IMPROVING US AND EU IMMIGRATION SYSTEMS

Shared Challenges and Opportunities for EU and US Immigration Policymakers

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Introduction

International migration and the policies and systems that govern it have changed considerably over the past two decades. Immigrants now make up more than 10 percent of the population in a majority of European Union (EU) Member States and 12.9 percent in the United States,[1] and over the past 15 years a wide range of newcomers has joined the ranks of major players in international migration, including European countries such as Greece, Ireland, Italy, and Spain.

Immigrants have become an integral part of the fabric of local communities, economies, and labor markets across Europe and North America, representing a growing share of the population and a recent one in areas that have little history of immigration. The rapid growth in immigrant populations has brought new arrivals into the labor force across the skill spectrum, from scientists, businesspeople, and researchers to domestic and construction workers. Immigrants are thought to have brought widely shared economic benefits to the countries in which they have settled, but they have also created concerns and policy challenges. These include the belief that immigrants displace existing workers and reduce their wages, that they compete for increasingly scarce national and community resources, or that they pose a threat to nations' cultural identity. Moreover, while most of the new workers have come through legal channels, others overstayed their visas or arrived illegally, creating pressure for more effective enforcement of immigration laws at the border and within immigrant-receiving countries.

At the same time, the rapid pace of change has visibly reshaped the local areas in which immigrants settle, a process that has in some cases created public anxieties about immigrants' increasing social and cultural "distance" from their host communities. And the new migration flows have also presented governments with the challenge of ensuring smooth economic, social, cultural, and linguistic integration for immigrants and their families — a challenge that remains largely unmet — and of ensuring that immigration policies directly facilitate productivity increases and contribute to economic growth.

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The past ten to 20 years have also witnessed substantial institutional and policy changes. On both sides of the Atlantic, the infrastructure for managing migration has become more complex and its policy goals more ambitious. In the European Union, enlargement, special arrangements for the expansion of the Schengen Area, and the gradual development of a stronger EU role in immigration have added further complexity to the policy landscape, leading to both new patterns of movement and new policies for governing immigration from outside of the European Union. In the United States, the economic booms of the 1990s and 2000s saw increased demand for immigration, of both legal workers on temporary visas and the unauthorized, both of which put pressure on the country's policy infrastructure. Efforts to reduce illegal immigration and to manage borders more effectively have intensified in North America and Europe, as have concerns about the risk of terrorism and serious transnational crime in the wake of the 9/11 terrorist attacks in the United States. These efforts have also created concerns about the continued willingness of the European Union and the United States to ensure the privacy rights of their populations when using and sharing data on travelers, to cooperate more effectively with other countries that both send and receive international migrants and travelers, and (especially in the case of the European Union) to meet their humanitarian protection obligations.

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1   Eurostat, "Foreign citizens made up 6.5% of the EU27 population in 2010," (news release, July 14, 2011), http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-14072011-BP/EN/3-14072011-BP-EN.PDF; US Census Bureau, 2010 American Community Survey, www.census.gov/acs/www/.

Three years have passed since the financial crisis first took hold of the US and EU economies. But persistent economic weakness, unabated unemployment, unstable public finances, and a new bout of turmoil in the eurozone in the summer of 2011 have created fears that the worst may be yet to come. The twists and turns of the economic crises have severely tested the limits of governments' understanding of structural aspects of the crisis and of policymakers' ability to act to contain the damage.

> *The Arab Spring serves as a crucial test of the European Union's ability to meet its aspiration to engage constructively with migrant-sending countries.*

Lower migration flows towards Europe and the United States have been a primary consequence of the crisis in the realm of immigration, even if foreign-born populations have generally not fallen and no mass exodus has taken place. Public funding for social programs, and particularly for the integration of immigrants, has fallen or remains vulnerable in many cases, posing risks to long-term integration and social cohesion. In most countries in the transatlantic space, the recession has severely hit immigrants, especially young immigrants and members of disadvantaged minority groups.[2] These trends make it all the more important for governments to ensure that their policies both support social and economic advancement of existing immigrant populations and contribute to economic growth and job creation, not least by addressing longer-term issues such as the fiscal consequences of population aging.

Adding to the uncertainties that have arisen from the continuing economic crisis, political turmoil in North Africa has created enormous pressure on Europe's policymakers to find a coherent response to unfolding events. The Arab Spring serves as a crucial test of the European Union's ability to meet its aspiration to engage constructively with migrant-sending countries and to positively influence the economic, social, and political development of its neighborhood. Regardless of the actual size of the migration flows that result from these events (and even if some analysts' expectations that the numbers reaching the European Union will remain small are borne out), the turmoil will require the European Union to think harder about temporary protection and a fair system of burden sharing with countries in its neighborhood, as well as border protection.

The events in North Africa and the Middle East also represent a salient and publicly visible test of the new policies and institutions that have evolved in recent years — such as the EU border agency, Frontex, and the new European Asylum Support Office — and of their capacity to meet humanitarian obligations, ensure effective cooperation between Member States (particularly within an expanded Schengen Area with border-free travel), and inspire public confidence in border security and migration management across the European Union. Moreover, the fall of authoritarian regimes that were cooperating with European states to control migration is putting European diplomacy to the test.

Learning from Experience

Good immigration policy is a moving target: policy objectives and the outcomes they seek to achieve inevitably change with the evolution of immigration flows; demographic, economic and geopolitical circumstances; and the (real or perceived) social impacts of, not to mention cultural reactions to, immigration. As a result, flexibility, adaptation, the ability to learn from domestic and international experiences, and efforts to address legitimate concerns about the impacts of immigration lie at the heart of effective and smoothly functioning immigration systems.

