

# CIRCULAR MIGRATION MEETINGS CARIM PROCEEDINGS 2008/01

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***Intensive Thematic Session***

*The Role of Circular Migration in the Euro-Mediterranean Area*

Florence, 17 - 19 October 2007

&

***CARIM Meeting between Policy Makers and Experts***

*Circular Migration: Experiences, Opportunities and Constraints for  
Southern and Eastern Mediterranean Countries*

Florence, 27 - 29 January 2008

Cooperation project on the social integration  
of immigrants, migration, and the movement  
of persons (CARIM)

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**CARIM**  
**Euro-Mediterranean Consortium**  
**for Applied Research on International Migration**

**Circular Migration Meetings**  
**CARIM-Proceedings 2008/01**

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**Proceedings of two CARIM Meetings on Circular Migration:**

**Intensive Thematic Session**  
*The Role of Circular Migration in the Euro-Mediterranean Area*  
**Florence, 17 - 19 October 2007**

**AND**

**CARIM Meeting between Policy Makers and Experts**  
*Circular Migration: Experiences, Opportunities and Constraints for*  
*Southern and Eastern Mediterranean Countries*  
**Florence, 27 – 29 January 2008**

The papers on Circular Migration mentioned in this publication have been written in the framework of the CARIM project, and have been presented at the two above mentioned meetings organised by CARIM in Florence.

Please follow this link to access all papers on Circular Migration: [www.carim.org/circularmigration](http://www.carim.org/circularmigration)

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## **CARIM**

The Euro-Mediterranean Consortium for Applied Research on International Migration (CARIM) was created in February 2004 and has been financed by the European Commission. Until January 2007, it referred to part C - “*cooperation related to the social integration of immigrants issue, migration and free circulation of persons*” of the MEDA programme, i.e. the main financial instrument of the European Union to establish the Euro-Mediterranean Partnership. Since February 2007, CARIM has been funded as part of the AENEAS programme for technical and financial assistance to third countries in the areas of migration and asylum. The latter programme establishes a link between the external objectives of the European Union’s migration policy and its development policy. AENEAS aims at providing third countries with the assistance necessary to achieve, at different levels, a better management of migrant flows.

Within this framework, CARIM aims, in an academic perspective, to observe, analyse, and predict migration in the North African and the Eastern Mediterranean Region (hereafter Region).

CARIM is composed of a coordinating unit established at the Robert Schuman Centre for Advanced Studies (RSCAS) of the European University Institute (EUI, Florence), and a network of scientific correspondents based in the 12 countries observed by CARIM: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestine, Syria, Tunisia, Turkey and, since February 2007, also Libya and Mauritania. All are studied as origin, transit and immigration countries. External experts from the European Union and countries of the Region also contribute to CARIM activities.

The CARIM carries out the following activities:

- Mediterranean migration database;
- Research and publications;
- Meetings of academics;
- Meetings between experts and policy makers;
- Early warning system.

The activities of CARIM cover three aspects of international migration in the Region: economic and demographic, legal, and socio-political.

Results of the above activities are made available for public consultation through the website of the project: [www.carim.org](http://www.carim.org)

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## **Abstract**

The following report provides a summary of the discussions and debates held on the concept of circular migration during the two meetings organised by CARIM : The Role of Circular Migration in the Euro-Mediterranean Area (17-19 October 2007), and Circular Migration: Experiences, Opportunities and Constraints for Southern and Eastern Mediterranean Countries (27-29 January 2008).

The proceedings are structured around two main parts: the first part (Thematic Session , October 2007) summarises interdisciplinary findings derived from the demographic, economic, legal and socio-political perspectives, and the second (Policy Makers Meeting on Circular Migration, January 2008) brings together a summary of the keynote speeches and the debates held during the meeting.

## **Résumé**

Le rapport suivant résume les discussions et débats des deux réunions organisées par le CARIM sur la migration circulaire: Le rôle de la migration circulaire dans la région Euro-Méditerranéenne (17-19 octobre 2007) et La migration circulaire à partir des Pays du Sud et de l'Est de la Méditerranée: Expériences, Opportunités et Contraintes (27-29 janvier 2008).

Les Actes du colloque sont divisés en deux parties: la première (Session thématique, octobre 2007) met en exergue les résultats interdisciplinaires selon les perspectives démographique, économique, légale et socio-politique, et la deuxième partie (Rencontre entre Experts et Décideurs Politiques, janvier 2008) propose un résumé des interventions ainsi que des débats tenus au cours de la Rencontre.

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## **List of abbreviations and acronyms**

ANAPEC:	Agence nationale de promotion de l'emploi et des compétences (National Moroccan Employment Agency)
CIS:	Commonwealth of Independent States
COREPER:	Committee of Permanent Representatives in the European Union
EC:	European Commission
EEC:	European Economic Community
EU:	European Union
GATS:	General Agreement on Trade in Services
H1B:	Non-immigrant visa in the United States
H2B:	Visa created to allow people to come to the United States temporarily
ICT:	Information and Communication Technologies
ILO:	International Labour Organization
IOM:	International Organization of Migration
IOW:	International Organisation of Workers
SEM:	Southern and Eastern Mediterranean Countries
UE:	Union européenne
UN:	United Nations





## **First Part**

### **Proceedings of the Intensive Thematic Session on “The Role of Circular Migration in the Euro-Mediterranean Area”**

Florence, 17 - 19 October 2007

Divided into three sections, the report brings together interdisciplinary findings derived from the demographic, economic, legal and socio-political perspectives.

#### **I. The Demographic and Economic Perspective**

##### **1. Definitional issues**

Most national experts tried to come up with an accurate definition of circular migration. Although there are cases of circularity in each country, converting these experiences into operational definitions did not prove to be easy. It was suggested that scholars compare circular and temporary migration with other forms of migration, trying to point out the costs and benefits of these different types of migration. From a demographic and economic point of view, three points came to light:

- Definitional issues were tackled in at least two of the country papers;
- The circularity dimension in mobility was not fully examined in the case of some countries;
- New terms should be formulated to define circularity in migration more precisely.

##### *The concept through country case studies*

The first definitional issue might be introduced by quoting Agunias and Newland (2007) who “create a typology of circular migration which contributes to a better understanding of the phenomenon”. They suggest four main types of circular migration: (a) movement of permanent migrants who return permanently (b) movement of permanent migrants who return temporarily, (c) movement of temporary migrants who return permanently and (d) movement of temporary migrants who return temporarily.

It has been noticed that the group d) category reflects at best the concept of circular migration, while the others have some elements of circularity.

However, there have been some attempts to define circular migration in a discrete manner that can guarantee a statistical approach. The concept “permanent emigrant” is divided into different categories:

- Emigrants without property in the country of origin;
- Emigrants with a residence in the country of origin;
- Permanent emigrants with an economic activity in the country of origin;
- Emigrant (non permanent) with alternative residence and, sometimes, alternative work;
- Household member residing abroad with family attachments in the country of origin.

### *The concept as depicted in the EC Communication*

The EC in its May 2007 Communication defines circular migration as “a form of migration that is managed in a way allowing some degree of legal mobility back and forth between two countries”. Alternative concepts challenging this definition were presented so as to emphasize the diverse connotations of circular migration. At the opposite extreme migration would become unmanaged and/or illegal. A balance between the two would be beneficial for all parties involved.

It has been noted that there is some wishful thinking, a normative aspect in the EC’s understanding of circular migration. It does not build up its definition from objective considerations. Circular migration is considered as a way to control migration, prevent irregular migration, admit some selected types of labour and exclude others, while channeling foreign labour through different bilateral agreements. The debate on circular migration between the European Union and the Mediterranean Zone today remains one sided and narrow. And, not surprisingly, when it comes to putting the concept into practice, we do not have good results.

### *Is circular migration a matter of viscosity?*

Many external factors affect migrants, and migrants are becoming more mobile, more circular in their movements. If we want to measure circular migration in that body with viscosity as one of its properties, then we are talking about a multifaceted analysis. After all, in all these groups there is some circularity. Even among those migrants who do not go back to the home country, we can ask how often they phone or visit the web pages of their country because that is virtual mobility. Since we can sell services in virtual form, we do not necessarily have to come back and we can be virtually present in a country.

In the end, we may look at circular migration as a continuous phenomenon characterised by viscosity and accept that it then depends on us to develop some measurements of that quality.

## **2. Specific country cases and experiences in circular migration**

### ***Algeria***

In Algeria there already exists an ancient form of migratory exchange with Mali and Niger which can be assimilated to circular migration. Algeria also has increasing numbers of dual-nationals, especially holders of both Algerian and French nationalities:  $\frac{3}{4}$  of the 41 thousand French nationals in Algeria, counted by the French Embassy, also hold Algerian nationality. This new phenomenon may bear on circularity as this category will more likely circulate between France and Algeria than those who hold only Algerian nationality.

### ***Egypt***

Guest worker programmes (*Gastarbeiter*) started late in Egypt for, until 1967, there were major restrictions on migration from Egypt, especially for migration to western countries. Migration only really began after 1967, facilitated by the quadrupling of the oil prices in 1973 because this massively increased the demand for labour in the region.

Egypt gives us an interesting insight into how temporary and permanent migration are defined: the 1983 Egyptian law number 111 says that if you go to Europe, North America or Australia you are

permanent, if, on the other hand, you go to Arab countries or any other country, you are temporary. In that way, an Egyptian in other Arab countries could be termed a circular migrant and by this definition, one third of Egyptian migrants are permanent and two thirds are temporary. One third of all Egyptian migrants are based in Saudi Arabia, nearly a half of all temporary Egyptian migrants.

The remaining temporary migrants from Egypt were mainly based in Libya but also in Gulf countries other than Saudi Arabia. After defining diverse types of migrants, the author goes through the characteristics of different groups. There is a variety of data including a survey on return migration which reinforces the idea that the preliminary definition of temporary migration is relevant.

Concerning remittances, we can make some inferences using remittance data to determine the behaviour of circular migrants and to see the extent to which the legal definition is an accurate one. A general hypothesis says that the more temporary you are, the higher the amount of savings you remit home. This sounds logical and is in line with the Turkish data according to some studies on the issue. In fact, Saudi Arabia and the USA are the first two countries in terms of remittances sent to Egypt. Since most Egyptians in the USA are permanent and most in Saudi Arabia are temporary and since there are approximately equal numbers of emigrants in both host countries, how can the amount of remittances originating from both countries be explained? Then one might look at the income differences, the wage levels are not the same in the receiving countries, but no hypothesis can be automatically rejected or accepted on this topic. To what extent does the legal definition reflect social and economic behaviour? Most (¾) remittances to Egypt are used in consumption, only 7% for purchasing houses and renovation work, 4% for education, and the remainder is invested. The developmental impact of remittances in Egypt is always under question.

The author formally supports the GATS arrangement for the temporary mobility of workers, which should also, he believes, be extended to unskilled labour. The solution for the management of temporary or circular migration is to be found in the GATS under Mode 4.

### ***Jordan***

Jordan did not need a lot of comment because of the lack of data on Jordanians abroad. The only substantial data is on non-Jordanians holding work permits in Jordan according to the employment survey. This does not provide much information on circularity. However, some data there can help in approaching circularity. The last survey in 2006 indicates that almost 10% of non-Jordanians are in Jordan for the first time and 46% for the second time. The educational level of the non-Jordanians in Jordan is very low and the Jordanians abroad are better educated and even have higher level of education compared to those who remain in the home country. Thus, the non-Jordanians are, to some extent, replacing the Jordanians.

Regarding remittances, it is suspected that Jordanians abroad earn relatively high incomes, because they are well educated, and remit high amounts of funds. This is not easy to demonstrate since we do not have numbers on Jordanians abroad and other characteristics. By putting additional information gathered from different sources together, one can collect coherent and more or less comprehensive information on circular migration in Jordan.

### ***Mauritania***

In Mauritania, migration is still following the rhythms of human mobility that were in place before the borders were drawn. 250 thousands Mauritania are abroad first, in sub-Saharan African countries, then second in Arab countries. France is the first European destination. Almost 50 thousands foreign nationals live in Mauritania. The main pull factors taking emigrants away from Mauritania include the 1970s drought, the 1989 hostilities with Senegal and Mauritania's proximity to the Canaries Islands.

A positive aspect of emigration in the country is the agreements with EU countries like the one which was recently signed (July 2007) with Spain on the regulation and management of migration flows. The negative aspect is that after signing agreements, thousands of people are queuing in front of the employment agencies hoping to be recruited as emigrant to Spain.

In Mauritania there is an emerging awareness about migration even if the phenomenon is already an old one. A traditional route of migration is the pilgrimage to Medina by the Chenghettis of Mauritania. Other types of mobility are linked to the movements of Mauriticians practicing trade activities in central and western Africa and the migration of southern Mauriticians to France. There is still a need for work on conceptual aspects which can allow reliable data collection through surveys and other field work. This may be of interest to the EC in as much as it would support its migration observation systems. Migration in Mauritania is increasingly discussed with an increasing public and political awareness. This growing awareness is particularly linked to the irregular migration between Mauritania and Canaries Islands as Mauritania is a transit country. A new agreement was signed between Mauritania and Spain in July 2007 and this has resulted in substantial number of potential migrants queuing to be registered through employment agencies.

### ***Lebanon***

Besides tackling definitional issues, the Lebanese case tried to sum up the question in a realistic way, based on data from a household survey covering 1/50 of households in Lebanon (80.000 households). The survey covered the period 1975-2001. There were no direct question on circular migration, but the questions allowed identification of the following types:

- Emigrants who left the country for at least 6 months and returned;
- Emigrants who left the country between 1975 and 2001 and who intend to return (the questionnaire being answered by their relatives);
- Emigrants who left the country between 1975 and 2001 and who are undecided;
- Emigrants who left definitely, that is the relatives say that they will not come back;
- Emigrants who reside in Lebanon but work abroad.

Indeed, we have four 'returning' types and the undecided category can be grouped together with these.

Some characteristics of the heads of household are also given: 99% are male and 97% are married. Thus, most are heads of families — that is married males with a job. But age and education do not always mark out those who will return. Certainly it is not easy to pick out the circular migrant using such data. One criterion that is important in understanding the likelihood of return is the country of destination: those who migrate to Arab countries are more likely to return than those who go to countries outside the Arab world. This is particularly clear in the case of Egypt.

The reasons for migration — education, employment, etc. — did not clearly determine whether a person will be a circular migrant or not: One interesting aspect in Lebanon is the data about how often migrants visit the home country. Those who intend to return are supposed to frequently visit Lebanon (25%). In other words return visits measure the intensity of the contact with the home country.

As far as data collection is concerned, a survey will be conducted in Lebanon soon which intends to measure circular migration.

## ***Morocco***

In Morocco a distinction is made concerning circular migrants, depending on the country of main residence: those who are based in Morocco and those who are based abroad. So there are Moroccans in Morocco who sometimes migrate abroad for reasons other than tourism, for example, for seasonal migration. Morocco also has some bilateral agreements with EU countries which include seasonal migration and the exchange of young professionals: for example, with Spain, France and Italy. But both seasonal migration and young professional programs are very modest. Under these programs, seasonal workers are legally restricted to France and to Spain (respectively almost 7000 and 10000 annually). The negative aspect of this mobility framework is that even though these programs are legal, they are seen as not being particularly respectful of human rights. Thousands of people apply and only those who are most likely to come back (i.e. mothers with children left at home) are selected for the programs. In any case, the numbers are very small given the 400 thousands new annual job seekers in Morocco. Young professional programs cover only 300-1000 persons. However, numbers apart, this is interesting as regards brain-drain issues.

One important aspect that comes out is that there were EU efforts to provide financial incentives for migrants returning to Morocco. The Moroccan paper makes the case that the incentives were not enough as the emigrants have social capital and network. Instead, a real incentive to return would consist in making the legal status of migrants more flexible. In fact, there are some programs trying to bring back academics and scientists working abroad. But it is not the financial advantage that enables them to return, it is rather the flexibility and the prestige that they are given which makes them more mobile, thus allowing them to contribute more to both societies.

