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# **CIRCULATORY MIGRATION VS. SEDENTARY IMMIGRATION**

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**CARIM Analytic and Synthetic Notes 2011/36**

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

**Analytic and Synthetic Notes**  
**CARIM-AS 2011/36**

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## **CARIM**

The Euro-Mediterranean Consortium for Applied Research on International Migration (CARIM) was created at the European University Institute (EUI, Florence), in February 2004 and co-financed by the European Commission, DG AidCo, currently under the Thematic programme for the cooperation with third countries in the areas of migration and asylum.

Within this framework, CARIM aims, in an academic perspective, to observe, analyse, and forecast migration in Southern & Eastern Mediterranean and Sub-Saharan Countries (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 17 countries observed by CARIM: Algeria, Chad, Egypt, Israel, Jordan, Lebanon, Libya, Mali, Mauritania, Morocco, Niger, Palestine, Senegal, Sudan, Syria, Tunisia, and Turkey.

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.

CARIM carries out the following activities:

- Mediterranean and Sub-Saharan migration database;
- Research and publications;
- Meetings of academics and between experts and policy makers;
- Migration Summer School;
- Outreach.

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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One of the many reasons for undocumented migration are the poorly-designed regulations for circulatory migration. The lack of flexibility in granting circular residence status forces many migrants, both unskilled and skilled, to remain in a country against their personal wishes. Twentieth-century nation-states were inert and liked stable populations, quotas and permanent residents. However, the modern twenty-first century state must learn to manage circulatory migration and to adapt policies to address the legal rights and the status of migrants in movement.

### **A. The possibility of circulating and re-circulating on a permanent basis should be offered to seasonal workers.<sup>1</sup>**

Seasonal workers are not temporary workers. Seasonal workers are needed for seasonal jobs that are, by definition, temporary, while temporary workers are hired for fixed-term contracts in which the contract not the job is temporary. This is why temporary permits (1, 2 or 3 years) often lead to illegal or permanent status. On the contrary a stable recirculating seasonal worker does not exist while, nevertheless, this would be the ideal solution for some immigrants. This solution would benefit the worker, his or her family, the home country and the receiving country with economic sectors (e.g. agriculture and construction) that are dependent upon seasonal migrant labor. It would reduce the number of illegal migrants.

Not all unskilled workers want to settle in the E.U. with their families. Indeed, if given the option, many would return to their home country after having worked in the member State for six to ten months. With the wages they have earned, their purchasing power will be much higher in their home country.

With the internet, Skype, and further advancements in communication technology, it is easier for a seasonal worker to stay in touch with his or her family at home. But seasonal workers will only return to their home country and leave the United States if they have a guarantee that they will be able to return. Otherwise, there is a strong incentive to remain in the country as an undocumented worker. Both previous and existing seasonal workers' programs have shown that in the absence of this kind of guarantee, seasonal workers tend to remain illegally in the receiving country. However, the choice is not between a failed seasonal-worker program and no program at all. Following a Franco-German initiative<sup>2</sup>, the European Commission has, since 2007, encouraged circular migration between the member states and third countries.<sup>3</sup> In addition, Italy, Spain, and France have developed new approaches to the management of seasonal workers.<sup>4</sup>

In Italy, a quota of seasonal workers is fixed every year. The following year, the seasonal worker who has returned to his or her country of origin at the end of his or her contract, has priority in returning in the quota of the next year. Since 2009, the quota on permanent foreign workers has disappeared, but a specific quota remains for seasonal workers set at 80,000 for 2010.

In Spain, a program has been negotiated with the Moroccan Government allowing an increased number of Moroccans to come and work temporarily. They are guaranteed the same level of salary and social protection as permanent residents and natives. In exchange for returning to Morocco, they are offered the possibility of coming back to Spain the following year. The fact that Spanish

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<sup>1</sup> Cf. Booth, A.L., Dolado, J.J. & Frank, J. .2002, "Symposium on temporary work, Introduction, *The Economic Journal*, Vol.112, 182.

<sup>2</sup> On the initiative of Wolfgang Schauble and Nicholas Sarkozy, October 26, 2006, cf. Stefan Angenendt, Circular Migration, a Sustainable Concept for Migration policy? [http://www.swp-berlin.org/common/get\\_document.php?asset\\_id=4058](http://www.swp-berlin.org/common/get_document.php?asset_id=4058)

<sup>3</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions On circular migration and mobility partnerships between the European Union and third countries /\* COM/2007/0248 final \*/ 05. 16. 2007.

<sup>4</sup> Cf. for example <http://www.caritas-europa.org/module/FileLib/080407Stakeholderquestionnaireseasonalworkers-CEreply.pdf>

authorities give priority for a workforce with women with children remaining at home contributes to the 95% rate of return reached every year.<sup>5</sup>

The European Commission has suggested that member states develop multiannual permits for seasonal workers.<sup>6</sup> In France, the Immigration and Integration Act of July 24, 2006 created a multi-annual permit of three years. Implemented in the summer of 2008, the permit has been offered to 6,500 seasonal workers. The government has recently emphasized 'its adaptation to the targeted public' (public visé).<sup>7</sup>

## **B. Permitting the highly-skilled to circulate and re-circulate.**

On the issue of highly-skilled labor migration, the United States used to be more advanced than Europe. In many European countries such as France and Germany, there were reservations regarding skilled migration. Such views were, in some instances, based on racist or corporatist sentiments and the desire to reserve the most valuable professional positions in society for native citizens. Reservations about this type of migration were also based on the concept of 'third-world-ism', the notion that world justice and the development of less developed nations would be hindered by the recruitment and retention of highly-skilled workers from these nations.