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2   Demetrios G. Papademetriou, Madeleine Sumption, and Aaron Terrazas, eds., *Migration and the Great Recession: The Transatlantic Experience* (Washington, DC: Migration Policy Institute, 2011).

The many uncertainties that face immigration policymakers in the short term, coupled with persistent long-term economic and demographic challenges, underline the need for reflection on how immigration systems have evolved on both sides of the Atlantic, and how countries can better position themselves to reap the benefits of migration more fully.

The project *Improving EU and US Immigration Systems: Learning from Experience*, conducted by the European University Institute (EUI) and the Migration Policy Institute (MPI), has sought to further this goal.[3] The project analyzed key aspects of immigration policy in the European Union and the United States and offers an opportunity for policymakers on both sides of the Atlantic to learn from each other and cooperate more closely as they review and adjust their immigration policies. This review took place within the context of substantial uncertainties arising from the economic, jobs, and fiscal crises and, in the case of Europe, from political upheaval in the Arab world. It must also be seen in the context of ongoing institutional, economic, and demographic changes, as well as governments' growing recognition that deeper cooperation with both sending and receiving countries are crucial to the effective management of migration.

This final report summarizes and reflects upon the key findings of the project's research papers and policy briefs, highlighting the lessons to be learned from both similar and divergent experiences on either side of the Atlantic. The report highlights opportunities for future reform, as well as ways in which the European Union and the United States could improve their cooperative relationship.

I.   Addressing the Impacts of Demographic Change and Economic Competitiveness

Immigration is a significant component of any strategy to boost economic growth and competitiveness. Alongside investments in education and workforce-training systems, research and development, public infrastructure, thoughtful regulatory policies, and social-protection reforms that reduce barriers to employment and create incentives to work, policymakers must ensure that migration policies are designed to facilitate immigrants' contribution to the economy and that immigrants are able to realize their full labor market potential.

Immigration is a significant component of any strategy to boost economic growth and competitiveness.

Labor migration is a particularly significant tool at policymakers' disposal as they seek to enlist immigration policy in the effort to improve productivity and economic competitiveness. Some nations have opened more readily to employment-based immigration and others more cautiously, but there is a growing recognition even within governments that have historically taken a more cautious approach that selective openings to immigration, especially of the highly skilled, are a valuable asset for the economy.

The United States has traditionally used this tool to good effect, with a strongly employer-driven system for selecting economic migrants that meet firms' demand for labor "in real time" (rather than at a lag, as in many government-led systems that rely on points-based selection).[4] Despite relying on an immigration

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3   The project comprises a series of research and policy analysis papers, produced in parallel by either the Migration Policy Institute (MPI) or the European University Institute (EUI). For more on the project and its research, see the About the Project section at the end of this report.

4   See in this project, Demetrios G. Papademetriou and Madeleine Sumption, *The Role of Immigration in Fostering Competitive-*

system built around the principle of family unification which issues a relatively small proportion of work permits on the basis of workers' economic contribution, the United States remains very open to immigrants at the highest skill levels, and has enjoyed great success in attracting these individuals to its shores. The central role of employers in selecting immigrants, meanwhile, has ensured good integration among skilled immigrants.

However, the US system also has some serious drawbacks, including a highly bureaucratic work-permit process (especially for those who wish to make the transition to permanent residence). A heavy reliance on numerical limits on annual work-visa issuances has injected unnecessary uncertainty into US employment-based immigration, forcing employers to predict their demand for workers six to 18 months in advance, leaving many unable to hire foreign workers regardless of the urgency of their need, and imposing long wait times for access to permanent residence. At the low-skilled level, numerical limits or complex but often ineffective regulatory procedures have created profound dissatisfaction across the political spectrum, although efforts to remodel the system have been unable to win legislative approval. More generally, the US system lacks the flexibility and strategic approach of some European Member States (most notably the United Kingdom and Sweden) in adjusting, redesigning, and reviewing immigration policies on the basis of sound evidence.

EU Member States, by contrast, present a more heterogeneous range of models for using immigration as a tool for economic competitiveness.[5] These include employer-driven systems in Ireland, Sweden, or Spain not dissimilar to that of the United States; points systems of the kind found in the Czech Republic, Denmark, and now Austria; and hybrid systems like that of the United Kingdom that combine elements of both points-based and employer-led models.[6] Some governments rely on numerical limits to manage these visa programs, while others do not.

A common feature of both the United States and EU Member States' work-based immigration systems is a greater level of comfort with admitting immigrants if they are highly skilled. Several European Member States have taken steps to ease the admission of highly skilled workers, even if the policies they have implemented differ from their American counterparts. For example, several countries rely on salary thresholds to identify the highly skilled. Above these thresholds, administrative requirements — such as the need to advertise positions in the local labor market before hiring non-EU workers — are relaxed. EU governments have also invested energy in creating granular distinctions between different types of workers based on the occupations they perform. This has included special categories of visas for researchers or IT specialists, or the introduction of "shortage occupation lists."[7] These policies remain a work in progress and the evidence on their ability to attract and admit immigrants with the capacity to integrate seamlessly into the labor market is still incomplete.

The United States has a strong competitive advantage in attracting and integrating the highly skilled — a characteristic attributed to the quality of its top universities, excellent research facilities and environment, and the high rewards available to successful businessmen and women. (Indeed, it has been argued that higher income inequality encourages highly skilled immigration to the United States, while greater equality in Europe, coupled with a stronger social safety net may have facilitated migration of the lower skilled there — although the strength of any such effect is disputed.) However, analysts argue that the United States is resting on its laurels and that without more active strategies to provide an attractive immigration "package" to the highly skilled, it may lose some of its traditional advantage.[8]

ness in the United States (Washington, DC: MPI, 2011), www.migrationpolicy.org/pubs/competitiveness-US.pdf.

