways. First, it is a physical place to live, land and water, possibility to create riches, resources for the poor. Second, it is also a protected territory, with borders and police, where some rules are guaranteed [Walzer 1994]. Therefore, as the community distributes resources, decides over the rules according to which they should be distributed, it has also to decide over its dimensions and characteristics: who will be accepted, if it is allowed to choose amongst those who make a request, which are the appropriate criteria for membership. Walzer's theory includes the idea that a community, a state, does not have an obligation to share its resources with members of other such communities. Of course, the community is free to do it. Walzer also presents a version of charity-obligation argument that there exists a moral obligation to share the "excessive resources".

5 According to Walzer, sovereign is the agent of distributive justice, controlling the borders in which the social justice is distributed. Political power regulates all type of goal and also the power itself [Walzer 1994]. This concept where justice is a constructive part of sovereignty is obviously not the mainstream one, the position of the states who do not execute justice remains unclear – are they not sovereign? But the argument holds even if we omit the term "distributive justice", but affirm the territoriality of public community.

But what would be the "excessive amount" of the land itself? Let us assume, for example, that the land has to be divided in equal parts between all the persons who live on the planet Earth (the individual right on a land being thus more important than the collective right over land). From this follows that no community (state or else) can have a determined territory: a higher birth-rate in the neighbouring community creates the need of re-dividing the land. An analogical problem arises with most of other resources, excessive in a sense that "there is more of resource A in a community C than a member of community C needs for surviving". Do the members of community C have a moral obligation to accept immigrants from the communities less rich in resource A until the excess is no more? But how do we calculate it in case of more than one resource? If we create the obligation to give away anything that we are not using in a moment, the collective wealth could change into a source sucked out continuously, there could be certain persons deciding to live as *free-riders* purposefully damaging the community C. I doubt severely that there is a moral obligation to sustain *free-riders,* also, it is important to note the affirmation of G. E Rusconi „being a citizen does not mean only using the goods and rights but also contribute to their production" [Rusconi: 1996]

The idea of "excessive resources" hints at the idea that the right to immigrate in the given state S would be justified if the state S is richer than the original state of the immigrant. This type of limitation is not in accordance of the equality principle of contracting agents: it is a severe limit on only one part. Moreover that situation may (it does not mean, that it happens always) render the state S less well off than others (there are always public costs of education, streets, housing that have to be paid immediately on the increase of population, before the taxes paid by immigrant contribute into the system; also it could be that most of wages earned by immigrant would not be spent in the target community). Surely, businessmen always wish to reduce labour costs and import workers from where the cost of life (and therefore the cost of reproducing labour-force) is lower, even if they do not always wish to grant that labour force a full citizenship and political rights. Usually in this case there is a reference to a possible rise of the living standard in the long run. But, unfortunately, it is not possible to calculate if the completely free movement of the workforce in the entire world would bring immediately (or in reasonable foreseeable time) the higher standard of living in all places in the world. As showed by Adam Przeworski in a critical argument on Leninist revolution theory, the possible rise in living standard in thirty years is not a rational motive. Moreover, one classic model of labour migration in development economics [Todaro: 1970] suggests that in certain real-life conditions the completely free movement of the work force does not translate into higher living standards in either the original or target communities. This theory has been significantly modified (Corden and Findlay (1975), Gupta (1994), Kritchel and Levine (1999) etc); there is certainly a need to adjust the model to certain conditions, like the effect of informal labour market or the family/community impact on choices (Gang and Gangopadhyay (1990), Stark (1991) etc), but the key aspects could still be used to describe certain situations. Migrants according to this model are motivated rather by expected wage differential than real wage differential and by opportunities of getting employed. In certain conditions (mostly elastic supply of labour and migration between areas of highly different economic conditions or systems - agricultural/industrial or, for example, developing economies/advanced capitalist economies), the creation of employment opportunities in the advanced area (urban, industrial) could lead to higher unemployment (and "over crowdedness") in those areas and at the same time emptying the source areas from more educated or more talented people (brain drain effect). These effects could be dealt with both by restricting immigration or labour-market oriented economic policies (the discussion over these possibilities is too specific to address in this paper); there are also more complex outcomes of the process, this model does not describe all immigration situations, but in contemporary world where the levels of industrialisation, technology, possibility of offering welfare are highly different, the technical possibilities of migrating in large numbers exist, completely free immigration could create a certain amount of Harris-Todaro conditions. Therefore, it is reasonable to assume that free migration alone does not necessarily create better living conditions in the world in reasonable amount of time.