This was both incoherent and absurd: if African, Asian, South American, or other students from outside of the European Union graduate with a degree from a European university and do not want to return home, they will not do so. If European countries refuse them permanent residency, they will migrate to the United States, Canada, or Australia or their countries of origin, and the country where they have received their training will not benefit from their intellectual and professional capacities. And, in fact, in the end it was international competition that encouraged the United Kingdom, Germany, and later Italy and France to open their doors to highly-skilled workers.

Despite this convergence, the United States and Europe do not approach the issue of highly-skilled migration in the same way. Both sides limit the rights of highly-skilled migrants they wish to attract, but they do so differently. In the United States, once a legal permanent status is granted, a foreign highly-skilled resident is prevented from returning to Africa, the Caribbean, or Latin America for a significant period of time: the permanent resident card (i.e. green card) is considered invalid if the person has been outside for more than a year<sup>8</sup>.

Some European countries limit the right of highly-skilled workers to obtain permanent residency. France, for example, has created a new type of three-year residence permit for this category of workers. But if the worker is a citizen of a country belonging to the poorest region of the world<sup>9</sup> this special permit cannot be renewed more than once (for a total possible stay of six years) and can only be delivered under approval of the sending country authorities. This policy is a response to the strong reservations and concerns expressed by African leaders to the European Union on policies that would increase the emigration of their highly-skilled workers. It is true that among developing countries the poorest (e.g. Haiti, Congo, Rwanda, or Cambodia) are most in need of their highly-skilled citizens. In

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<sup>5</sup> [http://www.magharebia.com/cocoon/awi/xhtml1/en\\_GB/features/awi/features/2009/01/19/feature-02](http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2009/01/19/feature-02)

<sup>6</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions On circular migration and mobility partnerships between the European Union and third countries /\* COM/2007/0248 final \*/ 05. 16. 2007.

<sup>7</sup> French Senate, Finances Committee, Parliamentary Question, n°36 of Pierre Bernard Reymond, 2010 Budget.

<sup>8</sup> In addition, the government is required to look at the totality of circumstances, including the ties that they have maintained in the US (eg payment of US taxes, residence, bank accounts, etc). In practice, officers begin to ask questions after about 3-5 years of infrequent returns to the US.

<sup>9</sup> The 'zone de priorité solidaire' created in 1998 includes the majority of African Countries, Vietnam, Laos, Kambodgia, Haiti, Cuba, Dominican Republic etc.

comparison, countries already considered to be global powers, such as China, India, and Brazil, are less concerned about losing highly-skilled citizens and some countries (e.g. the Philippines) even encourage the migration of their skilled workers. Yet, African, Asian, South American, or students from other non EU countries with a degree from a European university are on the world market, and any selective restriction or discrimination is both ineffective and counterproductive. The initial assessment of the French policy is not good: it has discouraged highly-skilled workers from poor countries from applying for these French permits.

However, it is in the interest of the European Union to have poor and unstable underdeveloped countries develop democratic civil societies. The highly-skilled workers trained in European universities can be important agents for democratic development.

Once their permanent status is secured in the United States, they should not be prevented from returning to their home country – for a few months or a few years – while retaining their status.

The European Commission is encouraging circular migration between the member states and third countries for higher skilled workers.<sup>10</sup> It wishes to give ‘people the opportunity to engage in an activity (business, professional, voluntary or other) in their country of origin while retaining their main residence in one of the Member States. This covers groups such as: Business persons working in the EU and wishing to start an activity in their country of origin (or in another third country); and Doctors, professors or other professionals willing to support their country of origin by conducting part of their professional activity there.’

Two proposals could be made with the purpose of facilitating circulation of the higher skilled:

Permanent legal residents should be able to leave the United States for a maximum period of three years without forfeiting their legal status.

When public institutions – hospitals, universities, research centers, etc - recruit highly-skilled workers from countries receiving U.S. development aid, these foreign skilled workers should be offered the possibility of practicing and working in their countries of origin. With the agreement of USAID, these individuals’ salaries would be covered by the recruiting institutions for the duration of their stay in their home country. This would allow professors or doctors from Haiti, Rwanda, Mali, or Cambodia recruited by a university or hospital in the United States to utilize their expertise in their native country and contribute to its development, while also retaining the right to return to the United States to work, after an agreed period of time.

Long term exit and re-entry visas for circulation should be offered to graduate students with diplomas from European universities.

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<sup>10</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions On circular migration and mobility partnerships between the European Union and third countries /\* COM/2007/0248 final \*/ 05. 16. 2007.