

Circular Migrations in the Euro-Mediterranean Space, or When Migrant Workers Contribute to Prosperity without Reaping the Fruits of Integration

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The conclusions of the Euro-Mediterranean Conference of November 2007, devoted for the first time exclusively to the issue of migration, show that at this level a consensus has emerged on the partners' mutual interest in facilitating legal migration, following temporary or circular patterns. Proposals were in the air since a communication by the European Commission dated May 2007 was delivered to the European Parliament and the Council as well as to the Economic and Social Committee and the Council of the Regions, and since the report by the Global Commission on International Migration – GCIM (2005). The European Commission formulated two circular migration plans from the perspective of opening up new ways for legal migration. It constructed its differentiation according to the principal or permanent place of residence of the migrant. The purpose would be for migrants to have the option to exercise a commercial activity, a liberal profession, an activity stemming from the voluntary sector or some other in their country of origin while keeping their principal residence in one of the member States of the Union. Under this hypothesis, according to the European Commission, this applies essentially to business people working within the EU and wishing to start up an activity in their country of origin (or in a third country) as well as doctors, academics and other professionals wanting to support the economy of their country of origin by carrying out part of their activity there. The other plan would offer those resident in a third country the opportunity to move temporarily to the EU to work, study or train there (or a combination of those three activities), on condition that they will take up their principal residence and principal activity once more in their

country of origin at the end of the period for which they had been admitted. Such circularity could be reinforced following the return through some type of privileged mobility in leaving and entering the Member State where they were previously resident by, for example, simplified admittance/re-admittance procedures. (Communication relating to circular migration and to partnerships for mobility between the European Union and third countries dated May 2007). From this perspective, permanent establishment or residence for foreign workers or students is not encouraged. These proposals are in line with the GCIM report (2005), which advocates liberalisation of the global labour market stating that *“there would appear to be an emerging convergence of interests between the richer and the poorer countries. In simple terms, the former are running short of working people, while the latter have such people to spare. Logic suggests that one outcome of this situation should be a growth in scale of authorized labour migration from developing to high-income countries. But that is not currently the case. Much of today’s migration taking place between poorer and richer regions is irregular in nature.”* But *“the public and political mood in many of the industrialized states is currently hesitant about the prospect of increased immigration, and such hesitance is likely to be especially strong in relation to permanent migration programmes”*. At the same time, it appears that *“countries in the developing world stand to make more gains from the temporary and circular migration of their citizens than from their permanent departure.”*

Would these “new” approaches provide the final piece in the puzzle of migration? At what cost? This circularity, in the way it is envisaged, makes migrants' return to their country of origin an essential condition for liberalisation; at the same time as migrant workers' integration into the host society is not planned, eventual returns by migrant residents to their country in order to contribute to the development of the society of origin is also en-

couraged. The plans that are envisaged are complex and must still withstand the test of reality. The benefits of return for the country of origin and for migrants themselves are frequently highlighted from the perspective of development and social cohesion. These proposals also show the real or perceived saturation of European societies' capacity for integration. The European Commission presents these new migratory plans as "a credible alternative to illegal immigration" (European Commission, May 2007) and the European Council has stressed the need for "safeguards that will prevent unduly extended stays and guaranteeing return," so that "as a general rule temporary stays do not become permanent." (European Council December 2007).

Euro-Mediterranean Migration is Chiefly for Family Reunification or Illegal

The circulation of people remains one of the poor relations of the Barcelona Process that started in 1995. Liberalisation or facilitation measures are still awaited even while various European countries recognise (with varying degrees of coherence) their need for unskilled, low-skilled and skilled workers and that the wish to emigrate from the southern side of the Mediterranean is seen and even encouraged as a way to relieve the pressure on saturated employment markets. From the economic and demographic viewpoint many factors militate in favour of a policy of support for economic migration but security concerns dominate the European agenda. The European Union, or at least some of its member States, maintains strong relations on migration with the countries of the Mediterranean Basin, principally the Maghreb countries and Turkey. The so-called "thirty glorious years" (1945-1973) corresponded to a wave of high workforce immigration into northern European countries, sought and partially managed by means of specific governmental agreements. Emigration was at that time considered circumstantial and provisional by the Maghreb countries of origin. From the point of view

of those in positions of public responsibility, it allowed to temporarily solve the problem of unemployment within the contexts of national independence, it allowed the transfer of currency, and offered incidentally an opportunity for professional training that was of benefit to the country. What had not been anticipated, either by the country of origin or by the receiving country, was that workers might remain. Once in place, families came and children were born. The issue of integration then emerged, along with its well known difficulties.