However, good empirical evidence is still lacking in Morocco, and quantitative findings derived from a survey are necessary. Circular migration has, until now, been considered politically, that perhaps produces different results from a purely economic perspective. Migration is not only south-north-south but also north-south-north. It is true that this kind of mobility already exists, but the absence of accurate data makes it invisible for researchers. The work may have been based on a survey to produce a more exacting analysis.

## ***Tunisia***

In Tunisia, a lot of data has been collected on migration, but it is data that does not directly relate to circular migration. The data used in the paper refers to an annual survey on employment among 66 thousands households half of which change every year. The households are asked their intentions about whether they will be leaving and/or returning, where leaving the country means staying at least one year. This gives a significant amount of data on the socio-demographic profile of this population: age, sex, marital status, education, activity and so on.

A comparison of those who want to exit and those who want to come back can be made by using the data on socio-demographic characteristics. Exits are reported for two years, 2005 and 2006, whereas entries are reported either jointly or for the year that elapsed. There are four cases: those who exit, those who are preparing to exit, those who are entering and those who are preparing to enter. In any case, such a comparison cannot give substantial information on circular migration.

The topic of circular migration is very recent and data is not available to give an accurate estimate. The country case used very recent survey data on entries and exits to Tunisia to give some indications. People who left the country in 2005 with the intention of settling abroad, but returned in 2007 may be considered circular migrants.

## ***Turkey***

The Turkish case has been studied well by several authors, to start with Nermin Abadan-Unat who starts in the mid-1960s with the Gasterbeiter programs when migrants were leaving Turkey with contracts. An emigration peak was reached in 1967. But after this, came the recession, then the slow down until the oil crisis in 1973 when migration stopped. Migration was bilaterally regulated by agreements. Some authors talk about a migratory cycle. In the beginning there was an adjustment/consolidation period. Then a transition period followed where SEM countries become a major host. Subsequently, after the collapse of the Soviet Union, CIS countries became new destinations .

Some of those initial guest workers are/were returning to Turkey as their contracts ended and/or because they received incentives to return. But these return migrants cannot be really termed 'circular'. But, finally the 3 million Turkish emigrants are still floating somewhat. And Turkey still does not have enough research on these 'almost' circular migrants. This phenomenon has to be studied more. On the other hand, there is a category of migrants in SEM countries, going back and forth, and who are, in some respects, circular because they are contractual people who go back home once their contracts are over. The return is not due to differences in social behaviour but rather is a result of the different types of activities that they are engaged in. Most of these activities are big, temporary projects.

## **3. Conclusions**

Defining circular migration is difficult. We have circular, temporary and seasonal migration. Moreover, some authors and institutions talked about pendular migration. So what we are talking about is not a discrete type but a continuum. It is something like the characteristic of viscosity in Physics or Chemistry. One might have to capture these elements and reduce the ambiguity.

At this point, we have four main points to focus on:

- Definitional issues: concept of mobility and the idea that in each migration, there is a certain kind of mobility. We can say that in each non-migration, there is a certain mobility. The migrants may have a substantial impact on their home societies. The question of categorisation and definition is very important and this concept of mobility can be useful;
- Observation and measurement: we may need to think about the examples that have been given and the issue of observing: Lebanon, Egypt and others. It is not easy to observe circular mobility. A return to the starting point is not easy to observe before the end of the process even if the process itself is interesting. There are some solutions. Studies, for example, that ask about intentions or the observation of intermediary movements that inform on migrant viscosity or the frequency of visits to the home country. All these observational issues are very interesting for understanding a phenomenon that is not easy to define;
- Concrete experiences: this point relates to the range of concrete experiences of migrants, including those related to unmanaged migration, a form of migration that is effectively managed by migrants themselves;
- Political solutions: the issue of political solutions to obtain a potentially managed mobility. This may need an analysis of some political solutions such as those already tried out in Morocco.

To tackle the phenomenon of circular migration in the Southern and Eastern Mediterranean (hereafter SEM) countries, the authors have faced two constraints. The first one is linked to the definition and the other to data availability. Many questions remain to be answered. What are the criteria to be considered in distinguishing other types of migration from circular migration? Some

authors suggest elimination when attempting to enumerate all migrations that are not to be considered circular. The operational side of the concept might be clarified.

Does this notion acquire the practice of an economic activity in both destination and home countries? Is a minimal duration of stay sufficient in considering a migrant as being circular? Does circular migration requires a repetition of migration back and forth? Can a migrant who makes an economic investment, while spending his holidays in his country of origin, be considered a circular migrant?

How can we distinguish between a long term expatriate and a circular migrant? How to qualify the mobility of dual-nationals? What about migrants' descendants: how to qualify their mobility? What are their countries of reference? How to measure circular migration that is dynamic by definition? How to measure the impact of circular migration on development?

Some authors wanted to discuss the concepts and measures more and asked the CARIM network to play some role in that discussion. The European commission has launched the word without elaborating the concept. And the network has to try to elaborate this concept taking into account different viewpoints.

## II. The Legal Perspective

The way that the study has been structured by the CARIM Coordination Team underlines the importance of considering each South and Eastern Mediterranean country (SEM) in a double perspective – both as a sending country and as host country. Even if, the vision developed by the EU Commission on Circular Migration is mainly driven by EU priorities: the fight against Illegal Immigration and European labour markets needs and consequently envisages the SEM countries as source or transit countries.

On the other hand, we noticed that SEM countries which experience circular migration are also characterised by labour market needs, but in the context of poor migrant workers right's protection as well as poor law enforcement (E.g. See in the *Circular Migration Series* the papers on Libya and Jordan from a legal perspective).

During our debates on circular migration, we discussed the feasibility of such Migration schemes between SEM countries and EU countries. Would SEM laws and practices form an impediment for applying the circular migration paradigm?

The main elements, regarding SEM laws and practices could be summarised as follows:

### 1. The SEM as hosting countries

Each SEM country requires some kind of working visa or working permit before entering the territory as a worker, Libya excepted. Visa lengths are related to the duration of the working contract.

Most countries, with Syria seemingly the most protectionist, officially favour national workers and implement restrictions in some sectors e.g. public services. Equality of treatment in working conditions is, generally, formally recognised (with exceptions, e.g. Jordan).

The hiring process for migrant workers in some countries places them in weak position vis-à-vis their employer. See for example, the so called "binding system" in Israel (G. Mundlack Paper in *Circular Migration Series*)

In general, sanctions upon employers hiring someone who is unauthorised to work are foreseen by law, but these sanctions are not effectively applied.



At first sight, employment laws do not seriously hinder circular migration, but neither do they foster it. More generally speaking, the link between legal and illegal migration and the attitude of the SEM States regarding those phenomena is not necessarily the same as in the EU: e.g. in Jordan, Syria, irregular immigration doesn't seem to have a high political salience.

The discussants also underlined the importance of bilateral agreements for manpower management, social security, pension rights and portability, but, as receiving countries, the SEM seem to be reluctant to sign them (see Morocco, Israel).

The *rapporteur* for the legal national reports proposed a typology of agreements:

- (1) agreements to improve the position of migrant workers regarding access to labour, equality in working conditions and social security provisions;
- (2) agreements which directly concern access to the labour market for a specific category of workers (e.g. seasonal workers) and which sometimes manage the process by implementing a centralised procedure of recruitment as well: e.g. agreements between Israel and Thailand. Such agreements provide for institutional bodies to help in dialogue and the exchange of information.

We came to the conclusion that we need, further, to develop a survey on those bilateral agreements concluded between (i) SEM countries and the EU, (ii) EU Member States and SEM states and (iii) SEM and other countries.

## 2. The SEM as sending countries

The legal correspondents did not mention any serious obstacle for leaving the SEM countries (even Libya, where, until recently, the authorisation procedure has been, at least formally, abandoned) but fees for exit visa may sometimes constitute an obstacle.

Each of the national experts mentioned the current EU visa policy/European states visa policies as an obstacle for coming to Europe and asked for: less conditions, less bureaucracy, multiple entry visas and the right to go back and forward for the duration of the visa or stay.

Many mentioned that if the EU wants to attract migrant workers through legal channels, public authorities should fight illegal migrant work. If not why go through the legal routes?

Following the synthesis report some elements were pointed out by the Chairman:

- Links between illegal and legal migration in EU Immigration policy. The EU's obsession with illegal migration is poisoning the atmosphere: and the discussion on legal migration tries to reverse the tendency. Mobility partnerships are carrots for those countries that are willing to cooperate in the fight against illegal migration in the interests of the EU;
- It is also important to remember that most immigration in SEM countries is irregular...Some of those countries are part of the UN Convention on the Rights of Migrants Workers 1990. What about new legal duties and internal contradictions? We have also to be careful not to confuse illegal immigration and illegal work with the rights of migrants as workers or as aliens;
- National positions and information collected in the national reports in the sending countries and the extent to which these might hinder circular migration tended to be unspecific because it seems that, at present, national laws are blind to the specificities and needs of circular migration schemes. So we need to consider how legal systems could favour circular migration in particular in the sphere of welfare and social security. Perhaps, we need specific legal regimes. We have also to pay attention to how SEM countries deal with third countries in the field of temporary and circular migration: e.g with the Gulf Region;
- In the debate, a conducive legal framework for circular migration came to imply bilateral agreements between EU Member States "individually" and countries of origin and also, perhaps, within the framework of Community policy policies and conventions (Association process);
- Our discussion is very focused on the worker but what about his or her family dependants?
- It might be pertinent to recall the current international concepts in migration law: who is an immigrant, a tourist, a seasonal worker, a temporary worker? In the framework of the BIT, the UN definition of an immigrant is an immigrant who stays in a country for, at least, one year, the notion of a short stay immigrant is 3 months or less.

Legal correspondents reacted to the synthesis report and to the Chairman's comments by stressing the following points:

Some experts stressed the instrumental approach of circular migration philosophy when it comes to unskilled migrants (Israel, Morocco, Mauritania). There is a need to emphasise the benefits and forms of circular migration according to the needs and profiles of the migrants: students, trainees, volunteers, skilled workers, researchers, unskilled workers.

No real need for a new specific legal definition emerged (Morocco, *the rapporteur*, Israel). Circular migration seems to be a policy concept. The current categories of legal status existing in national or EC law may very well cover circular migration (with some specific modalities). The EU Commission has been encouraged to think about a common definition of the temporary worker, his or her rights and social security issues even if it seems hypothetical in as much as Member States want to keep control through bilateral agreements. The status modalities of circular migrants varies from one country to another within a common space, but without right to free movement in as much as these migrants are not long term residents in a EU state.

The attitude of the employers in the EU is also flagged up because these prefer to hire illegally (at least in some sectors) because in this way they can pay less and avoid the costs of social insurance (Morocco, Tunisia, Israel).

Some participants have drawn a link between the concept of circular migration and the French one of "chosen immigration" (Morocco, Mauritania).

The nature of the relationship between the migrant worker and his or her employer and the nature of the work permit (limited to one employer or one sector) has been noted as a potential source of abuse. In order to benefit from circular migration and be allowed to come back immigrant workers could be put in a strongly dependent position. Only the careful management of migration could play a positive part in this issue.

Another question regarding circular migration schemes is that of the return of migrants: will return be encouraged through incentives only or should the program or authorisation of stay be flexible if a migrant wishes to stay? Should the approach vary according to sectors?

### 3. Concluding points:

In the EU Communication (May 2007) on Circular Migration and Mobility Partnerships, one finds two preoccupations, first the need to find in circular migration the answer to labour markets requirements in the EU (skilled and unskilled), while insuring that these migrants will not stay and, second, the need to ensure that these kinds of migration benefit the development of the countries of origin. It is certainly on that point that a project such as CARIM may have an added value. CARIM and the SEM countries could explore the following issues further:

As researchers interested in the SEM region, we could deepen research into which legal environment might favour the development of circular migration in terms of investments and the transfer of knowledge? Different areas are concerned: border-crossings, rights to stay, rights in both countries: labour law, social benefits and political rights. Those considerations may, to some extent, change depending on the profile of the immigrant. In these frameworks be aware that if return be considered a positive element for the origin countries, then we are speaking of "voluntary" return. The question then is how to encourage immigrants to return while respecting their fundamental freedoms?

Another important question, is the ability of the Commission to persuade member states to apply circular migration schemes: after all, the EC has no real competence in migration. Some member

states are reluctant to experiment with the idea. How then to offer a more flexible visa regime if the EC is only competent for short-term visas (less than 3 months stay)?

If the EC is keen on introducing circular migration, why not implement a status for short term “residents” at the EU level? Here we have to distinguish between permanent and short stay. But Member states lack an internal market rationale because they still close their national borders to aliens in as much as they are not tourists (under a Schengen visa) or a long-term resident well integrated into a national society/market.

### III. The Socio-Political Perspective

#### 1. Conceptualising and implementing circular migration

Most national experts stressed that the idea of circular migration is in fact an innovative concept, though it resembles, in many ways, temporary labour migration to Europe during the 1960s and the 1970s.

According to these experts, as the concept of circular migration remains fluid and unclear, it is important to operationalise variables that shed light on its applicability. Hence, the main objectives that have to be defined are:

- What are the chief benefits for sending countries?
- How can circular migration be regulated between sending and receiving countries? Through bilateral agreements?
- How can it be politically institutionalised by sending countries?
- How can it be made compatible with the politics of migration already established in the sending countries?

In fact, circular migration should ideally become a socially regulated phenomenon that does not disrupt social and political structures in the Mediterranean countries. It should mitigate brain drain, favour the return of human capital and remittances' inflows. In other words, it should correspond to the vision of migration as an incentive for development. Yet, up to now, there is no clear assessment on the benefits of circular migration, and more specifically on efficient ways to institutionalise circular migration.

In Southern and Eastern Mediterranean countries, one cannot deny the fact that migration has been mostly shaped by various political and ethnic conflicts: e.g. the unprecedented wave of migration from Iraq after the US-led war in 2003 or the Palestinian exodus since 1948. Migration is also a political issue hinging on the control of borders and on the institutionalisation of policy-making prerogatives. If the idea of circulatory migration implies a regulated movement based on a specific partnership, how can it be made compatible with the controversies of "illegal migration" in the region and migration patterns induced by political conflicts and acute political crises?

With the concept of circular migration, the EU would like to facilitate a *symmetrical* inter-cultural movement in a migration system (Euro-Mediterranean zone) and to make sure that migration is transformed into a tool of development beneficial to both sending and destination countries.

Yet, several multi-faceted questions arise from this. So to what extent does this concept find a positive echo in the SEM region? And are there enough in-built tools (agreements, supportive political stances, institutional approaches) in the region that could facilitate circular migration? If not, what can be done on the level of policy-making to facilitate mobility partnerships in the Euro-Mediterranean zone that, at the same time, take into account the way in which temporary migration could degenerate into unregulated and undocumented migration?

Furthermore, on the political level, mobility partnerships - whether bilateral or multilateral - need to take into consideration the political particularities and capacities of each country and cannot be based on a dogmatic approach that bypasses practical considerations.

In addition, national experts addressed the fluid concept of circular migration, and laid emphasis on the following structural factors:

- The notion of circular migration is a transnational concept that cannot easily be pinned down or regulated;
- In the Arab world, for instance, where the environment is still unstable, it is very difficult to come up with an accurate understanding, definition and implementation plan for circular migration.

## 2. Concerns and recommendations

Socio-political experts alluded furthermore to other controversial aspects which weaken the concept. Hence, the priority lurking behind circular migration, which is mainly a new EU “Road Map”, raises some doubts. The concept could be easily “politicised” and instrumentalised for certain purposes. Important concerns are: is circular migration a political concept which aims, in the final analysis, at controlling and limiting migration? How does the security question hinder the elaboration of a symmetrical concept of circular migration? What can policy makers in the SEM region do to avoid presenting circular migration as part of a hegemonic terminological lexicon?

