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IMPROVING US AND EU IMMIGRATION SYSTEMS

# **US and EU Policies in the Field of Migration Cooperation with Third Countries: A need for a change of outlook and implementation method**

by Françoise De Bel-Air



European  
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Robert Schuman Centre for Advanced Studies



**Improving EU and US Immigration Systems' Capacity for Responding to Global  
Challenges: Learning from experiences**

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Policy Brief**

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**US and EU policies in the field of migration cooperation with third  
countries: a need for a change of outlook and implementation method**

**Françoise De Bel-Air**

Affiliazione: Doctor in Demographic and Social Sciences

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European University Institute  
Badia Fiesolana  
I – 50014 San Domenico di Fiesole (FI)  
Italy

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## **Improving EU and US Immigration Systems' Capacity for Responding to Global Challenges: Learning from experiences**

The project is co-funded by the European Commission in the framework of the Pilot Projects on “Transatlantic Methods for Handling Global Challenges in the European Union and United States”. The project is directed at the Migration Policy Center (MPC – Robert Schuman Centre for Advanced Studies – European University Institute, Florence) by Philippe Fargues, director of the MPC, and Demetrios Papademetriou president of the Migration Policy Institute (MPI) the partner institution.

The rationale for this project is to identify the ways in which EU and US immigration systems can be substantially improved in order to address the major challenges policymakers face on both sides of the Atlantic, both in the context of the current economic crisis, and in the longer term.

Ultimately, it is expected that the project will contribute to a more evidence-based and thoughtful approach to immigration policy on both sides of the Atlantic, and improve policymakers’ understanding of the opportunities for and benefits of more effective Transatlantic cooperation on migration issues.

The project is mainly a comparative project focusing on 8 different challenges that policymakers face on both sides of the Atlantic: employment, social cohesion, development, demographic, security, economic growth and prosperity, and human rights.

For each of these challenges two different researches will be prepared: one dealing with the US, and the other concerning the EU. Besides these major challenges some specific case studies will be also tackled (for example, the analysis of specific migratory corridor, the integration process faced by specific community in the EU and in the US, the issue of crime among migrants etc.).

Against this background, the project will critically address policy responses to the economic crisis and to the longer-term challenges identified. Recommendations on what can and should be done to improve the policy response to short-, medium- and long term challenges will follow from the research. This will include an assessment of the impact of what has been done, and the likely impact of what can be done.

Results of the above activities are made available for public consultation through the websites of the project:

- <http://www.eui.eu/Projects/TransatlanticProject/Home.aspx/>
- <http://www.migrationpolicy.org/immigrationsystems/>

*For more information:*

Improving EU and US Immigration Systems' Capacity for Responding to Global Challenges: Learning from experiences

Convento

Via delle Fontanelle 19

50014 San Domenico di Fiesole

Italy

Tel: +39 055 46 85 817

Fax: + 39 055 46 85 770

Email: [transatlantic@eui.eu](mailto:transatlantic@eui.eu)

**Robert Schuman Centre for Advanced Studies**

<http://www.eui.eu/RSCAS/>

Current world liberal economies are globalised and hence founded, theoretically at least, on the free movement of goods, capital, services and labour. Yet, market forces (the opening of borders) tend to work in the opposite direction to that of socio-political planning and control-related forces (selective closure of borders), while diverging interests also mark bilateral relations between sending and receiving states. The present paper argues for taking migration as part of the global social development process and for situating migration-related cooperation between countries at a structural, bilateral or even multilateral relations' level.