The major destination countries' immigration policies have since then been characterised by the desire to prevent illegal immigration with a hardening of conditions for admittance, which more recently have brought about questions with regard to family reunification and integrating foreigners who are already in place. But emigration towards Europe has, *de facto*, taken place illegally if necessary. The years since 2000 have been ones of increasing migratory pressures originating from the Maghreb and sub-Saharan Africa. At the same time, the media have relayed images of death at sea, arrests, people held in detention and violence at borders, linked to the use of clandestine routes and a security apparatus operating at Mediterranean frontiers. Germany, France, the Netherlands, Belgium and, more recently, Spain and Italy remain the most favoured destination countries: 95% of Algerian emigrants, around 85% of Moroccan emigrants, 80% of Tunisian emigrants, 87% of Turkish emigrants, some 25% of Lebanese emigrants and 15% of Egyptian emigrants (Fargues, 2005). Family reunification, insofar as it allows access to a long-term permit to remain for third-country nationals¹ is, among all countries of origin taken together, the legal entry means most used for the destinations of Germany (40% of the reasons for entry as against less than 20% for economic reasons), France,² Sweden, Denmark, Italy (57%) and Belgium.³ A comparison of figures invites reflection on the way used to select and match migrants admitted with the capacity to be integrated into the labour market and socially. That question is

¹ I am using here a legal category taken from the European Community's jurisprudence to designate any person who is not a holder of the nationality of a member State and, as a consequence, is not a European citizen.

² Where, according to recent OECD reports, immigration for family reunification constitutes 75% of permanent entries as against 17% of entries for economic reasons (10% for refugees), in Switzerland it represents 52% as against 44% for economic immigration, in Denmark 23% of immigration is economic as against 57% for family reunification, in Sweden immigration for economic reasons is practically non-existent while immigration for family reunification constitutes 60% of flows and refugees 40%. In Portugal the balance between economic migrations and those for family reunification has been better achieved with \pm 48% for each. In the UK, immigration for work makes up close to 55% of flows, and for family reunification \pm 33%. Changing continents, family reunification remains the cornerstone of the migration policy in the United States, being 69% of flows in 2002. Canada's figure was 64% in 2002.

³ Calculating immigration for family reunification is not easy to the extent that Belgium does not grant rights to remain for the purpose of family reunification as in France. In order to know, the number of visas granted under the chapter of family reunification needs to be counted, but that does not mean that entitlement to stay is granted as cohabitation needs to be established.

today openly asked by various European governments, with France at their head, defending a rebalancing of the reasons for admittance. In 2007, President Sarkozy signalled his wish for economic immigration to account in due course for 50% of inflows from all countries of origin taken together (www.premier-ministre.gouv.fr/information/actualites_20/seminaire_gouvernemental_pour_presidence_57085.html).

A Renewal of Temporary or Seasonal Migrant Worker Programmes

Countries such as France, Spain and Italy recruit seasonal or temporary workers from the Maghreb (from Egypt too as regards Italy), within frameworks that are more or less institutionalised. Italy has undertaken to increase seasonal migrant quotas from 33% in 2008 (serious criticisms have nevertheless been aired about the effectiveness of this agreement, see Bel Hadj Zekri 2008). Spain and Morocco have entered into a partnership relationship in respect of seasonal or temporary recruitment, by means of co-operation between the National Agency for the Promotion of Employment and Skills (ANAPEC) and the Spanish Ministry for Employment and Social Affairs. In January 2007, an initial selection of agricultural workers for periods of 3 to 6 months was in operation and ANAPEC expects to send close to 12,000 workers to Spain in 2008. Mauritania and Spain agreed a workforce migration flow management pact on 25th July 2007 (only 40 workers were recruited). These bilateral agreements include undertakings given by the countries of origin to readmit their citizens once the work for which they had been authorised is finished. The January 2007 workforce agreement between Spain and Morocco was part of a programme that was partly financed by the European Union (AENEAS programme), one of its objectives being an enhancement of the agency's capacity for placement. In the end the conditions placed on workforce recruitment drew criticism, priority having been given to married women and mothers. According to the director of the Moroccan agency this "public target" was chosen in consideration of "their needs", meaning their economic needs, but the other motive was also that it could be guaranteed that migrants who were mothers would not take the risk of overstaying the authorised period and would return home of their own volition. In fact, according to the Spanish Ministry for

Employment and Social Affairs (General Directorate for Immigration), at the start of the programme, in 2004/05, the rate of returns was 45% while in 2007 it reached 85%.