In policy-making, it was suggested that the asymmetrical connotations underlying the concept of circular migration should be toned down in order to make the latter more *politically workable and acceptable* in the SEM region. National experts also suggested developing a clear rationale for circular migration in order to make its implementation less ambiguous.

Furthermore, it was argued that in order to grasp the phenomenon conceptually and methodologically, it is of paramount importance to focus and define contextual factors by country and by area in order to limit the viscosity of the concept and to scrutinise the dimension of circularity. Important parameters to be taken into consideration are related to the “when”, “where” and the measured rationale, purpose and impact of the process.

Experts also maintained that sophisticated political and legal mechanisms should be put in place to implement circular migration efficiently. Thus, circularity requires institutionalised measures to prepare the temporary entry of migrants and their return. It is useful to add in this respect that political institutions in the sending countries in the SEM region should be more ready to organise, facilitate, and pave the way for the politics of return and reintegration.

Another important consideration is that circular migration should not fall into the trap of disputable selectivity and should focus more on the benefits that could be harvested by sending and receiving countries: e.g. the setting up of advantageous temporary professional programs, which allow the acquisition of certain skills; the establishment of social and economic incentives for circular migration; and attempts to ratify mobility partnerships and migration policies that satisfy the expectations of both parties in terms of quotas.

Nor should we forget that supplementary measures need to be elaborated to make the concept of circular migration successful. We need also to develop consistent interactional modes between the EU and the SEM countries, address the political issue of the migrants’ reintegration in their home country, define clearly the EU’s approach to circular migration and make it part of the EU global approach to migration, not as a notion derived from selective conditionality.

Experts also evoked various positive aspects associated with circular migration, which is basically the free movement of persons from one country to the other. In fact, this circularity could have a beneficial impact on both sending and receiving countries. The absence of a real frontier and the

voluntary notion of circularity can help bridge gaps between parties that do not necessarily have the same understanding of migration. Also, circular migration lays emphasis on the centrality of the state and institutions, which is a positive feature that would encourage the consolidation of institutional channels in the SEM region.

In sum, if circular migration in the Euro-Mediterranean zone were to succeed, it should be based on a transnationalist, interactive, and symmetrical approach. It should be visualised as an opportunity in the framework of developmental politics and not as part of an overregulated managed migration pattern. It also has to focus on the type and purpose of the migratory experience, the circumstances between the two countries and finally it should create the necessary legal/political/policy tools to allow reintegration (Reintegration should not be confused with readmission). Research should also be carried out into the profile of the circular migrant. It would be beneficial too to picture circular migration within the framework of a welfare option which increases the multiplicity of individual choices.

In the policy-making realm, some experts argued that it could be useful to go beyond the specificity of circular migration, and to tackle migration as a global phenomenon shaped by international politics and development. An additional suggestion was to focus on the positive aspect of immigration and to publish studies evaluating the positive outcomes of migration in the destination countries.

#### IV. Concluding Remarks by Philippe Fargues and Alessandra Venturini

1. Promoting circular migration is increasingly viewed as a solution for addressing labour shortages in the ageing, and the soon-to-be-shrinking populations of Europe, while avoiding the social and cultural problems arising from permanent migration; for offering developing countries a pressure valve for saturated labour markets and an alternative to massive irregular migration; for optimizing the development impact of migration on source countries; and for gaining their commitment to cooperate with Europe on what is seen as one of the most difficult challenges of the day.

Defined for the purpose of this paper as migration that is temporary, renewable, circulatory, legal, respectful of the migrant's rights, and managed in such a way as to optimize labour markets at both ends, circular migration could bring more benefits than permanent migration. This is a hypothesis and not yet a result: there is, after all, a lack of empirical evidence for what is still a very new issue. Regarding benefits to source countries, emphasis is put on remittances, that should be fostered if there are plans to return home rather than to settle in host countries, and that should be oriented towards investment rather than consumption with a view to facilitating that return; on skills gained abroad which should make the gain upon return higher than the initial drain; on professional networks built in host countries that should become bridges upon return between home and former host countries and open up local economies to the global market.

In Southern and Eastern Mediterranean countries, Europe's closest neighbours in the developing world and pools of future circular-migrant workers, circular migration is already a familiar phenomenon, if not a usual one. Every country has some experience of it, either as sender, or as receiver, or both. Only 10 percent of non-Jordanians living in Jordan are in the country for the first time and the rest are multiple migrants; in Egypt, a law of 1983 states that apart from those destined for Europe, North America and Australia, who are considered permanent, all other migrants are temporary, in particular the 60 percent who are destined for Arab countries. All across the SEM region, multiple and two-way mobility is an emerging pattern. It serves the interests of individual migrants themselves, insofar as leaving one's country permanently is always a difficult choice. It particularly suits a growing number of young adults in their twenties and early thirties, who struggle through the long transition from school or university to the labour market, then to marriage and the founding of a family. However, for those who have experience of it, temporary, multiple and two-way migration goes together with risk, de-protection and, more often than not, the denial of rights. To be fully attractive and compete with informality and irregularity, circular migration must be respectful of migrants' rights.

Not only are SEM populations familiar with the fact of multiple mobility, their governments also know that it is frequently linked with informality and irregularity. A liberal visa policy brings irregular foreign workers to Turkey, but they are found to benefit the local economy and therefore tolerated by the government; the government of Jordan strengthens its policy of entry and access to work in response to Jordanian public opinion calling for more protectionism, but at the same time it shows lenience towards migrant workers that are much needed to take jobs refused by Jordanians. Other examples would show that SEM countries have become used to dealing with circular migrants, whether their own citizens or aliens. However, in most cases their mobility is informal and unmanaged. A joint management aimed at optimising circular migration for both the receiving and the sending countries, is precisely what cooperation with the EU could bring to SEM countries. For this, SEM countries need to be reassured that circular migration is not a one-sided tool serving only the interests of the EU.



2. The concept of “circular migration” is part of the flexsecurity approach to the worker carrier which includes period of staying in both the origin and host countries.

In a globalised labour market, the very nature of labour migration is changing. It is no longer a question of the permanent movement of people, a movement that is commonly represented by demographers as a hydraulic model, where the excess of population and excess of workforce were directed to regions with less population pressure.

Migration has now to be perceived by the origin countries as a temporary lending and by the guest country as a temporary borrowing of labour for a given (short) period.

The length of stay abroad is a central and controversial issue. In general, temporary migration permits are for less than one year; though they can be extended or renewed.

A *restricted definition* hence considers circular migration as a phenomenon with repeated short stays and repeated returns.

A more *extended definition* of the concept, frequently adopted in the literature, considers circular migration as entailing the return of migrants while still in their working age after a relatively long stay.

The research by Alessandra Venturini explores whether the restricted definition focusing on short and repeated migration patterns can offer a viable solution for current migration pressures.

By using a labour market flow model, Alessandra Venturini questions if circular migration can be the main employment strategy to solve labour market excess supply or just one among many other employment strategies to be implemented in SEM. The results show that the flow of excess supply is, in the majority of countries, too large to be solved only or even mainly by short and repeated stays abroad, and that also longer stays abroad have to be forecast, that would likely entail permanent migration.

However sending countries, given the special benefits provided by circular migration to migrants and the relief for workers in search of an income, have to support expansion of the short stay programme, but has also to promote some instruments to favour its efficient diffusion and its equity. We mention just four: dual citizenship for the entrepreneur; specific pension portability agreements - because short term migrants never reach the minimum contributory requirement needed for a pension in the host country, while instead the contributions are sufficient to cover the pension cost in the origin country; leave of absence for skilled workers; and, efficient job placing and training agencies. This last point is crucial because the selection and the involvement of new actors in the migration arena could reduce the negative effects of emigration - brain drain and the creation of a subsidized economy - which is the main objective of a new immigration policy.

## **Second Part**

### **Proceedings of the Meeting between Policy Makers and Experts on “Circular Migration: Experiences, Opportunities and Constraints for Southern and Eastern Mediterranean Countries”**

Florence, 27 – 29 January 2008

The following report brings together and summarises the key note speeches, discussions and findings of the CARIM Meeting between Policy Makers and Experts. While English was the main language, French was also used and is reproduced here to preserve points of view as they were stated at the time.

#### **Keynote Speech on “the Concept of Circular Migration as proposed by the European Commission”**

***Ibrahim Awad, Director of the International Migration Programme, International Labour Organization (ILO)***

Circular migration is acquiring increasing importance in current debates on international migration and the term has become more authoritative with the publication of the European Commission’s Communication of 16 May 2007, “On Circular Migration and Mobility Partnerships between the European Union and third countries”<sup>1</sup>. The Communication gives the following definition of circular migration:

Circular migration can be defined as a form of migration that is managed in a way allowing some degree of legal mobility back and forth between two countries.

This definition underlines the legality of mobility, which is both natural and desirable, in a text such as the Commission’s Memo. The repeated movement between two countries is implied in the words “back and forth”. As defined, the concept can also be expressed by a term such as “pendular migration”, which, coincidentally, is used by Jean-Pierre Cassarino in his synthesis report to this seminar. After all, two countries can hardly form a circle. It might also be observed that the definition addresses labour mobility, but not residence and the conduct of economic activities, even if these are implied. These attributes are important, and need to be articulated.

In fact, circular migration as defined by the Commission, looks very much like repeated temporary migration, which is already known and has been analyzed in the literature. A comparative analysis of the two concepts brings out their similarities even further.

The objectives pursued by the EU with the introduction of circular migration can be gleaned from the definition and from the commitments expected from third countries. Mobility back and forth allows the EU to meet labour demand in industries and occupations where migrant workers are most in need, in accordance with fluctuations in the economic cycle. It thus ensures flexibility of labour supply and keeps wages from rising sharply at peak periods of labour demand. Mobility back and forth also prevents the long-term establishment of migrants and obviates the need for integration policies in EU

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<sup>1</sup>European Commission. Circular migration and mobility partnerships between the European Union and third countries. MEMO/07/197. 16/05/2007

member States. Commitments of third countries to readmit their nationals, and at times those of other countries, to discourage illegal migration, to improve border control and the security of travel documents all seem aimed at reducing the numbers, and avoiding the presence of undesired, migrants in member States of the European Union. The objectives of the EU relate then obviously both to the labour market and immigration policy. Measures to help labour markets objectives can be considered as part of the Lisbon Strategy of the year 2000, with its intention of reinforcing the employment and the competitiveness of the EU economies<sup>2</sup>.

In the literature, the objectives of temporary migration are manifold and overlapping. From the perspective of countries of destination, the first objective is to ensure flexibility in the labour market so as to meet seasonal and cyclical fluctuations in demand for labour. A second objective is to keep wages under control, in times of high demand, ensuring the availability and willingness of sufficient numbers of workers to be employed at the prevailing wages. A third is to offer support to specific industries facing labour shortages, thus reinforcing their competitiveness. And a fourth objective is that migrants do not settle in the EU, for settling causes financial, social and political costs deriving from the need for their integration in workplaces and societies. Examples of temporary migration schemes involving some or all of the just mentioned objectives, set up by destination countries, include the H1B and H2B visas in the United States, the seasonal workers' programme in agriculture in Canada, the Green Card system for ICT engineers in Germany and the annual temporary migration scheme in agriculture between Spain and Morocco. In the light of this rapid review, the objectives of circular and temporary migration clearly coincide for destination countries.

The advantages of circular migration to third countries, as proposed by the European Commission, include improved opportunities for legal migration and assistance in developing capacity to manage legal migration flows, which should help these countries of origin relieve labour market pressures and that should offer them the opportunity to acquire the skills necessary for their development. Circular migration also is less threatening in terms of brain drain, the permanent loss of skills; and supporting return migration makes the best use of savings and skills acquired during migration. Finally, easing procedures for issuing short stay visas could facilitate all the above.

According to the literature, temporary migration helps countries of origin achieve several objectives. One is to help achieve a better equilibrium in a labour market, alleviating pressures resulting from a shortage in domestic labour demand. A second objective is to gain knowledge and skills through students and migrant workers with a view to putting them at the service of development. A third objective is to avoid brain drain through the permanent loss of skills. A fourth objective is to have migration contribute to poverty reduction and growth through remittances, investments by migrant communities resident in countries of destination and the utilization of skills and savings by return migrants. And finally, the fifth and most important objective is to protect migrant workers and preserve their rights, which is only possible through legal, regular, migration. Clearly, the objectives of temporary migration coincide with those of the EC's circular migration.

A concordance in the objectives of circular and temporary migration neither undermines nor delegitimises the concept. It only brings out the need to develop it further, if the wish is to give it substance and sustainability. I will return to this in a moment.

It is interesting to note that the benefits of circular migration for the EU are intended to be achieved through measures in the labour market and in immigration policy. In contrast, measures to achieve benefits for third countries of origin concern development policy. Mobility partnerships, supposed to be a means to further circular migration, should include measures in the indicated policy areas; at least

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<sup>2</sup> Council Decision of 13 March 2000 on guidelines for Member States' employment policies for the year 2000. 2000/228/EC <http://ec.europa.eu/infonet/library/f/2000228ce/en.htm>

they should allow these measures to take effect. It is fortunate that the advantages of circular migration, promised by the EC, concur with the development objectives of countries of origin. This similarity in objectives is good ground to build upon.

Building upon good ground requires making the best of circular migration, taking up the problems that may arise from putting it into practice, and developing and bringing more clarity to the concept.

In order to maximize the benefits of circular migration the EU member States should expand opportunities of legal labour migration, based on an assessment of their labour market needs, in terms of industries and occupations. Labour markets need to encompass high- and medium-skilled workers, but also low-skilled ones. It is the migration of the last that most benefits their countries of origin. Low-skilled migrant workers remit much more than the highly-skilled. Coming from poorer families, the remittances of low-skilled workers reduce poverty and inequality. If the EU wants to reconcile its development and immigration policy objectives, low-skilled migrants should benefit from the improved opportunities for legal migration. As policy tools to promote circular migration, mobility partnerships can also include consolidated offers of job opportunities at all skill levels from several member States. Several South and East Mediterranean (SEM) countries of origin have shown their interest in contributing to the reconciliation of development and immigration policy objectives by accepting the joint patrolling of coasts, by entering into readmission agreements and by combating smuggling and trafficking. With regard to their employment policy objectives, SEM countries need to be realistic, if they are not already. Their unemployment and underemployment problems cannot be significantly mitigated through migration. Their labour migration policies, benefiting from improved opportunities of legal migration to the EU, should aim at the acquisition of skills that could be put at the service of their development. To benefit from possibilities of legal movement back and forth, the EC could also think of ways to encourage third country nationals resident in member States to engage in economic activities in their countries of origin. These activities could be undertaken in association with European economic actors, local authorities or civil society organizations.

Since repeated temporary migration and cyclical migration seem almost identical for the moment, the problems associated with the former will certainly emerge with the implementation of the latter. These problems essentially relate to the exclusion of migrant workers, the impossibility of family reunion, in addition to questions of the portability of social-security benefits. These problems need to be addressed.

The term ‘circular migration’ has been coined and is debated in successive intergovernmental and academic conferences and meetings. It has thus gained legitimacy. Now, the concept it expresses should be developed. In the definition, back and forth legal mobility should encompass more than two countries. In addition to the migrant’s country of origin, two or more EU member States should be involved. The resulting figure would be more akin to a circle. Circular migration can also provide the opportunity for resident migrants to engage in economic activities in countries of origin, while keeping the right to return to the country destination and remaining an actor in its economy. Circular migration can equally enable migrants to undertake simultaneous economic activities that require relatively short and frequent movements between countries of origin and destination. Obviously, these latter figures apply to professionals or employers who might wish to put their skills or financial resources at the service of social, cultural and economic development in their countries of origin. The development of the concept would clarify its implications, thus making it more practical and usable. At present, not only countries of origin have questions. Some EU member States do not use the term and are sceptical of its value.