5   See in this project, Koen Jonkers, *Immigration and European Innovation Systems, Challenges for Economic Growth and Prosperity* (Florence: EUI, 2011), http://cadmus.eui.eu/handle/1814/17836.

6   See in this project, Demetrios G. Papademetriou and Madeleine Sumption, *Rethinking Points Systems and Employer-led Selection* (Washington, DC: MPI, 2011), www.migrationpolicy.org/pubs/rethinkingpointssystem.pdf.

7   Demetrios G. Papademetriou, Will Somerville, and Hiroyuki Tanaka, *Hybrid Immigrant-Selection Systems: The Next Generation of Economic Migration Schemes* (Washington, DC: MPI, 2008), www.migrationpolicy.org/transatlantic/HybridSystems.pdf.

8   Demetrios G. Papademetriou, Will Somerville, and Hiroyuki Tanaka, *Talent in the 21st Century* (Washington, DC: MPI, 2008), www.migrationpolicy.org/transatlantic/Talent.pdf.

European governments cannot simply replicate US success in this arena. Policymakers have limited control over many of the structural, economic, and social factors that attract highly skilled immigrants, especially in the short run. In particular, non-English speaking countries will naturally find it more difficult to dip into an increasingly Anglophone global talent pool. However, these countries can still ensure that immigration facilitates, rather than impedes, the inflow of the highly and exceptionally skilled. Indeed, several Member States have also taken an active approach by tweaking their work-permit systems, as described above. At the European level, the Blue Card Directive (in effect since mid-2011) and the proposed legislation on intracompany transfers aim to make the current system more attractive, by facilitating the movement of skilled professionals within the European Union.

Finally, the shared ambivalence towards low-skilled immigration on both sides of the Atlantic deserves comment. While the United States and several EU Member States operate programs for low-skilled workers, typically temporary or seasonal, dissatisfaction with many of these programs remains profound. The spectacular rise in illegal immigration in the United States in the 1990s and the first half of the 2000s, together with repeated legalization programs in EU countries, demonstrate the drawbacks of simply ignoring demand for less-skilled workers.

> *Policymakers have limited control over many of the structural, economic, and social factors that attract highly skilled immigrants.*

The wide range of policies and practices on both sides of the Atlantic make labor migration a key area in which states can learn from each others' experiences.[9] Several good practices are worth noting.

- First, governments should consider creating more explicit temporary-to-permanent visa pathways, which provide a clear and predictable path for temporary workers to gain permanent residence rights if they demonstrate that they can integrate into the host society. These pathways have allowed several immigrant-receiving countries to satisfy short-term demands for foreign labor and skills, while selecting permanent, economic-stream workers on the basis of a demonstrated track record of employment, language acquisition, and other key integration outcomes.

- Second, governments should encourage and facilitate the constructive engagement of employers in the immigration system. Employers are uniquely positioned to ensure immigrants' economic integration, and governments can tap into this potential by giving them a role in the selection of workers from abroad and from within the country (most notably, from among the pool of international students). However, governments must also ensure that policies encourage and enable employers to take on responsibilities for training and preparing both their immigrant and native-born workers.

- Third, streamlined immigration routes for the most talented workers can help boost immigration's positive contribution to growth. Such streamlining may include providing options for expedited visa processing, reducing administrative burdens on employer sponsors that respect the rules, and exempting these workers from numerical limits on immigration.

- Fourth, a number of countries have now created an institutional capacity for the systematic evaluation of immigration and visa policies to good effect, developing appropriate data and analytical resources to adjust policies on the basis of evidence.

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9 See in this project, Demetrios G. Papademetriou and Madeleine Sumption, E*ight Policies to Boost the Economic Contribution of Employment-based Immigration* (Washington, DC: MPI, 2011), www.migrationpolicy.org/pubs/competitivenessstrategies-2011.pdf.

However, policymakers on both sides of the Atlantic have struggled to implement effective legal channels for less-skilled workers — channels that are well regulated, while providing a feasible option for employers who currently rely on the unauthorized. More concerted action in this area will be particularly necessary in countries that have accumulated large unauthorized immigrant populations. At the same time, a common political preference for strictly temporary immigration at the less-skilled level will need rethinking at least in some cases, since the jobs that less-skilled immigrants occupy often reflect ongoing or permanent demand; as a result, the rotation of workers in these positions can result in the loss of substantial knowledge and skills acquired on the job.

Immigration and the Demographic Challenge

Perhaps the most dramatic challenge facing Europe's immigration policymakers is demographic change. Europe will face three main demographic challenges in the near future.

- *Its wealth:* the European workforce is about to enter a period of fast decline that might hamper Europe's ambitious economic goals.

- *Its social contract:* the unprecedented rise of an elderly population combined with shrinking numbers of working-age natives alters the generational contract and will put Europe's welfare systems at risk.

- *Its size:* while the population of Europe will decrease or stabilize, depending upon migration scenarios, most other regions will continue to grow. As a result, the relative weight of Europe in world population terms will dwindle, thereby potentially undermining Europe's influence in world affairs and the institutions of global governance.[10]

Without migration, Europe would already be experiencing a decline in the size of its labor force. The reduction in the native labor force has already begun and will accelerate in coming years, in stark contrast to many emerging economies that are going through demographic expansion. Under a no-migration scenario, the working-age population of the European Union would fall by a projected 84 million, or 27 percent of its current size, between 2010 and 2050.[11] Even with migration maintained at the relatively high precrisis levels — a highly unlikely scenario when considering the euphoric economic conditions that drew immigrants to the European Union during the mid-2000s boom and the dramatic collapse that succeeded it — this loss would reach 35 million over the same period, and reductions of 5 to 11 million each would be expected in Germany, Italy, and Poland.[12]

A variety of policies will be needed to counter the impacts of a shrinking labor force and an aging population.