Dialogue at the Highest Level

The terms of the Barcelona Process signify a wish for the free circulation of people within "a space of peace, stability and prosperity." In reality and in broad outline, for nearly 20 years legal migrations from the Mediterranean Basin are subject to visas and are essentially for family reunification or economic reasons but they are frequently illegal, being eventually regularised retrospectively. There is still need for an economic immigration policy, or at least consistent guidelines on a regional scale, taking into account the respective requirements and characteristics of the labour markets; but the matter is still under consideration and ongoing, and various national practices (regularisation – sanctioning – selection) are feeding into the European debate. The expected negotiations during the French Presidency (July – December 2008), surrounding the European Accord on migration, could result in common guidelines and/or a recognition of the need for varying practices.

The conclusions of the Euro-Mediterranean Conference of November 2007 demonstrate that interest in the management of economic migration is only expressed by destination countries. It appears that political decision-makers take note of the migration potential identified in various studies in terms of demographic factors and the state of employment markets on the two opposite shores (Fargues, 2005). A firm intention to encourage legal means for migration by different categories of workers, under temporary or circular forms was expressed, and measures to be taken in this respect were agreed.

These conclusions therefore echo positively the conclusions of the Council for general affairs that express a willingness to "cooperate more closely and pursue a political dialogue with third countries as regards migration management using as its basis, where appropriate, existing frameworks and options in order to take forward a global approach as regards migration." It was decided to set up a working group made up of representatives of all Euromed countries and of social partners (including employers and trade unions), in the coming year, focusing its work on the requirements of labour markets in terms of migration. The creation in the region of workforce placement agencies according to the

ANAPEC model is envisaged with the financial support of the European Union. Other measures in respect of training and information for workers/recruitment intermediaries/employers are envisaged as well as an improvement in the methods of communication in terms of matching offers and requests.

An Outline Plan for Circularity?

These experiences of temporary or seasonal workforce recruitment of workers originating from the Maghreb remain marginal and contemplate unskilled or low-skilled workers. Access to the territory is legal and facilitated but conditions set for the stay are strict, non-discrimination in terms of wages is guaranteed but portability of social rights is not assured and workplace mobility is nonexistent. Workers are informed and sometimes even trained before their departure or once in place (the quality of follow-up varying from one agreement to another). Returning to their country and fulfilling the other conditions placed on the stay (not changing employers, place of residence and abiding by the law) condition opportunities for reemployment in the future. It is true that there is mobility but it is strictly contained by the public authorities under conditions that do not leave much latitude for integration in the host country. By way of comparison, laws recently adopted by various European countries with a view to recruiting skilled workers guarantee family reunification and facilitate access to staying indefinitely. The formulas for work migration programmes developed with the Maghreb thus foresee essentially a low-skilled workforce whose long-term integration into the labour market is not encouraged in principle.

It may be that through these formulas outline schemes could be found for circular migrations and for partnerships for mobility such as are encouraged by the European Union. On both sides of the Mediterranean, political leaders are looking to go beyond a purely utilitarian approach and enter into a practical partnership in which migratory flows would contribute to the development of the economies and societies of origin and destination, and would mitigate the negative effects of illegal migration.

Integration, Rights and Individual Liberty

Whatever the balance arrived at between workforce supply and demand in both partners' labour markets,

it will not be possible to completely ignore the needs and rights of migrants, such as the choice of stabilising their professional, social and family lives, in one of the shores, which in legal terms translates into respect for private and family life or indeed for an improvement in living conditions in the country of origin. The objectives pursued through the proposals for circular migration appear in principle to be in line with those of the Euro-Mediterranean Partnership, which holds that security, promoting economic exchange and managing the circulation of people are linked. Thus, even if the matter of workers' integration is laid aside, long-term settlement of unskilled labour is not encouraged, while in contrast circulation of settled "brains" towards their country of origin is. Developing countries have effectively made clear their wish for a return of their skilled citizens!