It is useful, however, to underline that provisions on circular migration will not exhaust the need for labour migration policies. Other policy measures will always be needed. Circular migration does not and cannot close the door completely to other forms of migration or result in the return of present migrants to their countries of origin. Temporary migration schemes, such as that put in place by Spain

with Morocco, envisage the authorization of long-term migration and freedom of access to the labour market after a number of spells of short-term employment. Workers benefiting from such a possibility can bring in their family. Obviously, non-discrimination, integration and protection policy measures would be needed for migrant workers and their family members.

Little mention has been made so far of the SEM countries and there is a good reason for this. The Communication on circular migration is meant to apply to all countries of origin, not only to those of the Mediterranean Basin. But southern and eastern Mediterranean countries have had a very particular place in the external action of European integration since the Treaty of Rome in 1957. Algeria was then covered by provisions of the Treaty, which also dedicated two Annexes to Morocco and Tunisia. In the 1960s, the EEC concluded preferential agreements with Egypt, Lebanon, Morocco, Tunisia and Turkey. In the 1970s, the Global Mediterranean Approach early in the decade, was followed by the Cooperation Agreements, in 1976 for the Maghreb countries and in 1977, for the Mashrek countries. In the early 1990s, the renewed Mediterranean policy emerged only to be quickly replaced and expanded by the Barcelona Process in 1995 and the resulting Association Agreements concluded over the following decade. The importance accorded by the European Union to countries of the Mediterranean basin cannot then be overemphasized. In earlier decades of European integration, it may have been prompted by strategic competition with the former Eastern bloc, by the wish to maintain special ties and by real concern at underdevelopment and its possible political consequences. In more recent years, this importance may be occasioned by the wish to ease sources of extremism and to avoid the destabilization of SEM countries. Destabilization, it is assumed, would necessarily affect European countries on the northern shores of the Mediterranean. Whatever the rationale, and the effective results of the EU actions, its interest in SEM countries cannot be disputed. This should be grounds enough to offer them mobility partnerships. Some EU Mediterranean countries already extend to a number of SEM countries opportunities of temporary legal migration. As previously mentioned, Spain and Morocco cooperate in temporary migration schemes. Italy offers Egypt annual job opportunities.

Expanded avenues of regular labour migration, opened up by a developed and mature concept of circular migration, can be put at the service of growth and development in countries of the northern as well as the eastern and southern shores of the Mediterranean. The labour market and employment policy objectives of all parties would be achieved. In the process, peace, stability and development would be enhanced and the Mediterranean would have acted as a bridge, as it should, and has always been.

## **Présentation générale de la migration circulaire du point de vue de l'UE (Keynote Speech on “General presentation of circular migration from the point of view of the EU”)**

***Philippe De Bruycker, Professor of Law (Free University of Brussels), Coordinator of the Odysseus Network***

*The following text offers a synthesis of the elements that De Bruycker tackled in his keynote Address. It is worth mentioning that this version is neither a literal transcription of the original Speech nor a paper written by the author. It is the result of a synthetical work done by the CARIM Coordination Team.*

*Le texte qui suit offre une synthèse des éléments abordés par De Bruycker dans le cadre de son intervention. Il ne s'agit ni d'une retranscription littérale ni d'un papier émanant de l'auteur. Il est le fruit du travail de synthèse de l'équipe de coordination du CARIM.*

*Existe-il une politique européenne d'immigration dans le cadre de l'Union européenne ?*

Selon Philippe De Bruycker, le thème de la migration circulaire a émergé à l'agenda politique européen comme résultat d'un compromis entre les tenants de la politique de développement « pure et dure » (pour qui l'immigration n'est qu'un épiphénomène de problématiques de fond) et les tenants de la politique d'immigration qui ont des objectifs à plus courte vue, prioritairement celui de lutter contre l'immigration illégale. Souvenons nous que l'idée de couper l'aide au développement aux pays qui ne coopéraient pas en matière de lutte contre l'immigration irrégulière a d'ailleurs été défendue par certains leaders européens.<sup>3</sup> Progressivement, au fil des cinq dernières années, un compromis qui consiste à lier migration et développement s'est dégagé. La migration circulaire apparaît comme l'un des termes de ce compromis.

Quelle politique d'immigration pour l'Union européenne ? Cette politique n'existe pas réellement à l'échelle de l'Union européenne, il faut souligner le caractère récent des premiers éléments et le caractère limité des ambitions de l'Union dans ce domaine. Si on prend pour point de comparaison les objectifs annoncés en matière d'asile, il est question de « système européen commun d'asile » pour 2010.<sup>4</sup> S'il on peut douter des résultats, l'ambition et l'agenda sont là. En matière d'immigration, il n'y a pas de calendrier ni d'ambition comparables. Dans le domaine de l'immigration économique, l'UE est passée d'une approche générale (voyez la proposition de la Commission européenne présentée en 2001)<sup>5</sup> refusée par les Etats membres, à une approche catégorielle.<sup>6</sup> Un des meilleurs exemples étant la directive « chercheurs ».<sup>7</sup> Cette initiative étant essentiellement menée dans l'intérêt

<sup>3</sup> Voyez les débats qui ont entouré le Sommet européen de Séville des 21 et 22 juin 2002 (Pour les conclusions de la Présidence qui n'entérinent pas le principe des sanctions à l'aide au développement voy. <http://consilium.europa.eu>).

<sup>4</sup> « Plan d'action du Conseil et de la Commission mettant en œuvre le programme de La Haye visant à renforcer la liberté, la sécurité et la justice dans l'UE », Doc. 10 juin 2005, Réf. 9778/2/05. / Council and Commission Action Plan implementing the Hague Programme on strengthening freedom, security and justice in the EU ; Doc 10 June 2005, Ref. 9778/2/05.

<sup>5</sup> Cette proposition n'a même jamais été discutée au sein du Conseil -Proposition de directive relative aux conditions d'entrée et de séjour des ressortissants de pays tiers aux fins d'emploi salarié ou de l'exercice d'une activité économique indépendante, COM (2001) 386, JO C 332 du 27 novembre, p. 248-256.

<sup>6</sup> Livre vert sur une approche communautaire de la gestion des migrations économiques / Green Paper on an EU approach to managing economic migration, COM(2004) 811

<sup>7</sup> Directive 2005/71 du Conseil relative à la procédure d'admission spécifique des ressortissants de pays tiers aux fins de

de l'Union, dans la mesure où les Etats membres ont conscience du besoin des sociétés européennes en matière de recherche. L'instrument vise à attirer les chercheurs des pays tiers.

Quelles perspectives encourageantes méritent néanmoins d'être pointées. Les conclusions du Conseil des Ministres de l'économie et des finances du mois de novembre 2007<sup>8</sup> soulignent l'aspect positif de l'immigration pour les sociétés européennes. Reste à voir si les Ministres de la justice et des affaires intérieures sont prêts à entendre l'opinion de leurs collègues...

Cela a été dit, il n'y a pas véritablement de politique d'immigration mais une balise doit néanmoins être gardée en mémoire, il s'agit de la directive de 2003 relative au statut des ressortissants de pays tiers résidents de longue durée.<sup>9</sup> L'instrument n'est sans doute pas extrêmement novateur mais sa philosophie doit retenir notre intérêt. Il est envisagé que toute personne qui aura séjourné 5 années légalement dans l'Union européenne aura la possibilité de consolider son droit de séjour et de s'établir dans l'Union européenne.<sup>10</sup> Le principe peut sembler évident voire déjà acquis mais pensons à la proposition de l'administration Bush qui consistait à demander aux Mexicains de quitter le territoire après 5 années de travail régulier aux Etats-Unis. Ceci dit la directive relative au statut des résidents de longue durée ne suffit pas à structurer une politique d'admission, elle pose simplement une limite à la politique migratoire des Etats européens. Par ailleurs, en matière de mobilité interne à l'UE, l'apport de la directive reste passablement timoré. La libre circulation au sens entendu pour les citoyens européens n'est absolument pas acquise puisque la directive permet le maintien de l'exigence de l'obtention d'un permis de travail. Comment espérer développer une politique de première admission commune alors que la libre circulation des résidents de longue durée n'est pas acquise ? Un long chemin doit encore être parcouru.

Par ailleurs, la migration circulaire au sein de l'UE mériterait une étude à part entière, intra européenne, entre les nouveaux et anciens Etats membres. Il semblerait en effet que l'ouverture du Royaume-Uni à la main d'œuvre salariée, dès l'élargissement du 1<sup>er</sup> mai 2004, ait entraîné des mouvements migratoires significatifs et relativement circulaires.

*Quelles sont les possibilités de circulation institutionnelles ouvertes aux ressortissants de pays SEM vers l'Union européenne ?*

Dans le contexte actuel, la volonté de migrer vers l'Union européenne est incontestablement forte, alors qu'on peut s'interroger au sujet de la volonté des migrants à retourner dans leur pays d'origine. Si cette volonté existe, la question qui est posée est celle de comment l'organiser ?

D'un point de vue juridique, la question du critère d'admission est centrale. Le droit européen distingue la migration pour une durée de moins de 3 mois (court séjour) de celle de plus longue durée. D'un point de vue sociologique, cette distinction peut sembler peu pertinente mais il s'agit du critère légalement admis (à comparer avec le critère statistique proposé par les Nations-Unies où il n'y a immigration que dans l'hypothèse d'un séjour de plus d'un an).<sup>11</sup>

(Contd.) \_\_\_\_\_

recherche scientifique, *J.O.*, L 289, du 3 novembre 2005, p. 5. / Council Directive 2005/71 on a specific procedure for admitting third country nationals for purposes of scientific research, *J.O.*, L 289, 3rd November 2005, p. 5.

<sup>8</sup> Voyez le communiqué de Presse 2828<sup>ème</sup> session du Conseil « Affaires économiques et financières » du 13 novembre 2007 (réf. 14534/07) – Conclusions relatives à la stratégie de Lisbonne pour la croissance et l'emploi / Press Release 2833 Council meeting « Economic and Financial Affairs » 23 November 2007 (ref. 14534/07)

<sup>9</sup> Directive 2003/109 du Conseil du 25 novembre 2003 relative au statut des ressortissants de pays tiers résidents de longue durée, *J.O.*, L 16 du 23 janvier 2004 / Council Directive 2003/109 of 25th of November 2003 concerning the status of third country nationals who are long-term residents, *OJ*, L 16, 23 January 2004.

<sup>10</sup> Voyez l'article 4 de la directive.

<sup>11</sup> Nations unies, 1998, *Recommandations relatives aux statistiques de migrations internationales*, 89 p. / United-Nations,

En matière de séjour de moins de trois mois, les discussions actuelles montrent qu'un mouvement en faveur d'une plus grande mobilité se dessine. Il est question de facilitation en matière de visas de court séjour. Le thème a émergé dans le cadre des négociations en vue de la conclusion d'accords de réadmission, priorité de l'Union européenne dans le cadre de sa politique migratoire. Cette politique de réadmission que l'Union a tenté de développer avec les pays tiers d'origine ou de transit des migrants n'a pas rencontré de réel succès. C'est donc afin d'accroître sa capacité de négociation que l'Union a ajouté une nouvelle dimension à son approche, soit offrir des facilités en matière de visas de court séjour (facilitation des procédures pour certaines catégories de personnes). Aujourd'hui, il existe 9 accords de facilitation. Il est significatif que l'intégralité de ces accords ait été signée avec les voisins de l'Est et les Balkans (Moldavie, Ukraine, Russie, Ex Yougoslavie) et aucun accord avec les pays du Sud. Ceci peut paraître paradoxal dans la mesure où le besoin en termes de facilitation est sans doute plus fort dans les SEM. Pour en bénéficier, les SEM devront payer le prix de la réadmission. Cependant, pour les pays du Sud marchander dans le cadre des facilitations de visas pour court séjour est sans doute insuffisant. Les enjeux sont bien plus larges. La négociation devrait porter aussi sur les séjours de plus longue durée. La migration circulaire semble une première piste intéressante. Le tout est de savoir pour quelle catégorie de personnes ? Dans les communications de la Commission, il est question des étudiants, des chercheurs, des stagiaires, prochainement des travailleurs saisonniers mais il n'y a finalement rien de vraiment neuf à cela. La migration circulaire devrait être autre chose. L'Union européenne tente clairement d'attirer les travailleurs hautement qualifiés (voir proposition de la Commission sur la *carte bleue*<sup>12</sup>) ce qui n'est pas sans soulever des questions majeures comme la fuite des cerveaux. *Quid* en outre des travailleurs faiblement qualifiés ou non qualifiés ? Aucun instrument n'est actuellement envisagé pour ce qui les concerne, sous réserve de la proposition de directive cadre relative aux droits minimaux et à la fusion des permis de travail et de séjour<sup>13</sup>.

L'élément clé du succès potentiel de la migration circulaire réside certainement dans la gestion du marché du travail et une coopération entre l'UE/Etats membres et les pays d'origine, en ce compris entre les agences nationales et régionales pour l'emploi. Philippe De Bruycker souligne l'intérêt qu'il y a à suivre le projet actuellement développé par la Commission européenne au Mali, où un centre d'information et de gestion des migrations est en voie de création. La question de la transférabilité des droits sociaux est également cruciale et soulèvera certainement de nombreuses difficultés. L'expérience intra européenne dans ce domaine est sans doute un succès mais elle a montré la lourdeur technocratique qu'elle implique. Les Ministères semblent sceptiques quant à la mise en œuvre de tels accords avec les pays tiers.

En outre, d'un point de vue plus général, il faut sans doute se garder de chercher à développer du *hard law* et pour ce qui est de l'Union européenne, si une compétence externe existe bel et bien, elle est partagée avec celle des Etats membres, ce qui n'ira pas sans complexifier les négociations avec les pays tiers.

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1998, Recommendation on statistics of International Migrations, 1998. See. [http://unstats.un.org/unsd/publication/SeriesM/SeriesM\\_58rev1E.pdf](http://unstats.un.org/unsd/publication/SeriesM/SeriesM_58rev1E.pdf)

<sup>12</sup> Proposition de directive du Conseil établissant les conditions d'entrée et de séjour des ressortissants de pays tiers aux fins d'un emploi hautement qualifié (connue sous le nom de "carte bleue") / Proposal for a Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (the so-called EU Blue Card proposal) COM (2007) 637,

<sup>13</sup> Proposition de directive du Conseil établissant une procédure de demande unique en vue de la délivrance d'un permis unique autorisant les ressortissants de pays tiers à résider et à travailler sur le territoire d'un Etat membre et établissant un socle commun de droits pour les travailleurs issus de pays tiers qui résident légalement dans un Etat membre / Proposal for a directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, COM(2007) 638.



Les projets pilotes envisagés par la Commission européenne, avec le soutien du Conseil, en matière de partenariats pour la mobilité devraient nous permettre de tracer quelques pistes. Philippe De Bruycker estime que dans le cadre de ces programmes, les Etats membres devraient prendre de réels engagements à l'égard des pays tiers plutôt que déléguer leur mise en œuvre à des organisations internationales. Car déléguer est une manière pour les Etats de ne pas totalement s'investir, ce qui impacte irrémédiablement sur les résultats concrets. A cet égard, l'expérience d'externalisation de l'asile menée par l'Union européenne s'est avérée peu concluante : la montagne<sup>14</sup> a accouché d'une souris, soit deux programmes de protection régionale : l'un pour l'Ukraine, la Belgique et la Moldavie et l'autre pour la Tanzanie et la région des Grands lacs caractérisés par un sous financement, la lenteur de leur mise en œuvre et donc leur relative inefficacité. Le Prof. De Bruycker espère que les projets pilotes en matière de partenariat pour la mobilité (Cap Vert et Moldavie) offriront de meilleurs résultats.