By contrast, US projections present a more favorable picture. The Congressional Budget Office projects that the labor force will continue to grow in coming decades. Projected growth under moderate assumptions about immigration flows is 0.7 percent annually in the coming decade, followed by 0.5 percent from 2020 to 2030.[13] This growth nonetheless represents a break from the past, in which the US labor force experienced rapid growth fueled by massive increases in female labor force participation and by the entry of the baby boomer cohorts onto the labor market. Relatively high net immigration

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10 See in this project, Philippe Fargues, *International Migration and Europe's Demographic Challenge* (Florence: EUI, 2011), http://hdl.handle.net/1814/17839.

11 Ibid.

12 Ibid.

13 Social Security Administration (SSA), "A Summary of the 2011 Annual Reports" (Washington, DC: SSA, 2011), www.ssa.gov/oact/trsum/index.html.

has sustained this growth to a significant extent, and by 2030 labor force growth in the United States is expected to be entirely attributable to immigration.

With the modest scale of labor-force growth in the United States over the next decade, the costs of population aging are set to be substantial and adjustments to current social and economic policy models unavoidable. In the absence of substantial policy changes, the cost of Social Security and government-funded health care for the elderly (Medicare), for example, is projected to increase from 7.4 percent of GDP in 2007 to almost 12 percent in 2035.[14]

On both sides of the Atlantic but particularly in Europe, the retirement of the baby boomer generation and the concurrent reduction in the size of youth cohorts entering the labor market will bring about some important structural changes. On one hand, the number of workers with low education levels will fall as new entrants to the labor market will be more educated and fewer in number than those retiring from it. At the same time, a projected polarization of job opportunities at the high and low ends of the skill spectrum may lead to unmet demand in less-skilled occupations.[15] This includes some critical health care positions (such as home health aides) for which demand will increase with the aging of the population.

A variety of policies will be needed to counter the impacts of a shrinking labor force and an aging population. Since each policy, including immigration, provides only a partial answer to these problems, a combination of approaches will be required.

A coherent policy response must rely first and foremost on efforts to bring a greater share of the population into the workforce. This means, on the one hand, inevitable increases in retirement ages and the time workers remain active participants in the workforce, as well as policies to encourage full-time or part-time employment among older workers. At the same time, increased labor force participation among each country's economically inactive, and in some cases marginalized, groups — such as less-educated workers, discouraged workers, women with children, and certain minorities underrepresented in the workforce — will be essential. Meanwhile, persistent investments in the productivity of the workforce through ongoing technology development and the constant training and retraining of workers will be central to enabling societies to support their aging populations.

A combination of temporary, permanent, and circular migration will be needed to support these efforts in various ways, mitigating both the scale and the impacts of demographic change.

- First, temporary and circular immigration can help to meet short-run demand for labor without adding to the long-term increase in the retired population (since temporary or circular migrants return to their countries of origin before retiring). But since these policies imply the rotation of workers, their quantitative contribution to the size of the labor force is likely to remain small. Large-scale, strictly temporary migration programs, moreover, bring their own political and social difficulties, including the risk of accentuating social divides by creating a minority without the opportunity to earn access to the rights and duties that come with citizenship and therefore no motivation for integrating in the host society.

- Second, permanent immigration can help to counter population aging in the short term, even if the long-term effects of first-generation immigrants themselves on the ratio of economically active to inactive individuals are more muted. But permanent immigration, unlike strictly temporary migration, may also mitigate population aging in another manner: through the indirect effect of first-generation migrants' higher fertility.

- Third, immigration can help nations to meet the cost of supporting an elderly population through their contributions to production and hence economic prosperity. Highly skilled

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14   Ibid.

15   See in this project, Aaron Terrazas, *The Economic Integration of Immigrants in the United States: Long- and Short-term Perspectives*" (Washington, DC: MPI, 2011), www.migrationpolicy.org/pubs/EconomicIntegration.pdf; Gianpiero Dalla Zuanna, *Migration in the European Union: The narrow street of convergence* (Florence: EUI, 2011), http://hdl.handle.net/1814/17848.

immigration, in particular, can improve productivity including by enabling employers to find the right skills, by contributing to technological advances and innovation, by fueling knowledge-intensive industries, and by making significant tax contributions that support public infrastructure.

- Immigration cannot help to cushion the economic impact of demographic change unless immigrants themselves are able to find productive employment at destination. Investment in long-term or permanent immigrants and their families, therefore, is a crucial part of any strategy to meet the challenge of demographic change through immigration. Within the European Union, a deeper discussion of Member States' divergent policies on long-term residence and citizenship may also be warranted.

- Finally, immigration flows must be flexible and consistent with economic needs in a context of durable demographic shifts. This means creating the flexibility to allow inflows to vary depending on labor demand. As described earlier, governments should ensure that they have the institutional capacity to adjust policies in response to evidence about demand. Meanwhile, the policies themselves should facilitate a stronger match between immigrants and employers and should provide ways for immigrants with a successful track record of employment to gain permanent residence rights where the demand for their labor is persistent.

II.   Immigrant Integration, Employment, and Social Cohesion

The United States has often been regarded as a successful model for immigrant integration. Integration has taken place even despite a *laissez faire* and seemingly *ad hoc* policy approach backed up with what appears to be relatively little targeted funding. In fact, the United States makes substantial, if indirect, investments in immigrant integration at all levels of government, particularly through the education systems and through social services at the state and local levels. It may also be becoming more deliberate in its approach to immigrant integration under the Obama administration.