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European directive 2003/109 relating to the status of third-country nationals who have been long-term residents of the European Union illustrates the absence of a common vision at the level of the Union about the fate to be reserved for new economic migrants (the fate of highly qualified workers will shortly be the subject of a specific directive). It harmonises the granting of long-term residence status to any foreign national who has resided legally and without interruption in the territory of a member State during the five years immediately preceding the application and opens up a limited facilitation of travel within Europe for economic ends (originally the European Commission had proposed a real régime of free circulation on which the Council did not manage to agree). Adoption of this instrument was greeted as recognition by all member States of the need to consolidate the rights of nationals from third countries, with a view to their integration, following a certain period of legal residence. However, stays for the purpose of study or profes-

2nd EU-AFRICA SUMMIT

On 8th and 9th December 2007 the 2nd European Union-Africa Summit took place in Lisbon, under the Portuguese Presidency of the European Union.

The relations between the EU and Africa traditionally developed in two regional groups: between the EU and the African countries that form part of the ACP (Africa, Caribbean and Pacific Group of States) and those located around the Mediterranean. With the 1st EU-Africa Summit in Cairo, in April 2000, a new dialogue began between the EU and Africa as a whole continent with the aim of establishing links at both political and institutional level to find solutions to the common challenges. Since then the two parties have met regularly on different levels (Ministerial Troikas, meetings between the two EU-AU Commissions, Parliaments, etc.). However, at the level of heads of state and government this same Lisbon Summit was the first in seven years.

Apart from the leaders of the 27 EU member states and the 53 African states, divided into 52 member states of the African Union (AU) and the representative of Morocco (as the only country of the African continent still outside the AU), there were, on the one hand, the Presidents of the European Commission and the African Commission as participants and, on the other, as observers, the Presidents of the European Parliament and the Pan-African Parliament (PAP), the representatives of the EU candidate countries (Turkey, Croatia, Macedonia) as well as of several countries interested in the events and, lastly, the representatives of different international organizations: the United Nations High Commission for Refugees (UNHCR), the African Development Bank (AfDB), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the Food and Agriculture Organization of the United Nations (FAO) and the Arab League.

The aim of the Lisbon Summit was to take another step towards a new political partnership among equals by forging a strategic partnership between the EU and Africa that seeks to look beyond the antiquated and limited view of a primarily "beneficiary-donor" relationship and open the way to joint solutions to the common challenges.

To this end, three main documents were adopted as a global framework of reference during the Summit: in addition to the final declaration, the participating countries approved the Africa-EU Strategic Partnership document and a specific Action Plan during the period 2008-2010.

In the Africa-EU Strategic Partnership document, which has its origin in the "European Union Strategy for Africa" of the European Council, 2005, the participants set out their general objectives as well as the measures and the instruments for achieving them.

The first Action Plan for the implementation of the Africa-EU Strategic Partnership represents the approach in eight priority partnerships during the initial period of 2008-2010, namely: peace and security; democratic governance and human rights; trade and regional integration; Millennium Development Goals (MDGs); energy; climate change; migrations, mobility and employment; science, information society and space.

The partnership "migrations, mobility and employment" seeks to provide holistic solutions to common challenges, with the particular ends of creating more and better employment in the African continent and improving the management of migratory flows. Moreover, this partnership ensures the incorporation of migration and employment issues as essential parts in the strategies for the reduction of poverty as well as in other strategies of national development and co-development in Africa.

The Tripoli Ministerial Conference Declaration and the Ouagadougou Declaration 2004 and the Action Plan on employment and reduction of poverty in Africa are the two declarations which the members specifi-

cally stressed in the introduction. In the EU-Africa Ministerial Conference on Migration and Development in Tripoli in 2006, the EU and Africa adopted for the first time a joint strategy in the form of the Tripoli Declaration to respond to the common challenges and increase the benefits of international migration. In the same conference, the EU-Africa Action Plan for the fight against human trafficking that forms an integral part of the joint strategy was formerly approved.

These three documents are manifested in the three priority actions of the seventh partnership: 1) the implementation of the Tripoli Ministerial Conference Declaration; 2) the implementation of the EU-Africa Action Plan for the fight against human trafficking; 3) the implementation and monitoring of the Ouagadougou Declaration in 2004 and the Action Plan on employment and the reduction of poverty in Africa.

Within the first priority action the participants mentioned the objectives, the results expected, the actions planned, the actors and the funding. As objectives they underlined the following aspects: facilitating mobility and the free movement of people in Africa and the EU as well as improving the management of legal migration between the two continents; dealing with the causes of migration and the flows of refugees; developing specific solutions for the problems provoked by the illegal or irregular migratory flows; and confronting the problems of the emigrants residing in the EU or in an African country.