## Statement of facts

Studies on US or EU migration cooperation with third countries emphasize a common set of difficulties of a socio-political nature:

- **Challenges due to the complex domestic politics of migration:** purely economics-driven labour circulations, deprived of any effect on concerned societies and polities, do not exist. Migration has an impact on the demographic structure of sending, receiving and transit populations, bound to “affect the nature of the “*social contract*” (i.e., the core principles of society and the ways in which these are implemented) and the *State system* (i.e. the structures and functions through which a society is governed)”<sup>1</sup>. The global context of immigration embodies the phenomenon with specific stakes: the Bracero programme (1942-1964) and European post-war guest-worker programmes ensured a regular supply of workers in economies in need of additional labourers. Yet economic globalisation and the 2008 economic crisis led to soaring unemployment in the US and the EU, due to adjustment to international competition, and to contraction of public expenditure for welfare and social benefits. Migration thus became a politico-economic issue. Also, 9/11 created the perception of migration as a political threat, for example, concerns over the development of arms and drug smuggling in Mexico<sup>2</sup>.
- Consequently, **migration is taken as a domestic issue** and an electoral argument, touching on questions of border control, of sovereignty and of security. The question of migrants' rights and the patterns of their incorporation into host societies, as well as their relations with origin countries, also touch upon sovereignty and security. The context of economic liberalisation creates opposite pressures for closing/opening borders to immigrants within a given country (between local workers/beneficiaries of shrinking social benefits, and business communities, hoping to increase the labour “offer” in order to decrease salaries<sup>3</sup>, thus making migrants appear as unfair competitors on the labour market and consumers of social benefits). Public authorities are under popular pressure to protect sovereignty, i.e. to prove their ability to control flows and stocks, with crackdowns on illegal immigrants, for instance. Public legislative action on improving cooperation schemes stalls, or limits its scope on security and border control issues (for example, the derailing of the ambitious bilateral agenda between Mexico and the US after 9/11<sup>4</sup>).
- In the specific case of the EU, an additional difficulty is **to define migration policy for 27 sovereign states**. Institutional contexts and political philosophies<sup>5</sup>, labour markets, cultural

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<sup>1</sup> CHOUCRI, N. "Migration and Security: Some Key Linkages", *Journal of International Affairs*, Fall 2002, vol. 56, n°1, pp. 97-122

<sup>2</sup> ROSENBLUM, M. *Obstacles and opportunities for Regional Cooperation: the US-Mexico Case*, Washington D.C.: Migration Policy Institute, 2011.

<sup>3</sup> An argument taken against immigration from the south to the US, for example, by George Borjas. For example in: *Friends or Strangers: the Impact of Immigrants on the US Economy*, New York: Basic Books, 1990.

<sup>4</sup> ROSENBLUM, 2011: 12.

<sup>5</sup> On the link between political philosophies and histories, and migration policy designs in France, Germany and the UK see HOLLIFIELD, J. *L'Immigration et l'Etat Nation: à la recherche d'un modèle national*, Paris: l'Harmattan, 1997.

proximities, historic ties with third countries, etc. are different from EU state to EU state. This leads to **tensions between the national and supranational level over international cooperation**<sup>6</sup>, particularly as the EU has not yet created a consistent regional political representation and institutional setup, let alone an EU political vision translatable to the field of migration cooperation with third countries. However, such tensions have also been erupting in the US, as the state of Arizona passed its own immigration enforcement measures in 2007 and 2010, thus leading to lawsuits filed by Mexican President Calderón and to claims that sovereign bilateral relations were hampered by the state of Arizona's interference<sup>7</sup>.