A notable feature of immigrant integration in the United States is uneven but nonetheless strong intergenerational upward mobility. While large numbers of first-generation immigrants have traditionally occupied lower socioeconomic positions, the second generation makes considerable improvements compared to its members' parents, according to a range of indicators such as language proficiency, socioeconomic attainment, citizenship, political participation, residential integration, and social life.[16] That said, important differences among different ethnic group emerge. This is especially true when one compares first- and second-generation immigrants to the native population. For Asian, white non-Hispanic, and black non-Hispanic second generations, the upward mobility process has been faster, and, on average, has allowed these groups to match or exceed the US average. However, this process has been slower for Latino second generations which have not been able to catch up to the US average. This trend is thought to result from the lower starting point of many first generation Latinos (compared to other immigrant groups), and the higher proportion of unauthorized immigrants among them.

Two major risks confront the US model of immigrant integration. The first is the economic climate.

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[16] For instance, while only 40 percent of Latino immigrants in the age bracket 25-44 held a high school degree in 1980, this proportion rose in 2005 to 85 percent among their sons and daughters; among the non-Hispanic black first-generation immigrants between age 25-44, only 20 percent could be found in a "high-status occupation" in 1980, while in 2005, among their sons and daughters, this proportion rose to 50 percent. See in this project, Tomás R. Jiménez, *Immigrants in the United States: How Well Are They Integrating into Society?* (Washington, DC: MPI, 2011), www.migrationpolicy.org/pubs/integration-Jimenez.pdf.

The robust economic expansion of the last three decades was a strong driver of immigrants' upward social mobility. However, many of the jobs that only a few years ago provided less-skilled immigrants with a sustainable economic foundation have now disappeared. This is particularly the case for the construction industry, a major employer of Latino immigrants that seems unlikely to provide a comparable level of opportunity in the foreseeable future. Second, the high share of unauthorized immigrants may create barriers to integration that previous generations did not face, especially if resistance to pursuing a legalization program persists.

Several aspects of US policies toward immigrant integration are worth noting. First, the "immigration bargain" in the United States includes a strong expectation that immigrants should become self-sufficient as quickly as possible and that they should expect relatively little support from the state. Early access to employment is made easier by an extremely flexible labor market, a feature that distinguishes it from most European countries. Moreover, asylum seekers in the United States receive access to the labor market after a maximum of 180 days if their case has not yet been resolved, reducing the risk that long delays in adjudicating applications will create dependency and unpreparedness for work.

Second, highly articulated anti-discrimination laws which are (typically) aggressively implemented and that can be enforced in court are a core principle in the United States and have helped guard against immigrants' economic and social exclusion. Moreover, a strong regulatory framework requires government agencies to make reasonable efforts to ensure access to public services regardless of language proficiency. This has increased immigrants' ability to engage with local schools, hospitals, police, and courts, in contrast to most European countries in which poor language skills can create a prohibitive barrier to engaging with government institutions.

Third, inclusive public education that does not separate children on the basis of their academic performance at an early age (disadvantaging the children of immigrants who are still learning the host-country language) helps to drive social and economic integration for those with immigrant backgrounds.

On the other side of the Atlantic, most European countries have recognized the importance of immigrant integration and have created coherent long-term strategies for accommodating and, more importantly, actively facilitating integration. This is an area in which the United States can still learn from Europe. Many countries in Europe and further afield invest substantial resources in language instruction, mentorship, job-training, and credential-recognition programs that can facilitate immigrants' economic integration. (Of course, many of these programs are in their early stages and rigorous evaluation will still be needed to identify the most robust and cost-effective models.) Importantly, these governments at times rely on cabinet-level ministers or deputy ministers explicitly responsible for integration in order to create and sustain momentum behind a systematic integration strategy. Another institutional feature that is essential to smooth integration and that is more common in Europe than in the United States is a fair system for sharing responsibility between national and regional or local jurisdictions for developing, financing, and implementing immigrant integration programs.

Immigration and Social Cohesion

Closely related to immigrants' social and economic integration into destination communities, the notion of social cohesion remains a central preoccupation for migration policymakers. Greater diversity is often seen as a challenge to social cohesion, especially in Europe, leading to the recent crisis of confidence in the idea of multiculturalism. The rapid pace of change over the past two decades has strained societies' ability to come to terms with changes in the composition of their population by national origin — concerns that predate the economic crisis and that cannot simply be dismissed as a mechanical consequence of economic insecurity.[17] Moreover, the perception that integration has "failed" has the past decade become enmeshed with heightened concerns about security and anxieties about the integration

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17   See in this project, Joel Fetzer, *The evolution of public attitudes towards immigration in Europe and the United States* (Florence: EUI, 2011), http://hdl.handle.net/1814/17840.

of Muslim immigrants.

The definition of social cohesion is not straightforward, and the threat that migration or diversity is believed to pose to it often arises from a romanticized vision of togetherness and intensive social interaction of the kind found primarily in small, tight-knit communities.[18] Political rhetoric in the European Union, in particular, has shown a tendency to limit the concept of social cohesion in this way, especially when the political goal is to criticize multiculturalism. In modern societies, however, social interactions are naturally more fleeting and norms less strongly reinforced. In these cases, social cohesion comes more often in the form of collective support for laws and markets, regulations, and common values, which are formally supported and organized by government institutions. As a result, compliance with the laws and norms of the state or entity to which one belongs may be a more appropriate indicator of social cohesion. As a result, social cohesion cannot simply be brought about by weakening of ethnic, linguistic, or cultural identities.

The notion of social cohesion remains a central preoccupation for migration policymakers.