Pour conclure, Philippe De Bruycker estime que nous allons vers un nouvel âge où la question de la mobilité sera centrale. L'UE arrivera –t-elle à relever ce défi alors qu'une option manifeste vers plus de contrôle a été prise ? Allier contrôle et circulation, c'est sans doute le défi de l'Union européenne pour les années à venir.

La Présidence française sera peut-être l'occasion d'un nouvel épisode dans cette aventure, pour le Conseil européen de 2008, elle revient à faire aboutir un « Pacte européen sur l'immigration ». Quel équilibre y sera-t-il trouvé entre les mesures de lutte contre l'immigration illégale et la migration légale ? Il est très probable qu'à l'occasion des négociations relatives à ce pacte, une pression forte soit exercée sur les pays du Sud de l'Europe afin qu'ils cessent leur pratique de régularisation massive (Italie, Espagne, Grèce). Si l'on peut concevoir de mettre un terme à ce type de régularisations, il faut cependant être en mesure d'offrir une alternative en matière de migration légale, ce qui reste à définir.

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<sup>14</sup> Les propositions britanniques d'externalisation de 2002-2003 avaient suscités un véritable tollé.

## Summary of the Debates

### 1. The development of a common European Immigration policy?

Although it was remarked that there was presently no coherent European approach on migration, the EU is striving to develop a unified policy in the field. Whilst reaching a common policy in the realm of illegal migration is easier, developing a common EU stance towards legal migration remains difficult.

Yet, it should be noted that conscious efforts which aim at harmonising different viewpoints and positions are being deployed. EU member states are encouraged to retain their prerogatives, while working on an integrated way of managing legal migration which both fosters compatibility and capitalizes on common attitudes. Not only is the EU Commission working on developing a harmonized EU policy towards migration, but also the Council is keen on that. There is a widespread consensus that migration politics should become an integral part of EU foreign politics.

Moreover, the European Union has expressed its wish to cooperate with third countries to manage migratory fluxes and to shape a more global migratory approach. For a more optimal coordination between the EU and neighbouring countries, it is suggested that Southern Mediterranean countries, members of the African Union, work on developing a dialogue between Sub-Saharan countries and the EU.

If these countries assist the EU in creating a bridge not only in the field of development, but also in politics, then North Africa can become a fundamental partner in migration policy. , Important existing geo-strategic elements should then be engaged and stressed to achieve a more comprehensive approach.

On the other hand, integration is a tricky and complex issue that remains subject to national frameworks. As cultural structures vary from one country to another, integration should be adapted to the specific national context.

In addition, many speakers, both from European Union countries and South and East Mediterranean countries (SEM), stressed the complexity underlying the distribution of power and competences among EU member states in the migration field.

The political salience of immigration in the EU member states' and the EU agenda has indeed become important especially as, in the past decade, discussions related to these issues have come to the forefront. Yet, according to some European officials, these discussions are not conclusive as European countries have different approaches and because labour markets are so very different. For example, whilst Italy is in desperate need of migrants, even low skilled or semi-skilled migrants, other countries favour selective migration. Consequently, it is safe to infer that the demand of labour is diversified across Europe.

Moreover, those policies are at the core of national sovereignties. The issue is not only about managing migration, but also about shaping adequate integration policies. And of course, both issues are interconnected. European governments are in the process of exploring new methods and ways to combine both. For instance, a European policy, whereby quotas are adopted in Brussels, will probably take shape, yet it is likely that compatible national labour policies will result from the harmonisation process. Additionally, attention is fixed on how and to what extent EU migration issues should be woven into national foreign and development policies.

One also wonders whether a common migration policy is feasible without a common foreign policy. The most pressing question to arise is how to develop a policy or a partnership with the Mediterranean Region without a consensus on foreign affairs.

On the other hand, the same question regarding political integration should be addressed to the SEM countries. Perhaps, it is time that the Arab League develop common positions on migration issues.

In EU policy and governance, various forms of shared competences can be detected in the field of migration. Thus, border control and short term visas are mainly of EU competence. However, there is no doubt that member states are still in charge of regulations or agreements regarding access to labour markets, quotas and certain forms of admission.

Readmission agreements might be considered a telling case-study in this context. According to some conclusions drawn upon by the EU Council of Ministers, member states are not supposed to conclude readmission agreements if the Commission has already launched a process of negotiation and if an agreement already exists. In practice, however, the game is not so clear, and national dissonances are striking. For instance, the readmission agreement concluded by the EU with Russia has shown that member states may obstruct the Commission.

Furthermore, the current *opt-out position* of the UK is controversial. Recently, after member states had opposed the UK participation in taking part in the creation of certain regulations, the UK contested this decision before the Court of Justice but without success (see Aff-77/05 and 137/05). In addition, the UK joins in only intermittently with EC readmission agreements in accordance with its own interests (On the other hand the UK does not want to alter the adopted position on the free movement of persons, see UK position on the Long Term Residents Directive). The example of the UK allows one to infer that the current institutional framework is problematic as the current structure as well as the adopted instruments enable only patchy coverage.

## **2. The European Commission's position on circular migration**

The current EU definition of circular migration is the product of lengthy consultation procedures, and can be seen as a common understanding. Still, to discuss circular migration, it is necessary to approach the broader policy context.

EU policy on legal migration has various aspects; circular migration could be one of these. Such elements could eventually reinforce already existing common structures.

Seen in this way and keeping in mind the Lisbon Strategy, a common objective might be to increase the competitiveness of EU Labour Markets.

What could be the value of generating a common policy at the EU level in the field of circular migration? Ten Member States have already modified their regulations regarding highly-skilled migrants, and others are now in the process of reviewing their regulations.

A common EU approach would mitigate the side effects of damaging internal competition. Indeed, if the EU succeeds in shaping a common approach instead of 27 varied approaches to attract legal migrants in national labour markets, transparency and comparability would increase. Member States are increasingly recognising the need for highly-skilled migrants, but also progressively for low skilled migrants, not only because of population aging, but also because of internal changes in the labour market which demand a more flexible labour force. It was also stressed that temporary migration schemes do not have to replace permanent migration in the EU labour markets. Rather they would act as complementary measures.

At the EU level, there is a need for a better understanding of labour markets needs and dynamics. Whilst it is undoubtedly the case that efficient tools are functional in various Member States, improvement is possible at the EU level so as to understand the nature of competitiveness among Member States, foster cooperation and increase mobility. In this regard, the EU Blue Card proposal is a tool of primary interest.

To the end of increasing circularity between the EU and SEM countries, various proposals have been proffered.

For instance, the EU proposes facilitating foreign students' stay once they finish their studies in order to acquire more professional experience that they could then transfer to countries of origin.

Other concrete acts that could help define circular migration projects encompass specific projects and community legislation.

First, a broad EU initiative would be the launching of thematic programmes on circular migration between EU and origin countries. For example, one instrument would be to allow settled members of diasporas who have already acquired long-term residency status to return to their countries and stay for a period which may amount to three years and then return to the EU without losing their right of residence. Another example is the negotiation of facilitated entry procedures applicable for highly-skilled and low-skilled migrants. Basically, these are concrete projects that the Council has invited the commission to discuss while taking into consideration research findings, existing national legislation experiences, concrete experiences of member states as well as concrete experiences in other parts of the world, e.g. seasonal worker programs between Canada and Mexico.

The EU is also currently studying a request submitted by the EU Parliament to assess the need for additional legal instruments to those already proposed in the framework of the "Policy Plan for Legal Migration". According to the Plan, four specific Directives are currently in the pipelines, and two of them have already been presented.

Still supplementary instruments touching upon different fields such as the services and construction sector, domestic workers, catering, and tourism all need to be elaborated.

Suggestions are to stem, it is hoped, from the ongoing Commission study on labour markets and migration.

An important issue that directly affects the aforementioned matters are the limitations of the competence of the Community pillar.

For example, upon examining the Blue Card proposal, it is clear that it is up to the Member States to decide on admissions, volume of work permits, and on which countries of origin are concerned.

The added value of trans-national EU policy would be transparency, coherence, "post track" admission for the highly skilled and much easier procedures to attract them. Still, EU citizens will benefit from preferences in the labour market in comparison with third-country nationals.

On the other hand, Member States are very concerned about integration issues related third-country nationals already residing in the EU. Management of diversity has become a high priority both for the Commission and for the Member States.

In particular, the idea of the two-way approach and the inclusion of diaspora social skills in migration policies are emphasized by the Commission.

Moreover, further reflections on the practicality of circular migration schemes have to be developed. It was maintained that defining mechanisms of cooperation are essential to the success of the schemes. It was also advised to concentrate first whether circular migration could succeed or not. If these projects do not succeed, then they will be most likely supplanted by alternative ideas. A

fundamental task would be to define the matter more concretely, and to determine how these schemes could be adapted to different needs. For example, countries that are geographically closer to the EU will profit more from circular migration schemes than countries which are not situated along the EU periphery. This is why one should be wary of encouraging systems and situations which reinforce already existing privileges in respect to proximity.

### **3. Concrete steps towards circular migration and external relations**

The EU has an internal decision making process which involves various phases. Hence, the Commission's communications are mainly proposals submitted to the Council. The Council's formal conclusions on the matter could be followed up with invitations to refine ideas or to come up with reformed proposals.

In the realm of circular migration, the Commission is now in the process of reporting its results to the Council, particularly to the High Level Working Group which directly reports to COREPER (a diplomatic organ) before a final decision is taken by the General Affairs and External Relations Council.

Several conferences are expected to be organized in the years to come with various stake holders. Last year, various EU institutions organized specific sessions on Circular migration: the European Parliament, Economic and Social Council and the Regional Committee. The Commission is also active at the global level, in global platforms (e.g. Last year in the Brussels-Conference based on the case of Mauritius). The Commission analyses some case-studies and works on the development of pilot projects. In the EU some national experiences are actually implemented and the Commission compiles best practices. It is also important to mention that circular migration is a horizontal issue taken into account in all current negotiation process. Further, the 2003 Directive on Long Term residents could be slightly revised to include the possibility for long term resident to go temporarily to their country of origin to work or to develop a project there without losing their rights in Europe.

A final point to clarify is the distinction between "Circular Migration" and "Mobility Partnerships". For Mobility Partnerships there is a clear timetable: the Council has invited the Commission to work with Member States to explore opportunities first with Cape Verde and Moldavia. On the basis of these talks, there will be a report issued in June. On the basis of that report, the Council might invite the Commission to start negotiations with other third countries (Euro-Med Region). Regarding the content of such Mobility Partnerships this may include Circular Migration provisions, legal migration, but it is up to Member States to offer openings in the Labour Markets. It should be noted that the Mobility Partnerships only cover circular migration to a very small extent. They also cover other aspects of the "Global Approach" (visas, border controls, asylum, protection issues).

### **4. The International Organization of Migration's (IOM) perspective**

According to the IOM, the EU has come rather late to the debate a phenomenon that for some European countries, has been around for a long time. In Europe, we need unskilled or less qualified migrants. But also outside the EU, circular migration is already a reality in Asia as well as in some Gulf countries, not to mention between Central America and Canada. We could look at these established cases then to understand how circular migration works. From these we learn that incentives are necessary but also that you have to discourage illegal immigration to make circular migration work. For example, why did the Italy-Tunisia agreement mentioned during the debates not work? Wasn't it because the quota in Italy got filled up with the regularisation of irregular migrants already in Italy, leaving fewer places for the migrants in the country of origin? This is not good for bilateral cooperation. Another challenge is the different regulatory frameworks in different countries.

We have to recognise that, in particular for the less skilled, for the highly skilled, there is a world wide competition. What the EU Commission is proposing with mobility partnerships is an experiment with some specific cases: for example, between Portugal and Ukraine, between Moldavia and Italy and others. To organize a real dialogue on those experiences is a crucial issue: a dialogue that is between countries of origin and between countries of transit and receiving countries. The Rabat and Tripoli follow-up is also very important. In March or April 2008 a Conference on Labour Migration will take place. In February 2008, in Accra (Ghana), another Regional Dialogue between Europe, Africa and the Maghreb, will take place on Labour Migration. In January 2008, the Ministries of Labour in Asia met with the Ministers from the Gulf, for the first time in history. They hammered out the “Abu Dhabi Declaration”. Dialogue is really a key to working these things out. We need migrants, but at the same time our societies are not ready to welcome them. On the other hand, we have to be vigilant that temporary migration schemes do not prevent us from developing integration policies.

## **5. Circular migration experiences in SEM countries**

In addition to circular migration from Turkey, it has been stressed that there is circular migration into Turkey. Turkey is managing this movement of migrants with what has been called “differential informality”. There are a lot of problems associated with this strategy in terms of migrants’ rights and corruption. But the Turkish side constitutes one end of the continuum and the EU is at the other end. The EU is somewhat over regulated, stressing the managed and legal aspects of migration policy. The Turkish attitude is far more informal. Over the last 15 years, a very flexible Turkish visa policy towards the ex-Soviet world has allowed large numbers of people to move in and out of Turkey freely, and some of these people have worked in a “pendular” manner. They come, enter the country legally, they are allowed to stay for 3 months, they do the job, they go out for a couple of hours, they come back or arrange for a family member to come. This takes place mostly in the domestic household sector but there are also those who work in shops, tourism and the industrial sector. Even if we lack empirical studies, we know that this has led to a form of development in the former Soviet world. Ex Soviet citizens, after the collapse of the Soviet Union, were able to get out of the country freely for the first time and they got involved in international travel and developed contacts with their Turkish counterparts. Some of these people have set up workshops and even little factories in Ukraine, in Russia, in Georgia, Romania and in Bulgaria. Transfer of knowledge and expertise from a country, which had started the liberalisation of its market earlier than the Soviet world, occurred. It is worth examining this particular experience to draw lessons from it. In this case study, Turkish officials and bureaucrats, as opposed to politicians have fine tuned the details of the visa policy from other countries to Turkey. They have undertaken this fine tuning with the knowledge that migrants are going back to their country of origin. This is the way the old Soviet world is handled today. The Middle East was handled differently, but the same strategy is now being extended to Tunisia, Morocco and, to an extent, to Iraq as well. What we begin to see is a repetition of what happen with the ex-Soviet world in the 1990s in terms of “suitcase” phenomenon, little businesses are even being set up in northern Iraq to replace the suitcase.

## **6. Concerns about circular migration in the SEM region**

In the Eastern Mediterranean countries problems arise.

Thus circular migration in the Arab world should respond to international labour needs.

However, the fact that Arab countries do not have employment strategies and labour migration policies detracts from the relevance of circular migration. In fact, these countries should be motivated to develop national labour emigration policies and circular migration policies which also take into consideration sensitive issues such as social rights and benefits. Launching intense dialogue between

government institutions, experts, researchers, employers, and trade unions could help concretize these issues. It is important to note that governments alone cannot reach this goal unless they coordinate with trade unions and employers.

Furthermore, it was observed that migration should not only be tackled as an economic issue, but that the human face of migration should be restored, and that human rights issues should be reconsidered as migration is not a one-sided equation. Policy makers and experts should strive to strike a balance between national interests and human rights considerations. Also, migration is not only an agreement between sending and destination countries, but an agreement between the migrant and the destination country. So preferential treatments based on nationality and citizenship should be done away with. Potential migrants should be selected according to criteria that take into account equal opportunities. This would be in line with the EU objective of reinforcing the rule of law and transparency.