- **Diverging interests between sending and receiving countries/regions hamper cooperation.** Migration being taken as a domestic issue and embodied with specific stakes in a specific context, receiving countries' diminishing demand for legal immigrant labour rarely matches the rising emigration pressures from the south, where economic globalisation and the recent crisis also spur unemployment. Emigration attempts on the part of the unemployed or underemployed to the labour markets of the EU or the US are thus logical. Moreover, politics also has a say in emigration dynamics: for example, political closure and nepotism in oligarchic, authoritarian regimes spur emigration, in as much as they create structural unemployment or under-employment and keep salaries lagging below average living standards: sustained emigration from the south of the Mediterranean to the EU is an example of such dynamics<sup>8</sup>. Therefore, leaders of southern countries, if undemocratic, have every interest in "exporting" real or potential political dissent.
- In general, however, even if emigration countries retain control over their borders, cooperation is hampered by the fact that, contrary to trade flows, net migration flows are uni-directional, thus **making negotiation asymmetrical**<sup>9</sup>: receiving countries have the upper hand in the design of legal migration schemes.
- Moreover, the themes and targets of cooperation in some cases rest on a **misleading assessment of migration dynamics**, dimensions and background, thus leading to **failed cooperation attempts**. Attempts at controlling migration flows, within the framework of bilateral agreements, rest on the limitation of their size, and on the channelling of imported labour towards specific economic sectors,. Yet, beyond migrants' desire to escape poverty and improve their income and qualifications, the typical explanation of neo-classical economics, and in addition to the above-mentioned socio-political factors spurring migration, international migration patterns are also influenced by factors reaching beyond economic "pull" or "push" factors: geographic proximity, cultural affinity, historical bonds, social regimes, and the existence of previously established ethnic, family or national networks facilitating the migration process, to name but a few. Migration is thus a global issue. Attempts at dealing with migration within a comprehensive cooperation scheme by tackling the "root causes" of the phenomenon (poverty, unemployment, development gaps between North and South) may seem a first step, yet its rests on the false assumption that poverty spurs migration and that development will control flows. Indeed the theory of the "migration hump" contradicts such assumptions<sup>10</sup> and may hamper the success of the EU's "Global Approach to Migration"<sup>11</sup>.

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<sup>6</sup> WEINAR, A. "EU Cooperation Challenge in External Migration Policy", *EU-US Immigration Systems* n° 2011/02, EUI, RSCAS, Florence, 2011.

<sup>7</sup> The 2007 *Legal Arizona Workers Act* and the 2010 Senate Bill 1070 (Rosenblum, 2011: 14-15).

<sup>8</sup> FARGUES, P. "Voice After Exit: Revolution and Migration in the Arab World", *Migration Information Source*, Washington DC: Migration Policy Institute, May 11<sup>th</sup>, 2011; DE BEL-AIR, F. "Politics and the migration-development nexus: the EU and the Arab SEM countries", *Carim Working Paper*, EUI, RSCAS, forth. 2011.

<sup>9</sup> ROSENBLUM, 2011: 5.

<sup>10</sup> CASTLES, S. "Understanding Global Migration: A Social Transformation Perspective", Paper presented at the *Conference on Theories of Migration and Social Change*, St Anne's College, Oxford, July 2008; DE HAAS, H. "Migration and Development. A Theoretical Perspective", *IMI Working Paper* n°9, Oxford: International Migration Institute, 2008.

<sup>11</sup> DE BEL-AIR, 2011, forth.

- This web of obstacles **hinders the decision implementation process**. So does the **multiplicity of actors involved** (from UN and intergovernmental agencies, to states, NGOs, national bodies and interest groups (trade unions, business communities, etc.), as well as their sometimes conflicting agendas<sup>12</sup>.

### **The way forwards: facilitate circulation and promote multilateralism in migration cooperation**

In order to respond to such concerns and improve policies in the field of cooperation with third countries, the EU and the US may find an interest in promoting, first, a change of outlook on migration (migration is a structural phenomenon and is bound to gain in intensity; it is thus more logical to start facilitating circulation than to increasingly tighten borders) and, second, a framework for re-equilibrating and giving substance to migration cooperation (multilateralism).