It is perhaps no surprise, therefore, that political rhetoric about social cohesion or the lack of it has focused on the extent to which immigrants "play by the rules," and that particular flashpoints emerge when immigrants are perceived to misuse the welfare state or engage in criminal activity. For this reason, emerging evidence that immigrants' involvement in criminal activity appears to be higher than in the native population — contrary to past European experience and to the experience in the United States — brings cause for concern.[19]

Despite widespread agreement that social cohesion is a desirable goal, coupled with the central importance of perceptions of social cohesion for the credibility of the migration management system, governments have struggled to find concrete policy responses. Some have attempted to push immigrants towards faster assimilation through formal requirements such as language or citizenship tests, but the effect of these policies on immigrant integration remains unclear. Others have focused on addressing the legal and political rights of immigrants; examples include regularization policies or changes in the requirements for permanent residence or citizenship. Several governments are responding to perceptions that immigrants abuse the social contract of the societies in which they live by emphasizing their commitment to deport those who break the law, or by restricting access to the welfare state for the newly arrived and/or those who lack permanent residence rights or citizenship. And finally, some countries have entered more forcefully into the regulation of social practices, either through prohibitions on public displays of religious affiliation (such as wearing the burqa or praying in public) and certain unacceptable practices by some groups (such as forced marriage) or through policies that aim to *accommodate* cultural differences (such as providing prayer spaces in public buildings).

A number of lessons emerge from the review of EU and US approaches to immigrant integration and social cohesion.

- Immigrant integration policy requires a strategic vision to ensure that policies are systematically implemented on the ground.

- Access to the labor market plays a key role in immigrants' social and economic integration. This places a premium on policies that facilitate labor-market access as swiftly as possible, while robustly combating the threat of discrimination through clearly articulated and well-enforced

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18   See in this project, Didier Ruedin and Gianni D'Amato, *Social Cohesion Challenges in Europe* (Florence: EUI, 2011), http://cadmus.eui.eu/handle/1814/17835.
19   See in this project, Martin Killias, *Immigration and Crime: The European Experience* (Florence: EUI, 2011).

legal structures.

- Language barriers remain a key hindrance to participation in the labor market and in skilled work. A number of promising programs implemented at the local level on both sides of the Atlantic have aimed to address these issues by providing work-focused language instruction, often combined with formal skills training or licensing programs. Governments responsible for supporting integration programs such as these can provide a facilitative role by providing technical assistance, participating in partnerships with education providers, employers, and labor organizations, and by providing financial support for innovative or successful instruction models.[20]

- Persistent and systematic efforts are still needed to ensure that employers can understand and recognize foreign credentials and that, where necessary, immigrants are able to bridge gaps in their formal knowledge or their abilities in a streamlined manner.

- Residential segregation remains a challenge, especially in certain European cities. Migrants are often concentrated in poorer neighborhoods where drugs, crime, and other social order problems prevail. Schools in these neighborhoods are also often under-equipped, with segregation making it more difficult to provide inclusive public education. Thus, measures to reduce the concentration of migrants and minorities in disadvantaged neighborhoods, or to enable them to attend schools beyond their neighborhoods, may be a promising way to reduce the exposure of young migrants to crime, drugs, gangs, and disorder that may act as powerful "alternatives" to a successful career at school or on the labor market.

III. Border Management and Security

Border-security policies have undergone some fundamental changes in the past decade or so. Faced with higher levels of illegal immigration and intensified concerns about terrorist activities and transnational crime networks, governments on both sides of the Atlantic have devoted ever-increasing resources to securing their borders. As they do so, they face three major challenges: ensuring that the enormous daily flows of people and goods upon which modern economies and societies rely can take place without undue hindrance; safeguarding the privacy and rights of travelers who cross international borders; and keeping the cost of the extensive new border architecture under control.

Key differences exist between the border-security landscapes of the European Union and the United States. The European Union has a greater diversity of external borders, while efforts to reduce illegal border crossings in the United States have been somewhat more concentrated, with both resources and political rhetoric focused overwhelmingly on the US-Mexico land border. The EU landscape also presents a more complex division of responsibility between nation states participating in the Schengen Area and EU institutions. While Member States are responsible for the vast majority of border enforcement activities, the control of irregular immigration has changed from an exclusive competence of individual Member States in the 1970s to a shared responsibility at the EU level as of the second half of the 1990s; and the EU border agency, Frontex, has taken on a growing role since it was established in 2005.

These differences limit the ability to simply "import" policies and approaches across the Atlantic in either direction. Nonetheless, border-security policies in both the European Union and the United States have undergone fundamental changes in the past decade, and a number of common trends can be discerned.

First, governments in Europe and across the five English-speaking countries that cooperate on migration

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20 See in this project, Margie McHugh and A. E. Challinor, *Improving Immigrants' Employment Prospects through Work-Focused Language Instruction* (Washington, DC: MPI, 2011), www.migrationpolicy.org/pubs/workfocusedlanguageinstruction.pdf.

(Australia, Canada, New Zealand, the United Kingdom, and the United States) have substantially increased resources for technology and personnel to monitor their borders, often following the US example. The European Union spends 43 percent of its funds available for migration management on measures to prevent or address unwanted migration compared with 14 percent spent on immigrant integration and 12 percent on refugee reception.[21] These resources add to the enormous investments of individual Member States, and together have funded hundreds of thousands of officials to patrol the border and manage official entry points, as well as an array of cameras, motion detectors, maritime vessels, and sea-border surveillance systems. Similarly in the United States, huge border-security investments have since 2005 more than doubled the budget of Customs and Border Protection (CBP), the agency of the Department of Homeland Security (DHS) in charge of border control, and the number of border patrol agents stationed on the Southwest border has increased five-fold since the early 1990s.[22]

Second, governments on both sides of the Atlantic have begun to collect and process enormous quantities of data on travelers before their departure and as they cross borders in order to assess risk before these travelers reach their shores. A major goal of these programs has been to identify individuals who pose terrorist or other security threats. Government officials argue strongly that they are meeting this goal, even if the ways that data are used have garnered criticism from those who seek to protect individuals' privacy and rights. Other policies, such as registered-traveler programs, have used data collection to facilitate the rapid movement of passengers across international borders; these programs have been popular but are not yet widely available.[23] Meanwhile, data-driven efforts to reduce irregular immigration, including by identifying and removing visa overstayers, remain more elusive. Despite EU and US policymakers' aspirations to implement an "entry-exit" system similar to the one used in Australia, very different geographical and institutional circumstances have delayed the implementation of such a program.