## **7. Circular migration from the point of view of two European Union Member States: France and Spain**

### **a. Le cas de la France - “Ministère de l’immigration, de l’intégration, de l’identité nationale et du co-développement”**

Selon la représentante du Ministère, le concept de migration circulaire bien qu’ayant une histoire est aussi l’occasion d’un renouveau dans le contexte actuel des rapports Nord/Sud, celui de la mondialisation. La France réfléchit à de nouvelles formes et reconnaît que la Commission européenne fait un gros travail autour de ces notions depuis deux ans en collaboration avec les Ministères nationaux. Le premier socle porte sur une meilleure connaissance des marchés du travail tant des sociétés du Nord que du Sud. Il est important de détecter les besoins, les atouts et les potentiels. Pour ce faire des outils de recherche sont nécessaires, ce sont généralement les mêmes pour le Nord et le Sud. Il nous faut des outils communs.

Ensuite, une réflexion doit être ouverte sur les modalités d’une gestion concertée entre les pays du Nord et du Sud, incluant l’intérêt des migrants. En France, la prise de conscience de la nécessité d’une politique migratoire globale a eu lieu. Cela implique de lutter contre l’immigration illégale mais aussi d’encourager l’immigration légale. S’il faut porter attention au « pillage » des cerveaux, il faut aussi veiller au non « gaspillage » des cerveaux dans les sociétés plus pauvres qui n’offrent pas toujours les opportunités pour les personnes formées. Cette prise de conscience se traduit aussi au niveau institutionnel, avec le nouveau Ministère qui traite tant de l’immigration que de l’intégration et du co-développement. Un rééquilibrage entre ces dimensions est nécessaire. La priorité actuelle du Ministère est de conclure des accords de gestion concertée et de trouver avec les pays du Sud des formes de migrations qui répondent à l’intérêt mutuel des parties.

La migration circulaire et les partenariats de mobilité posent encore beaucoup de questions et représentent de véritables chantiers. Beaucoup de lignes actuelles doivent bouger pour que cela fonctionne. La France va certainement solliciter le soutien de la Commission européenne pour divers projets pilotes. Actuellement, elle collabore avec le Maroc et la Tunisie sur ces questions sur base du programme AENEAS afin de progressivement mettre en place les éléments de la réussite. Mais la migration circulaire n’est pas la panacée et elle ne doit pas empêcher toute forme de migration permanente. Par ailleurs, divers secteurs professionnels sont en tension dans beaucoup de pays d’origine. Les politiques de l’emploi et de la formation professionnelle dans les pays d’origine et d’accueil doivent être explorées avec la logique de la migration circulaire. La migration circulaire suppose aussi des réflexions plus individualisées. En France, cette réflexion est actuellement engagée avec les « nouveaux étudiants », un outil a été mis en place, le compte épargne co-développement, des déductions fiscales sont prévues ainsi que la possibilité d’investir ensuite dans des projets au pays

d'origine. Dans les réflexions sur la migration circulaire, le rôle des institutions financières ne doit pas être négligé. Le CARIM pourrait à l'avenir concentrer des recherches sur de tels outils, de chaque côté de la Méditerranée.

## **b. Le cas de l'Espagne, Direction Générale de l'Immigration – Ministère du Travail et des Affaires Sociales**

L'expérience de l'Espagne en tant que pays d'émigration avant de devenir essentiellement un pays d'immigration, a permis une identification adéquate des besoins pour accompagner le processus d'immigration. Pour l'Espagne, la migration circulaire n'est pas nouvelle et le cadre juridique national est adapté. La nouveauté tient dans le fait que la Commission fasse aujourd'hui la promotion du concept.

L'Espagne défend une politique migratoire globale et intégrale. Globale signifie que la politique envisage les causes et conséquences du phénomène migratoire, que ce soit au pays d'origine, en cas de transit ou au pays d'accueil. L'idée d'intégralité implique que toutes les facettes du phénomène soient prises en considération. C'est-à-dire le co-développement, le contrôle des flux migratoires, les voies régulières pour aller vers d'autres pays et l'intégration. C'est sur cette base que l'Espagne développe ses relations avec les pays d'origine et de transit, notamment avec le Maroc. Tous les 3 mois, des responsables publiques espagnoles et marocains se réunissent pour échanger sur les questions d'immigration dans tous leurs aspects et ils prennent les mesures qui s'imposent.

Selon la représentante espagnole, l'UE a tout intérêt à s'inspirer de ces éléments pour aborder un phénomène aussi complexe que celui de la migration. A ce niveau, il manque un espace de dialogue autre que la Direction général « Liberté, Sécurité et Justice ».

Pour développer des politiques en matière de migration circulaire, il faut mettre les besoins du marché du travail au centre des préoccupations et développer un cadre juridique et politique à cet effet. Ainsi, en Espagne, il est fait usage d'un catalogue qui répertorie les occupations difficiles à couvrir, actualisé tous les 3 mois avec le concours des acteurs sociaux, des employeurs, des syndicats et du gouvernement. Ce faisant, l'Espagne dispose d'indicateurs utiles pour apprécier les besoins du marché du travail qui ne sont pas répondus une fois le principe de la préférence communautaire appliqué et en tenant compte des étrangers résident de façon légale dans le pays. Une fois ces indicateurs collectés, ils sont confrontés à l'ensemble des offres d'emploi des trimestres antérieurs qui n'ont pas été remplies par les personnes qui sont déjà en Espagne selon les indicateurs de mobilité internes sur le territoire. Ensuite, dans le cadre des relations bilatérales, un processus d'accompagnement est mis en place entre les administrations des pays d'accueil et d'origine.

L'administration du pays d'origine assure le processus de recrutement et de présélection des candidats, ensuite, une commission mixte composée des administrations des deux pays et des employeurs procède à la sélection définitive. L'Espagne assure après la facilitation en ce qui concerne la délivrance des papiers au niveau du consulat.

Dans le programme actuellement développé avec le Maroc, l'idée du retour est dominante et l'expérience est satisfaisante jusqu'à présent. Au début du programme en 2004/05, le taux de retour était de 45% seulement, les recherches ont permis d'identifier les causes de ce faible taux et les instruments pour favoriser le retour ont été améliorés, en 2007, le taux de retour a été de 85%.

Il a par ailleurs été dit au cours des débats que les critères de sélection dans le programme conclu entre l'Espagne et le Maroc qui implique des travailleuses marocaines saisonnières prêtent à équivoque. Ce point de vue n'est pas partagé par la représentante espagnole qui met l'accent sur les législations anti-discriminatoires qui sont d'application en Espagne.



## 8. Policy makers' perspective in the SEM Region: The Moroccan, Israeli and Egyptian cases

### a. The National Moroccan Employment Agency (ANAPEC): the Spanish-Moroccan experience

Le représentant de l'ANAPEC – Maroc s'attendait plutôt à ce que la Commission de l'UE demande au CARIM de réfléchir déjà sur un modèle un peu plus élaboré de schéma migratoire qui serait discuté sur base de l'expérience marocaine avec l'Espagne et de ce qui est en cours avec l'Italie. Il y a un besoin de prospective : quels seront les besoins de l'UE en termes de ressources humaines en tenant compte de l'apport des pays de l'Europe de l'Est ? Répondre à cette question permettrait aux pays de la rive sud de la méditerranée d'anticiper. L'essentiel, dans le sujet est sans doute la gestion du marché de l'emploi, qu'il soit national ou européen, dans la mesure où, par rapport à certains profils, il faudrait anticiper et programmer. Si on prend le cas du Maroc aujourd'hui, on assiste à la mise en place de beaucoup de chantiers, il y a beaucoup de secteurs émergents et même au Maroc, certains emplois sont en tension, pour lesquels, le recours à l'immigration est envisagé.

Plutôt que de migration circulaire, l'ANAPEC préfère penser en termes de placement à l'international de saisonniers. L'ANAPEC est satisfaite de l'expérience avec l'Espagne pour la simple raison que le circuit est clair et que des deux côtés, et les acteurs sont identifiés. Il y a donc concertation et les réunions organisées permettent à toutes les parties de se trouver dans une situation de gain mutuel; ce qui est une garantie de réussite. L'entreprise employeur est certaine que les personnes sélectionnées répondront à ses besoins et, du côté marocain, on est sûr que les migrants iront travailler dans de bonnes conditions, leurs droits seront respectés et la préparation en amont, en cours et après l'expérience permettront d'atteindre les objectifs. Un encadrement par des assistants sociaux espagnols est prévu et les conditions de travail sont très intéressantes. Les travailleurs sont logés décemment et correctement et ils sont protégés contre la tentation de la migration clandestine. Mais il faut aussi dire que la tentation du non retour ne vient pas uniquement du chef des migrants, l'incitation vient aussi parfois de la part des employeurs européens. D'expérience, on note que certains poussent leurs employés à rester une fois le contrat terminé dans des conditions moins intéressantes (ce point a été contesté par la représentante espagnole). L'encadrement après le départ est donc important. Dans le cas espagnol, en termes quantitatifs, on est passé de quelques 400 personnes en 2004, à 8.000 cette année et on s'attend à 12.000 en 2008. Selon l'ANAPEC, cette évolution est due à la garantie d'un taux de retour croissant.

Ce qui intéresse le pays de l'UE, c'est que les gens travaillent puis rentrent chez eux, et s'il y avait une liaison fixe entre le Maroc et l'Espagne, on peut imaginer que les gens rentrent le soir chez eux après le travail pendant la journée et si ce n'est pas tous les jours, au moins toute les semaines.

Avec l'Italie, il semble plus difficile de travailler, une base de données alimentée et l'identification des acteurs potentiels font défaut.

Le Maroc est entré en coopération avec l'UE pour mettre en place un projet pilote qui inclut l'accompagnement, les modalités de placement à l'international des travailleurs. Le souci de sensibilisation avant le départ est inclus ainsi que la formation linguistique et d'éventuelles formations complémentaires techniques. Un autre volet porte sur les droits et obligations des travailleurs en matière de droit du travail. Le suivi et la prise en charge après le départ sont aussi prévus.

Pour rendre le travail saisonnier attractif, il faut veiller à un certain nombre d'aspects: gestion des carrières et mise en place d'un système de sécurité sociale qui moyennant un travail de quelques mois peut couvrir toute l'année. Ces réflexions sont en cours avec le partenaire espagnol. En effet, si tout ce qui est gagné est dépensé pour la consommation, l'objectif n'est pas totalement atteint.

Pour ce qui est de la durée des séjours de travail, l'ANAPEC ne partage pas tout à fait le critère du seuil de trois mois qui semble avoir été unanimement admis au cours des discussions. La durée doit

pouvoir varier selon les profils et les secteurs. Dans l'exemple espagnol, elle varie de 2 à 9 mois. Avec la France, dans le cadre du programme d'échange des jeunes professionnels, la durée peut aller jusqu'à 18 mois. En fait, c'est surtout l'esprit de retour chez-soi qu'il faudrait développer.

Par ailleurs, le Maroc a besoin des compétences marocaines, notamment dans le secteur de la technologie de l'information. Une offre *off shore* importante existe et est sur le point d'attirer des investissements prometteurs. Ainsi le Maroc manquera d'ingénieurs en développement, en aide à distance sur un certain nombre de problématiques, de la maintenance informatique, etc. La sous-traitance en aéronautique et en industrie automobile se développe et des besoins de compétences se font sentir. Il en est de même pour la logistique.

## **b. The Israeli Ministry of Industry, Trade and Labour**

Circular migration has not received serious consideration as a policy option in Israel as it has never been adopted at any stage.

In fact, circular migration is marginal in Israel. Although there is no formal data, statistics on undocumented workers in the period 1999-2002 indicate that 18 percent of those defined as illegal workers had previously entered the country (probably as workers with a permit at the time).

Factors constraining circular migration in Israel hinge mainly on the country's geographical location. Thus, most foreign workers come from countries far away, lacking any border with Israel. Flights are expensive, and work-stays are generally not curtailed.

It is in the interest of recruitment agencies and related companies to hire new workers from whom larger sums can be extracted for initial entry into a new country, as opposed to returning workers more familiar with the country, who will pay less. (For example, from China and India the fee can reach 10,000 dollars.)

Similarly from the perspective of the worker, it is less costly to extend the stay in Israel, unless he or she is given a particular incentive by the employer to return.

The policy-making approach in Israel consisted in reducing the number of permits, on the one hand, but in increasing the length of stay (for up to 5 years) in order to control the inflow of foreign workers to the country.

Israel's priority is to increase employment and participation in the local labor-force in communal sectors where unemployment is highest (i.e. Arab population in Israel, ultra-orthodox community, and unskilled workers). Also, there is a preference for *commuter workers* – possibly with a view to the future hiring of Palestinian workers (who will return home each day) when the political situation is ready to allow them.

It is also worth mentioning that Israel has to cope with cyclical needs (In agriculture for example, there are winter harvests, spring flowers, and summer fruits). This is carried out through the system incorporated by the builder's union, whereby those workers with a permit for up to 5 years can be moved from one branch of industry to another depending on seasonal needs.

The idea is to apply a similar policy to circular migration. In that respect, it is necessary to set a standard for the payment and the employment of foreign workers as well as standards for health insurance and social benefits. Furthermore, enforcing these conditions on employers through regulation and statute is necessary.

In order to ensure that workers' rights are upheld, Israel signed an agreement through an international organization, IOW, for all Thai workers. Similarly in order to ensure that those workers, who have completed their allotted time in the country, would leave the country, Israel plans to impose

certain procedures: for example, withholding some of the payment till the time of exit from the country. There is less likelihood or incentive for the "exporting" country to entice the worker to come back home, since the sending countries are generally poor with an agenda dictated by local priorities. However the placing of large agencies within the countries of origin, empowered to ensure social benefits for returning workers, as well as other economic and financial incentives, could aid this procedure.

### **c. The Egyptian Ministry of Manpower and Migration**

Circular migration is raising many questions related to the framework to be adopted to determine the rights and obligations between sending and receiving countries. Is managing circular migration part of an agreement, a declaration of principle..? Which parties will contract to fulfill this arrangement (bilateral or multilateral)? What would be the European Commission's role in this framework? Will it contain a limitation of quotas and numbers for each country in the SEM region? Or will it determine a global quota for all? What would be the role of governments, the private sector and employment institutions in the achievement of such agreements and its implementation, as well as monitoring? To what extent is the limitation on circular migration beneficiaries to specific categories of students, trainers, volunteers and seasonal workers adequate to the needs of sending countries, whilst taking into consideration labour markets realities and changes. What are the incentives that receiving European parties could present to Southern and Eastern Mediterranean countries in order to enhance/strengthen benefits from circular migration?

The Egyptian Ministry of Manpower and Migration undertook an important step in promoting the Arab League's connection to issues related to international migration policies, and Egypt chaired the first meeting of Arab ministers in charge of migration and migrants affairs in the Arab League headquarters (18-19 February 2008). This meeting came up with important recommendations that need to be carefully studied (see Arab League website).

It was also stressed that the topic of circular migration is completely new in the Arab world. Also, discussions and debates in the Florence meeting can only have an exploratory character since the Arab League was not invited, and most of the Arab countries did not participate in the meeting. Although Egypt endorses issues raised by mobility partnerships, especially circular migration schemes, it is important to stress that there are still many ambiguities within the EU's position, mainly related to the blurred distinctions between the European Commission's prerogatives and each member state's sovereign choices.

This policy-makers' meeting cannot provide the foundations for reaching conclusions about circular migration. It is noteworthy that participation in the Florence meeting was not optimally representative. Thus, not all parties of the Euro-Mediterranean partnership were present (for example, Libya, Malta, Cyprus were absent...). There was an apparent inequality in the level and kind of country representations. Only five countries were represented by governmental agents, while other participants attended as experts, scholars or workers in specific research centres.

The Egyptian's stance can be summarized as follows: "We are still waiting for the EU to launch a non official negotiation process about the concepts and applications of different forms of mobility partnerships". And it should not be forgotten that Egypt has already national arrangements that intersect with mobility partnership issues.