Peter C. Meilaender underlines that the argumentation by Walzer does not demonstrate that the state has necessarily to regulate the immigration, but the political community: the argumentation of

Walzer is based on the notion of community and the interconnections in the community, but he does not show how these communities are related to the state. Walzer just affirms that a state is normally constituted by a political community – but that means that there could be special situations where the political community does not have a state. [Meilaender 2001] From the Walzer theory it may derive that these communities do have the right to limit the immigration.

Meilaender claims that Walzer's argument for the right of limiting immigration is based on the principle of auto determination. Walzer describes it in terms of auto government: members of a given community must have a possibility to govern themselves. Meilaender marks that our world is descriptively pluralist: there exist different communities[6] with different rules and "ways of life". While we don't have the answers to a series of difficult questions regarding if and when we can prefer "our" culture to the others, we have to start from an assumption that major part of these existing communities are legitimate and wish to maintain their ways of existence as well as they are able to. From this assumption the argument of Walzer holds [Meilaender 2001]. Having a world divided into states, we could affirm that Walzer also gives a justification for states to limit immigration, even if it is unclear how would be solved a case of political community who does not have a state. Also, it is important to note that Walzer's theory gives a base for a state to forbid justifiably the immigration completely in a certain situation (scarcity of resources)

The question of non-state political community is particularly important in the European Union case. The European Union is not a state or sovereign according to definitions used in this article. Yet, it has certain economic and social interests as a whole, determined by the grade of freedom of movement and working possibilities inside the EU, one could indicate the specific interests of citizen of a member state compared to citizens of "third states". Also, as member states have decided to share a part of the economic and social sphere, we could claim that in this sphere the citizens of the member states constitute a unified political community. Thus, if we accept Walzer's argument on political communities, some uniform immigration rules of the European Union could be justified, "some" being argued also in a framework in not compromising the sovereignty of member states (which will need a separate discussion). Still, as the European Union is clearly an economic community provided with a principle of free movement of workforce, it seems to be justifiable to establish common rules over the formation of this workforce.

Access on demand

Maybe the most elegant, clear and oft-cited argument for completely free immigration is presented by Joseph A. Carens in his article "Aliens and citizens" [Carens 1995], who claims that the borders should be generally open and individuals should have a possibility to leave their original homeland to live in another place, being limited only by laws of the target country – assuming thus the freedom to choose a place to live. Carens begins with an example of poor starving emigrants from Haiti trying to emigrate in mass to the United States, creating a predisposition in reader to accept immigration as a right. The non-liberal author Mezzadra, who still makes the same kind of argument, emphasizes the "subjectivity" of the immigrant and renders it more important than other subjectivities in the world, comparable to liberalist commitment to an individual. Both are typical territory-rights arguments.

Carens argues that there are three different contemporary theories (Nozick, Rawls, the utilitarians) who favour open borders, therefore we might claim this as a universal goal for everyone. Meilaender notes here, that these mentioned theories are not different theories, but the versions of the same mother-theory, liberalism, which always prefers the individual to a community, thus not giving the base for a division between citizens and foreigners. Marxism, what has clearly influenced Mezzadra's arguments, centres more on classes than communities as such, therefore, also this argument is not very much likely to give that division. Both theories are monistic theories, presuming the existence of one hierarchy of values.