Third, governments have devoted significant energy over the past decade to developing partnerships with other countries that both send and receive international travelers. This has included often-controversial initiatives to share information about individual travelers (most notably between the European Union and the United States, although several other countries are now also involved in these efforts), as well as agreements with sending countries designed to reduce the flow of unauthorized border crossers and create channels for returning these individuals to their countries of origin or to the countries from which they came.

A host of new policies and systems are now in place and yet more are being created (especially in the European Union, which is gradually adopting many of the policies that have been either instituted or in progress for much longer in the United States). The extraordinary amount of additional investment in border systems and infrastructure has left many wondering, particularly in Europe, whether the results have justified their enormous cost and how governments can get better returns on their investments and avert some of the unintended consequences of the new policies.

The economic crisis may have brought some respite for border control and immigration enforcement agencies by dramatically reducing the demand for less-skilled labor in both the European Union and the United States, but despite the investments described, the number of immigrants in irregular situation, whether they have entered legally or not, remains substantial. The United States still hosts about 11 million unauthorized immigrants, or about one in four of the foreign-born population. In Europe, an estimated reduction in the number of irregular immigrants from about 6 million in 2000 to 3.8 million in 2008 has resulted in large part from sizeable legalization programs in countries such as Spain, Italy,

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21   See in this project, Franck Düvell and Bastian Vollmer, *European Security Challenges* (Florence: EUI, 2011), http://hdl.handle.net/1814/16212.
22   See in this project, Rey Koslowski, *The Evolution of Border Controls as a Mechanism to Prevent Illegal Immigration* (Washington, DC: MPI, 2011), www.migrationpolicy.org/pubs/bordercontrols-koslowski.pdf.
23   See in this project, Elizabeth Collett, *Emerging Transatlantic Security Dilemmas in Border Management* (Washington, DC: MPI, 2011), www.migrationpolicy.org/pubs/securitydilemmas-2011.pdf.

Greece, and Belgium (it has been estimated that up to 4 million individuals were legalized from 1996 to 2008),[24] as well as EU enlargement which essentially "regularized" substantial numbers of previously unauthorized workers from new EU Member States such as Poland, Lithuania, and Romania.[25]

As policymakers review and consolidate their border-control regimes over the coming decade, they should consider a number of key lessons from the experience of the past two decades.

- First, policymakers must strive for a whole-of-system approach, under which each individual policy change is designed to contribute to the overall strategic objectives, rather than relying on the *ad hoc* approach that has characterized border-security policymaking in the past.

- Second, appropriate information and feedback mechanisms will be essential in allowing governments to constantly analyze how their systems are working, how they can be improved, and how they can respond to changing threats and circumstances.

- The next phase of border systems development will require much more concerted and coordinated efforts to ensure that policies also deliver on their promise to facilitate mobility rather than focusing on security concerns alone. In particular, registered-traveler programs that successfully facilitate faster, more effective movement of legitimate travelers must be made more accessible to a wider spectrum of people.

- These steps will require strong partnerships with other countries, including the increasingly important emerging economies that account for a growing share of travel. They will also require continuing efforts to develop a coherent and transparent set of shared rules with both old and new negotiating partners.[26]

The development of data-collection and analysis policies designed to identify individuals seeking to cross international borders who might pose a security risk has led to a series of negotiated agreements between the United States and the European Union (as well as with Member States) to delineate the legitimate collection and uses of these data.[27] As EU and US counterparts continue to develop their traveler data systems and as they move towards a further agreement on data protection and privacy rules, they should focus on three key considerations:

- Both sides will need to institute more systematic privacy and data-protection assessments, to protect the privacy rights of citizens whose data are collected.

- More transparent and streamlined ways for individuals to access their data and correct mistakes will be needed, together with accessible and easy-to-understand systems of redress for those whose data are abused or who suffer damages as a result of mistakes. (This is a major point of contention between the European Union and the United States.)

- Governments wishing to secure public support for data-collection and analysis policies will need to offer their publics concrete evidence that the new border architecture makes them much more secure, reduces illegal migration, facilitates legitimate travel, and ensures that errors are acknowledged and corrected efficiently.[28]

Despite the strong focus on border control as a mechanism to prevent illegal immigration, a majority of unauthorized immigrants in Europe (and between 30 and 40 percent in the United States) enter legally,

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24 Düvell and Vollmer, *European Security Challenges*.
25 Note that European estimates of irregular populations are much less robust than in the United States, where the data are relatively accurate and command the confidence of analysts in and outside of government.
26 Demetrios G. Papademetriou, "Restoring Trust in the Management of Migration and Borders" (Council Statement from the 5th Plenary Meeting of the Transatlantic Council on Migration, November 2010).
27 See in this project, Paul de Hert and Rocco Bellanova, *Transatlantic Cooperation on Travelers' Data Processing: From Sorting Countries to Sorting Individuals* (Washington, DC: MPI, 2011), www.migrationpolicy.org/pubs/dataprocessing-2011.pdf.
28 Papademetriou, "Restoring Trust in the Management of Migration and Borders."

but overstay their visas. Structural demand for low-skilled workers creates an incentive for immigrants to enter or remain in the European Union and United States without authorization, and for employers to recruit them.[29] This makes it important for governments to implement a holistic package of policies that not only protect borders and enforce the return of the unauthorized, but that also seek to address the principal root cause of immigrants' choice to come illegally to destination countries: the availability of work.[30] These policies include:

- Smartly conceived and well-enforced sanctions on employers who hire illegally, with the full weight of the law reserved for persistent violators and those who also violate laws on wage and working conditions in the process and thus cheat both workers and the social insurance system while gaining a competitive advantage over employers who play by the rules.