## 9. Critical considerations towards the current EU migration approach

According to academics, the Commission's work in the field of Migration is fascinating. Regarding the integration process of third-country nationals, it took the Commission almost two decades to convince the Member States to work together. Indeed, before then, in 1987, mixed competences between the Court of Justice and the Commission undermined the process (see the so-called *Migrant Policy Case*, Aff- 281,283, 284, 285, 287/85, *Germany and others v. Commission*, 1987, ECR, p. 3205). Now, one could wonder how long it will take to convince the Member States to undertake a comprehensive approach to migration policy as envisaged by the EU Commission?

One has also to regret the unbalanced EU approach when it comes to migration. A "Balanced" approach would be one that enhanced the equilibrium between the interests of the receiving and sending countries. A concrete example: the 2007 Communication emphasises management and control, but not integration. The approach needs to be global. In the EU Communication on "Migration and Development", the Commission tries desperately to defend the interests of the countries of origin: "the highly skilled of the Moroccan Diaspora in France, set up innovations, start up, in Morocco". Somewhere else, the EU might be able to help the countries of origin to map their diasporas. But nowhere do you find the idea that the sending countries might have something to give Europe itself, for example, in the field of integration. This dimension should be included if we want to speak about genuine dialogue or cooperation, but currently the language treats the relationship not as a partnership, not as dialogue between equal parties, but something that is rigidly hierarchical.

Many have underlined the importance of comprehensiveness in EU migration policy. Certainly, the EU Commission is trying to achieve this, but the issue is at odds with other agendas: e.g. the Lisbon process, Foreign relations, Justice and Home Affairs.... To achieve this comprehensiveness and rationality is then a very difficult challenge.

Du point de vue de l'ANAPEC-Maroc, une approche européenne concertée n'aura pas lieu dans un futur immédiat. Un certains nombreux de pays européens sont néanmoins prêts à renforcer la coopération : l'Espagne, la France, l'Italie et même le Portugal. L'ANAPEC convaincue que la question de l'accès au marché de l'emploi restera l'objet de la souveraineté de chaque pays et que c'est au niveau bilatéral qu'il convient de traiter de ces questions.

L'ANAPEC comprend que la Commission européenne essaye de développer une approche globale et intégrée. Mais à ce niveau traiter de l'immigration clandestine ainsi que de la mobilité des personnes n'est peut être pas possible actuellement. Par ailleurs, le représentant de l'ANAPEC ne comprend pas que le concept de la migration circulaire puisse être envisagé invariablement tant pour les étudiants, les chercheurs que le placement à l'international, ou la migration aux fins du travail. Selon lui, chacun de ces profils nécessitent une approche adaptée.

Selon lui, pour faire simple, il va falloir identifier la migration clandestine et suivre le cours de son traitement. Pour les migrations légales, il faudrait distinguer. Chaque pays a une réglementation. Par rapport, à l'instauration de confiance entre les pays européens et les pays de la rive sud de la méditerranée, il faudrait au moins par rapport à certaines catégories, qu'il n'y est pas de recul concernant un certain nombre de droits.

Or, pour les chercheurs, il est de plus en plus difficile d'avoir des visas pluriannuels. Il y a donc un recul en termes de confiance. Pour le thème du placement international, selon l'ANAPEC, les décideurs sont plutôt les entreprises. La durée de 3, 4, 6 ou 12 mois reste très théorique. Cela dépend du secteur, du profil, etc, il y a des emplois/métiers pour lesquels on ne peut pas imaginer un travail temporaire. D'ailleurs, avec l'Espagne par exemple, il y a aussi des contrats du travail à durée indéterminée dans certains secteurs où on ne peut pas imaginer du travail temporaire. La durée et la saisonnalité devraient être fixées en fonction des besoins des entreprises.

## 10. Critical approach towards circular migration in particular

Il a été souligné que le phénomène de la migration circulaire n'est pas vraiment nouveau, notamment en référence à l'expérience marocaine et tunisienne des années 1960 mais aussi à l'expérience algérienne essentiellement avec la France. L'émigration était alors considérée comme conjoncturelle, provisoire par les pays d'origine et trois objectifs lui étaient essentiellement assignés: résoudre momentanément le problème du chômage dans le contexte des indépendances; permettre le transfert des devises et, enfin, l'émigration était perçue comme un stage au cours duquel une formation peut être acquise au bénéfice de son pays d'origine pour le retour. Il n'avait pas été anticipé que les gens puissent rester. Du côté des pays récepteurs la même lecture était faite. Là aussi l'immigration était pensée en termes provisoires et aucune politique d'accueil n'a été développée. Au niveau pratique, une certaine circularité existait, les gens partaient et revenaient dès que l'on sentait que les papiers allaient « mourir ». Dans les analyses maghrébines, on se réfère à la notion de *Noria*.

C'était avant que les questions sécuritaires apparaissent comme prioritaires. Mais ce qui est nouveau, avec la « migration circulaire », c'est l'introduction d'autres préoccupations et la dimension européenne. Le point de départ de ces nouvelles réflexions est certainement le Conseil européen de Tampere (1999). Les premiers projets déposés, à côté du contrôle frontalier, invitaient à « un peu » de circulation professionnelle. Mais depuis le 11 septembre, la priorité est bien moins à la flexibilité qu'à la sécurité. Par ailleurs, l'aspect qualitatif doit être mis en avant. L'expérience du passé plaide pour cela, pensons aux houillères du Nord qui ont puisé leur force vive au Maroc. Alors, les contrats étaient de 18 mois suivis d'un retour pour une nouvelle sélection et les contrats des travailleurs marocains étaient moins favorables que ceux des mineurs nationaux. Cela a causé des problèmes sociaux. Le respect des droits doit rester une préoccupation première. S'il on pense aux femmes actuellement sélectionnées pour la cueillette en Espagne, on peut s'interroger sur la pertinence des critères de sélection : âge et maternité. La motivation essentielle étant le souci qu'elles retournent au pays (le retour est supposé du fait qu'elles sont mères de famille).

La difficulté du retour a aussi été expliquée en raison de la pression sociale vécue en cas de retour sans capital à valoriser ou de métier à faire valoir. Beaucoup de personnes ont refusé l'idée du retour parce qu'ils n'ont pas réussi au pays d'accueil (voir l'exemple d'ingénieurs algériens au Canada) alors qu'ils auraient pu être utiles au pays d'origine. Il s'agit d'un élément à prendre en considération si on veut que la migration circulaire fonctionne. La pression sociale sera minimisée s'il est clair que le départ sera suivi d'un retour.

Rédiger un papier sur la migration circulaire a été *a priori* embarrassant pour certains correspondants. Le concept est inconnu de la plupart des systèmes juridiques et des politiques migratoires des pays du bassin méditerranéen représentés. Il faut approfondir la notion pour voir quelle(s) catégorie(s) de travailleurs est concernée par ce schéma de migration. Les pays d'origine produisent diverses catégories de migrants, pas uniquement des migrants de travail. Est-ce que la migration circulaire telle qu'elle est actuellement réfléchie en Europe ne vise que cette dernière catégorie ? Est-ce qu'elle concerne aussi les entrepreneurs, les intellectuels, les chercheurs, les étudiants ?

Par ailleurs, la Commission n'est pas réellement compétente pour s'engager avec les partenaires du Sud alors que, selon certains experts, les Etats européens fuient leurs responsabilités en indiquant que les questions doivent être discutées au niveau européen (voir la problématique de l'absence de politique commune). Sur les conditions de séjour, dans certains pays, on tente de grignoter divers acquis. Il y a un problème de cohérence et les arguments de la Commission européenne n'ont pas nécessairement convaincu tous les participants.

Un lien entre migration circulaire et la flexibilité de l'emploi a été établi à l'occasion des débats mais certains ont précisé que la flexibilité a besoin de stabilité c'est-à-dire de personnel qui, même en

perdant son emploi, reste sur place pour avoir la possibilité de se recycler. Un emploi stable n'est pas un emploi qui disparaît mais un emploi qui change de caractéristiques techniques et scientifiques. Le réservoir de main d'œuvre doit donc être stable pour capitaliser et se recycler. Il n'est donc pas évident que la migration circulaire serve réellement les objectifs de la « flexsécurité ».

La question du lien établi entre la migration légale et l'immigration illégale est considérée comme centrale par de nombreux chercheurs. L'ouverture des canaux de migration légale réduirait la pression migratoire et par la même le phénomène d'immigration illégale. Or, actuellement, en pratique, c'est bien le contraire qui se passe du côté des pays européens (voyez la politique des visas, même par exemple pour les déplacements à des fins de conférence pour les professeurs d'Université !). L'hypothèse des visites courtes à des fins professionnelles sera-t-elle aussi visée par l'allègement des conditions d'admission?

Compte tenu du contexte actuel, le retour à l'immigration légale telle qu'on l'a connue dans les années 60 est impossible et des doutes sérieux sur la capacité de la migration circulaire à résoudre les problèmes des pays source en termes de marchés du travail ont été émis. Aujourd'hui, on constate que la migration temporaire des Tunisiens en Europe avec retour est faible (800 personnes depuis 30 ans). L'accord de main d'œuvre signé entre la Tunisie et l'Italie, qui prévoyait un quota de migration légale de 3000 personnes par an a permis le départ de 3000 personnes au cours des 2 premières années, ensuite, 1000 et 700 au cours de 2007. Cela laisse dubitatif quant à une possibilité de gestion de la migration. Par ailleurs, ce qui manque dans l'analyse, c'est les aspects liés aux questions de développement pour effectivement créer de l'emploi dans les pays du Sud.

#### **a. Lien entre migration circulaire et migration irrégulière**

La migration circulaire s'apparente à un compromis entre les tenants de la politique de co-développement et les tenants de la lutte contre la migration clandestine. Certains pays lient le co-développement, l'aide au développement à l'engagement clair et ferme à lutter contre la migration clandestine. Du côté sud de la méditerranée, il y a une attitude claire quant à la volonté de maîtrise des flux migratoires illégaux et les juridictions des pays concernés peuvent faire application des normes répressives adoptées pour contrôler ces mouvements mais la solution n'est pas là uniquement.

Les défis que pose la migration relèvent aussi du développement et du co-développement. Cette démarche fait encore défaut. Le contexte politico-économique doit être pris en compte. Au niveau des discours, on note aujourd'hui une orientation vers la gestion dite globale de la migration mais dans la pratique, on se rend compte que les politiques restent en deçà des projets globaux.

#### *Que pourrait gagner les uns et les autres de la Migration circulaire ?*

La migration circulaire est présentée comme une orientation offrant un « triple gain », pour le pays d'origine, pour le pays d'accueil et pour le migrant. Mais, en la pratique, elle est proposée dans des secteurs précis, des qualifications précises avec des durées de travail limitées. La marge de manœuvre des pays d'origine dans la définition des priorités et des opportunités ainsi que la marge de manœuvre du migrant lui-même pour s'insérer dans cette dynamique imposée est faible voire nulle. Il faudrait approfondir le dialogue pour améliorer cette équation.

Tous les pays de l'Afrique du Nord qui ont signé les accords d'association avec l'UE ont des structures de suivi que ce soit au niveau des experts ou au niveau des conseils d'association. Il aurait pu être profitable, avant d'annoncer des propositions, de discuter de la migration circulaire au sein de ces institutions de coopération. Or, il n'y a pas de débats dans ce sens d'autant plus que dans les pays du sud, il y a d'autres acteurs sociaux comme la société civile, les syndicats qui pourraient apporter leur éclairage et leur conception sur les réponses à apporter au phénomène de migration illégale. L'absence de concertation risquerait d'entraîner un faible degré d'adhésion et de crédibilité sur la

capacité de ce procédé à venir à terme des défis que représente la migration. En outre, au niveau concret, les effectifs proposés dans le cadre de la migration circulaire sont négligeables devant les dizaines de milliers de migrants clandestins.

## **b. Zone de libre échange et meilleure circulation des personnes**

Il faut engager une discussion franche, claire, transparente pour, non pas une libre circulation mais une meilleure circulation des personnes dans l'espace euro méditerranéen. La facilitation en matière de visas est indispensable. Nous sommes dans un espace où la zone de libre échange va s'instaurer déjà avec la Tunisie. Le processus a commencé à partir de 2008 et, en 2012, toute la région sera une zone de libre échange. Qu'est ce que c'est une zone de libre échange où tout circule sauf les personnes ?

Pour qu'on puisse trouver des convergences, il faut ne pas avoir peur de discuter de l'ensemble de ces questions et de cesser de prendre la migration comme une menace mais comme réelle opportunité et là, de part et d'autre, nous devons dépasser nos propres intérêts et discuter sur des intérêts communs. C'est un exercice, peut-être, difficile mais c'est le seul exercice qui nous permettra de comprendre ces défis et d'apporter les véritables solutions et non pas des solutions d'appoint.

## **11. Circular migration and the migrant**

De nombreux intervenants ont souligné l'importance du respect des droits individuels et du projet du migrant. Ceci recouvre des préoccupations en termes de droits fondamentaux mais aussi en termes d'incitation au déplacement et au retour, la question de l'acquisition des compétences et du temps de séjour autorisé pour ce faire est aussi centrale. Par ailleurs, l'attitude des migrants est ambiguë, beaucoup cherchent activement à rester, non seulement pour des raisons directement économiques mais aussi plus généralement pour des raisons de qualité de vie par rapport à ce qu'ils peuvent espérer dans leur pays d'origine. Une posture macro ne correspond pas nécessairement avec les dynamiques micro et avec l'agenda individuel des migrants. Les Etats peuvent développer des politiques incitatives mais elles ont leurs limites. En amont, cela suppose de développer des politiques de circulation et en aval de développer des incitants au retour. Par ailleurs, il faut également prendre en considération les intérêts du migrant. Le chantage qu'il peut faire est intéressant: protection, garanties, avantages. Il faut développer la question des pensions, des droits sociaux mais aussi pourquoi pas développer une politique de crédit pour le logement, pour avoir une résidence permanente dans le pays d'origine. Cette dernière peut être développée à travers des programmes communs auxquels des entreprises privées des pays d'origine et d'accueil peuvent être associées. Il faut aussi réfléchir aux aspects fiscaux de la circularité afin que les migrants ne soient pas doublement imposés sur leurs revenus. Un système d'exonération pourrait être développé pour inciter à l'épargne et au retour.

Mais, le migrant n'est pas nécessairement mu par une rationalité d'ordre économique, il est un être singulier et particulier. Il n'y a pas deux migrants qui se ressemblent et qui sont mus par les mêmes déterminations. Le migrant est souvent mu par une fantasmagorie qui relève de l'idée que « l'herbe est plus verte ailleurs ».

La migration circulaire peut être économiquement avantageuse mais il faut toutefois mettre dans la balance les risques de déstructuration sociale et familiale que la circularité peut engendrer pour le migrant et la société d'origine. L'expérience canadienne nous informe à ce sujet. En marge de la migration de peuplement, le Canada a développée une migration saisonnière, essentiellement avec le Mexique, qui répond aux besoins des secteurs économiques stables avec des pics saisonniers dans l'agriculture et le bâtiment. De l'avis d'observateurs, cette expérience s'est avérée dramatique. Les enfants en partie scolarisés au Canada et en partie au Mexique, où les systèmes scolaires ne sont pas les mêmes, ont été perturbés dans leurs référents et lorsque les migrants viennent seuls, ils déstructurent leur milieu familial.

La migration circulaire semble mieux adaptée pour le personnel hautement qualifié notamment les universitaires, les chercheurs, les ingénieurs ... Dans ces secteurs, la mobilité est perçue comme un besoin professionnel plutôt que comme un besoin du marché du travail. Un chercheur, un ingénieur, un scientifique a, de nos jours, besoin de circuler pour sa carrière. Selon certains, c'est à cette catégorie qu'il serait profitable d'appliquer la mobilité circulaire.