- The need to change the perception of current migration from third countries, a structural phenomenon mostly disconnected from economics: a comprehensive account of migration dynamics emphasizes the structural character of the phenomenon, situated at the nexus of most dimensions of the process of social change<sup>13</sup>, in sending as well as in receiving countries. Migration has acquired a structural outreach, to say the least, on social, political and institutional setups in most emigration countries, where “open-door policies” substitute productive economic structures and opportunities at home, as well as for education, training and employment. It also caters for the left-behind migrants’ families’ access to housing, health, education, leisure and, sometimes, basic needs (through remittances). Also, emigration acts on the socio-political and institutional contexts, either by overturning traditional hierarchies, or, conversely, by offering an outlet for deprived members of society or potential opponents, in place of social change, thus hampering the evolution of the elite-formation process. Moreover, globalised economies are structurally based on the rapid circulation of manpower. This is to say that migration, for the immeasurable types of outreaches embodied in the phenomenon, became structural in world societies and thus cannot be stopped by economic and security policies.
- Consequently, as suggested by many scholars, the “securitization” of migration in receiving countries will not work. Rather, by hampering migrants’ circulation, it forces them to stay in a host country against their will<sup>14</sup>. Moreover, insecurity regarding future prospects to re-enter the host country after departing may push migrants to claim settlement in the host state, naturalisation and family reunion, or illegal sojourn and precarious living conditions. An opening of borders to enhance the possibilities of circulation for migrants may thus decrease illegal settlement, as well as, in the case of economics-driven migration, “forced” installation.
- Multilateralism as a political framework for cooperation in the field of migration? Out of all the available policy-discourses on migration cooperation, many currently support the establishment of a world migration regime, following the example of trade and finance regimes (WTO/ GATT; World Bank/ IMF). Such a regime may work according to the three tenets of multilateralism defined by J.G. Ruggie (1993)<sup>15</sup>: 1- *indivisibility*, i.e., the object of multilateralism is *public good*; 2- *principles or norms of conduct* around which actors converge; and 3- *diffuse reciprocity*, i.e. states and other actors must be convinced that

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<sup>12</sup> WEINAR, 2011; GEIGER, M. / PÉCOUD, A. (Eds.). *The Politics of International Migration Management*, Palgrave MacMillan, 2010.

<sup>13</sup> CASTLES, 2008. On the Arab world, DE BEL-AIR, 2011.

<sup>14</sup> WEIL, P. “Circulatory migration vs. Sedentary Immigration”, *Carim-AS 2011/ 36*, EUI, RSCAS, Florence, 2011.

<sup>15</sup> RUGGIE, J. G. “Multilateralism: The Anatomy of an Institution”, in: Ruggie, J.G. (ed.). *Multilateralism Matters: the Theory and Praxis of an Institutional Form*, New York: Columbia University Press, 1993, pp. 3-47.

everyone will respect the set of common rules agreed upon<sup>16</sup>. Such a framework may help in promoting migration and implementing the facilitating scheme for migrants' circulation, vs. "forced" settlement, by acting on the structural background of migration, at the institutional level, rather than by relying on the agency of individual migrants.

- *Migration as public good*: for sending states, potential benefits can be derived from migration as: an outlet for unemployed or underemployed workers and a way to increase labourers' income. International migration also generates private income (remittances of expatriates), which may be used for consumption, for saving in banks, or for investments in the origin country. It also stimulates training and education, thus bearing potential return in terms of skills. Migrants as a social group can also support/ promote political or economic links between sending and receiving states.
- For receiving states such as the EU and the US, which are characterized by ageing populations, immigration re-balances demographic deficits, and enhances the bulk of contributions to social benefits' schemes (retirement, unemployment...). Also, immigrant employment attracts employment and contributes to the globalisation of knowledge<sup>17</sup>.
- *Principles and norms; "diffuse reciprocity"*: Yet, such profits are theoretical, and migration also has its costs. For the migrant, the possible costs lie in the insecurity of rights, in the lack of choice whether or not to resort to emigration; where to go; which profession to embrace, in which conditions, with or without their family members; in constraints regarding returning, staying, or moving to another location. Migration has costs for the sending country ("brain drain"; single-parent families, demographic imbalance, for example) and for the receiving country, in terms of possible inadequacies between expatriate skills' supply and demand<sup>18</sup>; yet it also has costs for societies and polities as described above. The competition between local and foreign workers in some sectors may also contribute to a decrease in salaries and/or working conditions, all the more so if there emerge "number vs. rights trade offs"<sup>19</sup>.