In order to guarantee monitoring of the commitments agreed, evaluate the progress of their implementation and prepare successive Action Plans, the African and European leaders consolidated the institutional architecture and the instruments of dialogue. Thus, every three years a summit at the level of heads of state and government will be held alternately in Africa or in Europe, prepared at ministerial level. Moreover, the relations between the EU and the AU will be strengthened through regular meetings on different levels. Due to this the Ministerial Troikas will be held biannually, and the two commissions and the two parliaments as well as the Economic and Social Councils of the EU (EESC) and the AU (ECOSOCC) will strengthen their links. This focus on the AU, or rather on its institutional architecture, is because the AU evolved as the natural interlocutor of the EU with reference to continental questions and as the most important institutional member of the European Union. Moreover, the possibilities for the participation of non-state actors and civil society will be expanded.

The first monitoring of the Lisbon Summit was held in February 2008 in Addis Abeba, Ethiopia. Meanwhile, the Presidency of the EU announced that the next EU-AU Ministerial Troika will take place on 28th April in Luxemburg. At the level of Heads of State and Government, the next summit is planned for 2010.

For further information:

General information:

http://ec.europa.eu/development/services/events/eu-africa-summit-2007/index_en.cfm

EU-Africa Partnership on Migrations

http://ec.europa.eu/development/center/repository/EAS2007_action_plan_migration_en.pdf#zoom=100

AU-EU Meeting in Addis Abeba

www.africa-union.org/root/au/Conferences/2008/february/ea/PRESS_RELEASE_AU-EU_MEETING_FINAL.doc

sional training, or migrants whose stay is exclusively for reasons of a temporary nature, for example au pairs or seasonal workers, or paid workers on detachment from a provider of cross-border services, or cross-border service providers themselves, or those whose permission to stay has been formally limited, are excluded from the residence periods taken into account in calculating eligibility. At the same time, European law recognises the right to family reunification for any third-country nationals "holding a residence permit issued by a member State with a period of validity of one year or more, who has reasonable prospects of obtaining the right of permanent residence." (Directive 2003/86)

Accepting and Optimising Economic Migration Needs from a Perspective of Partnership

The debate over legal migration within the Euro-Mediterranean area has been officially reopened in order to guarantee its better management by public authorities. European labour markets, or at least some of them, have a need for skilled and unskilled workers. Recent experiences with regard to temporary work programmes show that specific agreements at a bilateral level can be mutually beneficial even if such programmes are susceptible to improvement. Are married women and mothers of young children proper candidates for emigration? Will their employment lead to a real reduction in migratory pressures? What about those of young professionals, still without family attachments? Does encouraging returns with a view to participating in the country's economic development imply precluding progressive recognition of rights and integration in the host country? The reply accepted in respect of skilled migrants is that it should not, but what of others? Is it necessary to force the return of unskilled workers when they could participate in the labour market?

It is for Mediterranean countries to negotiate the best terms for their partnerships, to value the contribution of their migrants and advocate respect for their rights. They are in a favourable strategic position in order to do so. Their cooperation with regard to illegal migration and to readmission is essential in the eyes of their European neighbours. The readmission policy that the Union has attempted to develop with third countries of origin or transit has not met with any real success. The Union, in seeking to increase its negotiating power, has added a number of dimensions to its ap-

proach. It has offered its neighbours to the East (Moldavia, Ukraine, Russia, ex-Yugoslavia) certain facilities in respect of short-stay visas (fast-tracking procedures for some categories of people). In this regard, no agreement has been reached with the countries of the South. That may seem paradoxical to the extent that the need in terms of facilitation is without doubt greater in these countries. Furthermore, for southern countries bargaining within the framework of facilitating short-stay visas is unquestionably not enough. The stakes are much greater than that.

Negotiation should also deal with longer term stays. Circular migration constitutes an interesting approach but, within the Euro-Mediterranean framework, it appears to us that it should also incorporate the needs pertaining to low or unskilled workers and the question of their rights and freedoms. At a European scale, up to now there has been no instrument negotiated as regards these, with the exception of the draft framework directive relating to the linking of work and residence permits whose objective is merely to facilitate the admittance procedures.

While waiting for such projects to emerge in the Mediterranean area, pilot projects involving Cape Verde and Moldavia being implemented by the European Commission, with the support of the Council, in respect of partnerships for mobility should yield some lessons.

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