## **12. Dialogue and cooperation with third countries**

Certains intervenants ont souligné le caractère unilatéral de la démarche de l'Union européenne en matière migratoire. Il a été dit que des réunions comme celles d'aujourd'hui sont sans doute utiles mais que dans le processus politique un élément structurel manque. Il a été estimé que les décisions européennes ne sont pas tellement discutées avec leurs partenaires même si des cadres de dialogue politique existent. Les propositions européennes peuvent selon certains être assimilées à des « contrats d'assurance » dans lesquels toutes les clauses sont déjà fixées d'avance par la compagnie ! Cela interroge également les pays d'origine ! Est-ce que dans ces pays, de réelles politiques existent ? Et les cadres de dialogue existant au niveau du Maghreb sont-ils correctement exploités ?

D'autre on souligné le terrain favorable à un dialogue dans la mesure où, au niveau macro, les intérêts des Etats ne sont pas nécessairement antinomiques.

Les Etats d'origine sont parfois ambigus. Ils font à la fois l'apologie de l'émigration et se plaignent de l'hémorragie, de même qu'ils appellent les « frères » de l'autre côté de la rive à faire usage des urnes et leurs remises sont encouragées. Il n'y a pas de politique réelle, cohérente à l'égard des gens qui quittent. Il est par ailleurs embarrassant de blâmer l'émigration alors même que le marché du travail n'offre pas de véritables opportunités aux ressortissants. Il y a effectivement une valeur ajoutée à vivre en Europe (pouvoir d'achat, compétence et défense des valeurs démocratiques).

Nevertheless, according to SEM government representatives we do not, at the moment, have to discuss the practicalities of Circular migration in any kind of detail. Rather we need an open dialogue on the main elements. Now we are still in the early stages of this dialogue. At present, no policy makers have entered into real discussion with the European partners. For now then the issue of circular migration is still an internal preoccupation for the EU, where intellectuals and institutions discuss the concept. The Southern part still needs to better understand the purpose and to see to what extent this option can be relevant regarding European admission conditions and the rules of preference regarding access to Internal Market Labour. No kind of official position can yet be shaped because no official external paper has been written.

Here, again, the importance of bilateral agreements to complete the legal framework and incentive policies needs to be stressed.

## **13. Importance of taking national specifics into consideration**

Attention has been drawn to the exceptional Palestinian situation where the authorities do not have full control of their own borders: the Occupation Authorities of Israel control them. We have been asked to think about the right of Palestinians to return. Not only Palestinian refugees but also Palestinian workers abroad.

## **14. Concerns about irregular migration**

Throughout the debate, EU stances on irregular migration were also highlighted. It was observed that it is very unlikely that EU member states would agree on positive terms concerning irregular migrants.



There are ongoing consultations to launch immigration pacts. Yet one should note that there is reluctance to adopt regularisation programs. The EU commission is cautious when it comes to enforcing such agreements which might have negative repercussions in some EU member states.

On the other hand, it was asked why the EU was opposing regularization programs and it was pointed out that it would be better to adopt regularization schemes which are transparent and to remove ambiguous measures. Also, adopting schemes which “incite voluntary return” have been interpreted as double-edged. It is advisable to clearly determine which parts of return migration schemes draw upon constraints and which are supposed to reflect voluntarism.

Although the EU approach is indeed interesting, it does not take into consideration governmental perceptions of SEM countries.

The EU response is that regularisation programs that are undertaken on an *ad hoc* basis tend to raise false expectations. Illegal migrants think that it would suffice to enter the EU and to stay underground waiting for the next wave of regularization. Other dangerous factors are also at play such as the exploitation of irregular workers. So the EU philosophy is now to target employers and to encourage awareness and information campaigns targeting migrants’ rights and highlighting the opportunities available, and the risks of illegal migration.

## 15. Reflections on return migration

Reflections on return migration were further developed.

It was emphasized that source countries have a major role in creating policy-making instruments that incite return. This does not, however, negate the fact that source and destination countries have to cooperate so that there are cooperative and supportive networks that develop and follow up on return projects. So launching dialogue between national agencies and intermediary structures in both source and destination countries should be encouraged. In addition, defining shared responsibilities is an important element so as to foster circular migration and return migration schemes.

The experience of a Spanish organisation, the Union of Source Countries, was drawn upon. In order to foster reintegration in the source country, this organisation invites seasonal workers with particular characteristics to enrol in intensive courses which allow them to launch specific projects in their home countries. Upon their return, with the help of the organisation’s funding, seasonal workers mostly start projects dedicated to community and land development. An example was the opening of a bakery in Columbia.

It was maintained that return and reintegration migration should also be addressed from a sociological perspective. Return is not an instantaneous, explicit and formal procedure, but rather takes time and is a multidimensional process. So return migration schemes should guarantee temporary as well as permanent return and should equip migrants with efficient return instruments.

## 16. Closing debate: the future of circular migration

At the end of the two-day debate on circular migration, it was argued that policy makers and researchers were still “on the horns of a dilemma” since the concept remains nebulous, lends itself to various interpretations and has many components. This is why it is necessary to grasp the concept more precisely. Despite these reservations, it was maintained that a sense of direction had to be agreed upon. Moreover, one should also take into consideration that migration is a multifaceted perspective and that circular migration is a worldwide phenomenon which is not only restricted to Europe and to the Mediterranean region.

In that sense, Europe and the Mediterranean region are lagging behind. Migrants are circulating from one continent to the other and do not even know whether they are coming back. In fact, the mentality of circulation is already ingrained in migration phenomena, and goes beyond what we are talking about here.

It is true that circular migration needs to be legalised and regularised but one cannot control it. The unfortunate impression that the EU is trying to lock this movement into some kind of pre-determined track has to be done away with. It will not happen and should not happen. The key is to organise and regulate this spontaneous movement of circularity.

It has also been suggested that field research be carried out so as to question migrants themselves about their experiences, thus clarifying the concept of circular migration and its application in more tangible terms. Also, pondering and reflecting upon prior experiences such as the Turkish and Maghreb experiences or migration schemes between Morocco and Spain could help to assess circular migration more accurately in the SEM context.

## **a. Some closing remarks:**

### ***Italy***

In the case of Italy, it was stated that immigration has become a must. Still, there is the need to coordinate with other European countries. Despite the fact that coordination with other EU member states is necessary, a margin of manoeuvre does exist.

Europe is no longer a fortress. One should be cautious about generalising about EU migration policy. The objective is to relate with constructive ambiguity and to organize spontaneity “through accumulation” i.e. by accumulating different answers and experiences. Through “sedimentation” then a solution can be reached.

The other important element is the protection of the rights of migrants who are left to their own devices. So important objectives include the protection of individuals, and the reduction of differentials in economic capabilities on the broader scale.

### ***Turkey***

Europe is currently facing a major strategic challenge, and the South is aware of fears that are not explicitly mentioned. For example, it is noteworthy that no Muslim countries have participated in the EU common migration policy.

Also in the EU communication on circular migration, note 7 makes reference to the EU-Turkish agreement that facilitates circular migration. Yet this model is not functioning well.

Furthermore, religion does play a role in managing migration, and ‘Islamophobia’ is an increasingly controversial issue that needs to be addressed. Yet, this contentious issue is either brushed to one side or ignored.

In the case of Turkey, it is important to note that Turkish skilled labour is not going to Europe (with the exception of Sweden and Britain) but rather to the United States. In addition, Turkey has become an immigration country *par excellence*. In this context, it would be beneficial if the European Union sheds the fears that are linked to religion in its migration policies.

### ***Palestine***

First, it is of paramount importance to discuss in more detail the mechanisms of reintegration as far as circular migration is concerned. One possibility would be to consider return migration from the perspective of adaptation. Some returnees return to Palestine, yet the Palestinian authority is unable to deal with them. Urgent solutions have to be devised to tackle these cases.

Second, if the Palestinian emigrant has nowhere to come back to or is unable to come back, what should he or she then do? These sensitive issues need also to be addressed. An additional pressing issue is linked to the intentionality of return policies: are there well-embedded guarantees for the migrants to return and participate actively in the process of development in the source countries?

### ***Syria***

The element of fear in EU migration policy is striking, and should be stressed. The EU needs workforce and labour, but would, at the same time, like to reduce the stay of the migrants as well as the possibility of chain migration.

It, therefore, remains crucial to organise migration, while, at the same time, taking migrant rights into consideration.

In the Syrian context, it is noteworthy that the Syrian government is trying to bring Syrian emigrants home and foster connecting bridges by facilitating investment in that country.

### ***Morocco***

A warning was given that circular migration should not be linked to readmission, and that an optimal attitude would be to focus on convergences with the EU. Dialogue on circular migration between the SEM region and the EU, which aims to detect and accept divergences while, at the same time, finding convergences should be the goal.

### ***Jordan***

It was remarked that many elements are still missing in the circular migration equation. In fact, human beings strive for social welfare and for an improvement in their situation. This is why it is important to concentrate on the realistic dimension of migration. If the situation in the Arab world remains as it is, migration will continue driven by economic and political issues and wage differences will structure the migratory experience.

In the Jordanian context, there is an increasing need for migrant workers, and Jordanian law allows some degree of flexibility concerning provisions relating to these workers. Labour migrants are, in fact, a fundamental pillar in the Jordanian economy. On the other hand, the Jordanian government is intolerant of irregularity. Every worker who has no work permit is deported to his/her country and will not be able to come back to Jordan for 5 years.

Jordanians do have opportunities to work in Jordan, but as wages are low, they look for better opportunities abroad. The basic question is how to encourage Jordanian migrants to come back to the country. One possibility would be to improve labour and employment conditions.

Persistent problems in Jordan are unemployment and the Jordanians' refusal to work in some sectors because of the low wages. This is why, in the final analysis, it is of paramount importance to look at labour behaviour and conditions, and to create internal jobs through financial funds, launch new projects supported by NGOs or by the government in order to entice emigrants back, to halt emigration, and even to reduce irregularity.

## **b. Concrete proposals for a more efficient dialogue between the SEM region and the European Union**

### ***International cleavages***

In response to the concerns raised about the role of religion in migration, it was remarked that cleavages tend to change and are not so very determining. For example, in the 1980s, the predominant cleavage was socio-economic, whereas today the cleavage is cultural and religious. The reason for this is that the world order needs a cleavage to structure international relations.

However, it is important to note that a balanced migration approach (in this case circular migration) will not be successful if experts limit themselves to this thematic context. A balanced migration approach should aim at economic, cultural and political aspects of integration as a cleavage can be dismantled and a social construction is possible if governments work on integration in other dimensions.

### ***Making the best out of migration***

Despite all these considerations and remarks, it is important to relativise the importance of circular migration. In fact, migration is a small phenomenon on a macro-scale. Migration, circular or otherwise, will not solve all demographic problems and labour market gaps in origin countries.

A pragmatic approach should focus on defining the possibilities that make the most out of migration.

In this respect, three principles can be identified.

1. The Criteria of efficiency: Mobility should be encouraged, and constraints linked to return should be removed. In addition, multiple trips between the countries of origin and countries of destination should be facilitated;
2. Sustainability: Information and training campaigns should be carried out by both countries of origin and destination;
3. Ethics: Migrant rights should be respected and questions related to recruitment codes should be clarified. In fact, the aim of source and host countries is to elaborate comprehensive policies based on a well-balanced management of migration, while guaranteeing these rights.

### ***Making the best out of mobility***

It was stressed that definitions are not important as experts and policy-makers are still engaged in preliminary intellectual negotiations.

A striking element that experts should focus on is the aspect of mobility. It is, in fact, sad that mobility is not amply tackled in the EU political debate, mobility issues still being taken care of by the Interior ministries in the EU member states.

These reservations notwithstanding, source countries should not hesitate to bargain on this issue. In fact, their aim should be to profit from the debate on migration between the EU and SEM countries, not to reject it.

Although some Southern experts are reluctant to partake in discussions on circular migration, it is more realistic to cooperate. It is a well-established fact that the EU space is heading towards more control in terms of mobility, and that unrestrained circulation is not “planned for tomorrow”. It is true too that the law cannot do much in what is essentially a political debate. In fact, emigration law is an *ensemble* of juridical rules that concern persons only once the latter have been admitted to a given country. But the process of admission is not regulated by law. So a clear-cut convention on circular migration is, in some senses, a far-fetched dream.

Countries then are invited to make the best out of existing opportunities.

One possibility would be to launch serious studies on illegal migration and to find out exactly who is motivated to migrate illegally, under which conditions, with which profile and from which countries? Once these questions have been answered, it would be possible to detect those likely to migrate illegally and to put temporary legal work contracts in place that could respond to their aspirations or needs.

### ***Suggestions in the Arab context***

In the context of Arab states, researchers and policy-makers are still in a process of dialogue, reflection and negotiation when it comes to circular migration.

To grasp the full picture, some points need to be emphasized:

- In the Arab world, there is an ambivalent view of Europe: on the one hand, “nostalgia” and, on the other hand, caution vis-à-vis Europe’s intentions;

- Arab states are invited to adopt a rational approach. Concerning circular migration, it would be worthwhile evaluating the costs and profits of these processes. Europe would like to rationally organize circularity for security and political reasons, and it is legitimate that Europe tries to find a solution to migratory fluxes;
- This is why Arab states are invited to concentrate on identifying and communicating their interests;
- Arab states are in need of migrants' remittances in order to respond to economic crises. On the other hand, Arab states want their migrants to return. As a result, there is a fundamental ambiguity behind migration policy-making in the region;
- In the very fluid spectrum of circular migration, one should take the existence of two social categories into consideration: low-skilled migrants and high-skilled migrants. The vital question is whether EU member states want to guarantee the return of non-qualified migrants;
- Although Arab low-skilled migrants are indispensable in Europe, they remain in a precarious situation;
- Arab states are invited to identify their priorities and interests, and to detect the advantages that they would accrue in facilitating the return of non-qualified migrants;
- A solution would be that European firms willing to recruit non-skilled migrants pay supplementary allowances, and ensure the portability of benefits even for seasonal works;
- Circular migration has to be based on an exercise of negotiation between the sending and destination countries. This exercise has to be based on rational choices for each party. In order to encourage a return migration policy, incentives need to be put in place, so migrants will be encouraged to come when they have accumulated benefits. In other words, there should be a package deal which allows the elaboration of a return migration policy guaranteeing advantages for the migrant. It is also worth mentioning that a well-organised return migration policy will mean that migrants send more remittances;
- In addition to these concerns, experts are called upon to think about the components needed to regularise circular migration (e.g. should circular migration be solely regularised by the existence of a contract? what about visas that allow repetitive and multiple trips?)
- In the final analysis, it is recommended that Arab states think about the fate of their migrants and create clear migration policies, and incentives so that migrants can return with clear benefits;
- It is important that SEM states and EU member states capitalise on convergent interests.

# APPENDIX

## **ANNEX 1: List of Participants, Thematic Session, 17 - 19 October 2007**



### **Cooperation Project on the Social Integration of Immigrants, Migration, and the Movement of Persons**

### **Euro-Mediterranean Consortium for Applied Research on International Migration (CARIM)**

Co-financed by the European Commission

AENEAS Programme

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#### **Intensive Thematic Session**

#### ***The Role of Circular Migration in the Euro-Mediterranean Area***

Florence, 17 - 19 October 2007

European University Institute, Badia Fiesolana – Salle « Teatro »

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## **ANNEX 2: List of Participants, Expert Meeting, 27 - 29 January 2008**



### **Cooperation Project on the Social Integration of Immigrants, Migration, and the Movement of Persons**

### **Euro-Mediterranean Consortium for Applied Research on International Migration (CARIM)**

Co-financed by the European Commission

AENEAS Programme

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#### **Meeting between Policy Makers and Experts**

#### ***Circular Migration: Experiences, Opportunities and Constraints for Southern and Eastern Mediterranean Countries***

27 - 29 January 2008, Florence

European University Institute, Badia Fiesolana – Salle « Teatro »

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