Convergence of views may be achieved on the theoretical benefits of migration, as well as on the principles of reducing its costs, especially in terms of basic rights, and on control of flows, in terms of volume and structure (adequacy to receiving country's needs). Yet, efficient monitoring of the implementation of any process rests on the accountability of partners. Therefore, what is involved here is politics: the ability to control exit flows depends, indeed, on the consistency of structural development in sending countries, i.e., the setting up of educational and professional training systems in line with international standards of quality and competitiveness; economic, social, as well as political infrastructures, which would make migration and exit a matter of choice and strategy for nationals, rather than an obligation. Also, social, political, citizenship rights give the migrant "something [...] to return to"<sup>20</sup> and a share in the national development process. In order to ensure

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<sup>16</sup> Such an approach to migration cooperation is advocated for by, for example, political scientist and migration specialist James Hollifield, for example in: "Migration, Trade and the Nation-State: The Myth of Globalisation", *UCLA Journal of International Law and Foreign Affairs*, 3/2, 1998, pp. 595-636, or "A Public Goods Approach to Managing Migration", Paper prepared for presentation at a joint *IOM/ILO seminar*, Geneva, Switzerland 13 January, 2010 [www.iom.int/jahia/webdav/shared/shared/mainsite/.../pres\\_hollifield.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/.../pres_hollifield.pdf). Also close to such an outlook is the study by B. Badie; R. Brauman, E. Decaux; G. Devin and C. Wihtol de Wenden. *Pour un autre regard sur les migrations. Construire une gouvernance mondiale*, Paris : La Découverte, 2008.

<sup>17</sup> Badie, *et. al.*, 2008: 32-34.

<sup>18</sup> A labour export project between Egypt and Italy, for example, proved constraining for both parties: for 2007 and 2008 it imposed quotas of respectively 7000 and 8000 workers to be employed in the restaurant and tourism sectors which could not be fulfilled, due to a shortage of skilled Egyptians available in this speciality (SIKA, N. "Highly-Skilled Migration Patterns and Development. The Case of Egypt", *Carim Analytic and Synthetic Notes*, 2010/ 17, p. 5).

<sup>19</sup> Ruhs, M. / Martin, Ph. "Numbers vs. Rights: Trade-Offs and Guest Workers Programs", *International Migration Review*, vol. 42, n°1, Spring 2008, pp. 249-265.

<sup>20</sup> SKELDON, R. "International Migration as a Tool in Development Policy: A Passing Phase?", *Population and Development Review*, 34 (1), March 2008, pp. 1-18 (p. 13).



reciprocity in migration policy cooperation, the EU and the US may thus need to rethink their development aid policies, with the aim of conditioning reception of migrants from third countries to the enforcement of structural reforms there. Endorsing migrants with the responsibility for enhancing development at home (through remittances, networking, projects' funding, etc.) was, indeed, a mostly flawed attempt given the absence of structures (economic, social, political) for allowing the efficient channelling of funds and knowledge towards sustainable development<sup>21</sup>.

As far as receiving states and migrants rights' enforcement are concerned, similar concerns apply. If nationals feel threatened by foreign labourers and take them for unfair job competitors or undue recipients of social benefits, this means that citizenship rights are not taken for granted by citizens, that they are not considered as secure within a given polity. Granting basic rights to foreign nationals, even setting up infrastructures for family reunion (for example for children schooling in the receiving countries in foreign/international schools), will, therefore, continue to be seen as problematic in receiving countries, unless drastic structural amendments are made in state-society relationships. As a matter of fact, migration does not provoke problems, as much as it enhances pre-existing ones. The growing call for an "international regime" for migration may, therefore, enable such a "multilateral" approach to migration cooperation.

### ***Conclusion***

The paper has argued for taking migration as part of the global social development process and for situating migration-related cooperation between countries at a structural, bilateral or even multilateral relations' level. In order to improve cooperation in the field of migration with third countries, the EU and the US may gain in changing the **outlook on the phenomenon of migration** (a structural phenomenon, which can be better managed by enhancing circulation rather than on closing borders and bears mostly positive outcomes for all parties), as well as the **implementation schemes** (in the framework of multilateralism to develop bilateral or multilateral schemes ensuring reciprocity, i.e. mobility for structural development).

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<sup>21</sup> On Morocco and Mexico for instance, see: DE HAAS, H. / VEZZOLI, S. "Time to Temper the Faith: Comparing the Migration and Development Experiences of Mexico and Morocco", Migration Information Source, Feature Story, Migration Policy Institute, July 2010.