6 Meilaender, being a communitarian, sustains that human beings form naturally groups, are tied to one another and wish to preserve the existence of these groups in time. This position is not acceptable in liberalism, at least the idea of "natural groups"

If we affirm that the citizens and foreigners should be always treated in the same way, the United States in the nineteen twenties should have limited the immigration of black persons, as there were discriminatory laws on black citizens. Furthermore, in the United States every citizen has a right to carry a weapon to resist potential tyranny. For some Iraqis, the government of the United States is clearly a tyranny – therefore, according to Carens argument, the United States do not have a right to limit these persons to enter the country, armed, with a goal of subverting a government. In reality, all states limit this type of access.

If we agree that everyone has the same right to use whatever piece of land for its own goals, then we have also to agree, for example to the right of a country A to create a military base in a country B or, for example, to drill oil wherever it wants, without the consent of people living in the area or state B. What should be the method of solving the conflict, apart from using military force as the legitimating principle? To let the whole world vote on the issue is practically impossible (if every conflict in the world would ask a votation, we would have too many votes in a minute, there could be communities who do not understand or do not wish to participate in democratic processes, etc). If there were voting over the issue in both countries involved, the country with higher population would win. If there was an obligation to get the majority in both countries then we give in practice a veto to a country B, (thus creating the situation, where everyone is not equally entitled to use a piece of land). If we have open borders, we re-encounter the problem of possible migrants entering the community for precisely that vote. The solution of granting a right to vote only to those residents to the area creates again a differentiation of rights over the land.

As noted before, in practice people do live in communities with many borders and ties. Carens claims that in the liberal society these ties and borders have to be organised in accordance with liberal principles; open immigration may change the characteristics of a community, but it does not leave the community without any characteristics: some ways of acting, valued by many, will be lost, but they will be substituted by others, also valued by many [Carens 1995]. The same kind of argumentation on characteristics on certain community (here tied to minorities) is hinted also in Mezzadra's argumentation who cites the French anthropologist Jean-Loup Amselle[7] "amongst the minority rights there is also that of renouncing your own culture". The last argument is certainly true, but it doesn't follow that they have an obligation to renounce it: the same is true for every community. Mezzadra [Mezzadra: 2004] also analogizes the changes created by immigration and the changes brought by feminist or workers' movements in second half of twentieth century, but those, even if international in character, were politically aimed to change a pattern of the society where the actors already were present. The question of open borders and migration is not about whether the change is justifiable, but who is legitimate to decide on the change. Immigrants as force against the global capitalism may be an argument in some Marxist theories, but is certainly not accepted by liberalism and many other theories in contemporary world. It is questionable how the "immigrants as a weapon against global capitalism" theory is in accordance with immigrant subjectivity: many immigrants surely do not oppose capitalism, even if many do; if immigrant motives are to be analysed only as "subjective", then one can't argue of them as a "movement" in the same time.

Carens still argues that even in liberal society there could be limitations on immigration to guarantee "public order", founding this claim on Rawls and the idea that liberty may be limited to guarantee the existence of liberty itself [Carens 1995]. It is not explicitly clear if a culture, the characteristics of a community, is part of the "public order". Sociologists have shown that in situations where people move from one culture to another in mass, the risk of conflicts rises, therefore immigration could increase the number of cases where the laws of the target country are violated (also by the members of target country, for example in the form of *hate crimes*). On the other hand, this increase could be temporary or avoidable if the immigrants are assimilated, in non-discriminatory societies or in case of the equal opportunities. The studies do not give a clear answer, but demonstrate that in some cases the migrants mix into the target society, assimilating or integrating, but there also exists the danger of ghettoisation, the exclusive way of inhabiting the target territory.

7 Cited via [Mezzadra: 2006], p 74

Still, the limitation by "public order" supports the right to refuse by the target community, demonstrating that even in liberal theory, the completely free movement is not justified. Carens himself argues that the need for some limitations does not mean that all limitation are justified – which is definitely correct; the need of some limitations excludes the possibility of immigration-on-demand and the world without borders.

Based on Nozick, Carens claims that a state cannot defend its citizens from the unfavourable competition. If an entrepreneur wishes to hire workers from another state, the target state has no right to limit it. Nozick does not see land as public property; control over land is executed only by protecting the individual rights over land. According to Nozick, people are free to create voluntary communities to maintain the land and those communities have a right to decide on admission of others, but the state may not have this right [Carens 1995]. But, if we accept the definition of sovereignty by Demarest, sovereignty as the property of citizens, then the sovereign state has a right to limit immigration also in Nozickean scheme, as the owners have the right to make decisions over their property.

In utilitarianism, Carens claims, one has to calculate not only the economic effects on citizens, but also those of migrants; the best policy of immigration would be the one where economic growth is maximized. According to Carens, free movement is a requirement for this maximization [Carens 1995]. As noted before, there are economic theories and studies which show that economic growth is not guaranteed by the free movement between mostly agrarian and mostly industrial societies. Moreover, I doubt if the full utilitarian calculation could be done in the case of immigration; there are severe problems, described by various utilitarians, regarding how to assign numeric values to all types of "goods" and "evils" in all societies. For example, should discomfort created by racism be included in the calculation, and how? In many forms of utilitarianism the wish of maintaining one's culture, its way of life, is a sufficient base for limiting immigration.

Carens argues that the justice needs open borders, but his argument is based only on liberal principles which are not criticized or questioned. Meilaender notes here that even if liberal, these arguments are the target to all people in all states, immigration is a topic for everyone, not only those with certain values. Carens supposes that for certain moral ideas which are according to some position "universal", all states should accept policies that direct them on the liberalist way. The same "universalist" position is held by Mezzadra, only he has different values as a base.

According to Carens, immigration has to be free or with minimal amount of limitations regarding rich liberal states – but in this case the poor states are justified to limit immigration. Also, if we do not accept liberal principles, the argument does not hold. In conclusion, we may say, that Carens' argument is not a universal argument for free immigration but a liberal argument which justifies quasi-free immigration into certain type of communities. The claims of Carens do not reject Walzer (where every community has a right to decide on the rules of admission), but may be considered a part of it, justifying certain type of limitations (those which guarantee "public order").

The right to immigration as one of the principal human rights, as Carens claims, is not justified even in his own article. If unlimited immigration is not in accordance with majority opinion of citizens, but is necessary for liberalism, the justification of liberalism gets problematic. People, also rational, do not have to be liberal, they could value liberty without being liberal. A system where a community is not able to decide on its own rules (on rules of membership), but these rules will be decided by other communities, is not in accordance with principles of democracy.

The "right to escape" presented by Mezzadra is a vague concept which seems to aim at unifying utilitarian maximization of "good", liberal commitment to individual and Marxist arguments against capitalism, but certainly does not present a general argument for open borders, moreover, most of its argumentation can be reduced to that presented by Carens.

Conclusion

Immigration in the modern world interacts with the public sphere: being an immigrant means also to become a member of a public sphere in a target country, to act as a citizen. The wish to be rich is not

a sufficient base to satisfy the request to immigrate. The arguments presented justified the right of a target state to limit immigration, but are not strong enough to defend completely forbidden immigration in general (even if there might be cases when it is justified). The territory-rights arguments for open borders contain several hidden assumptions and sometimes are not in accordance with principles of democracy.

The charity-argument is stronger, but still not universally acceptable to all persons in all states; also it justifies certain types of immigration limits, rather than a stateless world. Furthermore, a discourse that suggests that the justifiability of single limitations on immigration may depend on the concrete situation of a target country, including public opinion and values (immigration is thus not only a moral problem, but a political problem, question of power and power decisions, made, for example, by voting). This means that the same limit could be justified in one case, but not justified in others: this corollary is certainly acceptable in pluralism, but may have problems in monisms.

Sovereign states have the right to limit immigration, a right, which, as most rights, is a political one. Also, there could be non-state political communities which may be justified to limit immigration. As such, the European Union may be justified to have a common immigration politics without compromising member states sovereignty. This aspect deserves further discussion.

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