- Sufficient legal migration channels to reinforce these efforts. In many cases, these channels may need to be recalibrated to accommodate some of the pressure for migration into certain occupations and ensure that legal migration is a feasible and preferred option for employers.

IV. Development and Cooperation with Sending Countries

Migration, by its nature, links sending, transit, and receiving countries together, making them increasingly dependent on one another to achieve their policy goals. As a result, policymakers on both sides of the Atlantic understand the importance of cooperating more closely with sending and transit countries.[31] In doing this, however, they face the challenge of finding common interests with countries that may have different priorities. Indeed, perhaps the most unsettled aspect of this relationship is receiving countries' strong interest in border security and orderly labor markets, and the desire of many among them (either explicit or unstated) to use cooperation with sending countries simply as a vehicle to pursue this goal rather than as the basis for a more genuine partnership. Moreover, since net migration typically flows predominantly in one direction, negotiations on any policies that shape them risk becoming asymmetrical.[32]

Finally, the complex politics of immigration on both sides of the Atlantic and the complex division of responsibilities between Member States in Europe, coupled with limited implementation capacity, have also made it more difficult to create a coherent set of policies on which to cooperate.

Today the European Union shows a limited capacity for implementing EU-level migration policies.

In the European Union, policies on cooperation with sending countries take four broadly identifiable forms: bilateral cooperation undertaken by single Member States with specific partner countries (for example, the 2008 agreement between Italy and Libya); multilateral, intergovernmental cooperation between several Member States and specific partner countries (such as the Budapest Process, a consultative forum that brings together over 50 governments as well as a number of international organizations); cooperation

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29 Note that illegal immigration is not driven exclusively by economic demand. Other factors, such as delays in family unification or a lack of opportunities to join family members can also create an incentive to move or stay illegally.

30 See in this project, Madeleine Sumption, *Policies to Curb Unauthorized Employment* (Washington, DC: MPI, 2011), www.migrationpolicy.org/pubs/unauthorizedemployment-2011.pdf.

31 Increasingly, many countries are simultaneously sending and transit countries and, in many cases, they also host significant numbers of immigrants themselves.

32 Demetrios G. Papademetriou, "The Governance of International Migration: Defining the Potential for Reform in the Next Decade," (Council Statement from the 6th Plenary Meeting of the Transatlantic Council on Migration, June 2011).

undertaken at the EU level with partner countries, such as EU accession agreements and short-term visa facilitation for specific categories of persons; and cooperation between the European Union and some Member States on the one hand, and partner countries on the other (such as mobility partnerships).[33]

Yet, despite an ambitious EU-level agenda to improve cooperation with sending and transit countries, the European Union has often found it difficult to make a meaningful "offer" to partner countries, since individual Member States control most of the relevant policy levers. The interests and priorities of individual Member States differ, and they tend to focus their negotiating energies and policy attention on different partner countries, depending on the geography of their own migration flows and their existing relationships with particular sending countries. When no Member State champions a particular cause, the European Union may be unable to act.[34] By contrast, the European Union itself has essentially only occupied the driver's seat in the negotiations during the European enlargement processes, where negotiating partners clearly understand — and have to cooperate with — European institutions and rules.

Today the European Union shows a limited capacity for implementing EU-level migration policies. There are currently only two bodies devoted to EU-wide policy implementation in this field: Frontex, the border-management agency that in fact relies on Member States for hands-on implementation; and, as of mid-2011, the European Asylum Support Office (EASO). There is no agency devoted to the implementation of legal migration policies, although DG Home, the directorate general responsible for all aspects of migration management with the EU Parliament's cooperation, is gaining greater traction on these issues. For this reason, implementation is delegated to Member States or, when appropriate, to international organizations like the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR), or the International Center for Migration Policy Development (ICMPD). The operational role of the IOM, in particular, has grown substantially, and increasing numbers of EU Member States have called upon the organization to implement Assisted Voluntary Return (AVR) programs, among other initiatives.[35]

Perhaps the central shared lesson across the Atlantic in the field of cooperation is that immigrant-receiving countries that wish to cooperate more effectively with sending countries must be prepared to enter into more genuine partnerships, rather than limiting their goals to border protection, readmission agreements, and efforts to reduce illegal immigration. In particular:

- Broader cooperation relies on pursuing shared interests in addition to border security. Of course, cooperation on border security inevitably remains a priority for receiving countries, including agreements to allow the readmission of unauthorized immigrants to their countries of origin or the countries from which they arrived. But shared interests can also be found in other areas. These include the recognition of credentials and other education, training, and integration policies that allow migration to become more economically beneficial for both receiving countries and migrants themselves, as well as investments in human capital and the social infrastructure of sending countries.

- Meanwhile, greater capacity to implement programs and a more strategic approach to monitoring and evaluating cooperative programs is required, especially in the European Union. This recommendation is discussed in more detail in the next section.[36]

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33 See in this project, Agnieszka Weinar, *EU Cooperation Challenges in External Migration Policy* (Florence: EUI, 2011), http://hdl.handle.net/1814/17756.

34 Agnieszka Weinar cites the case of the Centre d'Informations et de Gestion des Migrations (CIGEM) in Mali, "the acclaimed center that was supposed, among other things, to provide information on available jobs in the EU, but could not meet this expectation, as the Member States involved in its development have been few and have been unwilling to engage." See Weinar, *EU Cooperation Challenges in External Migration Policy.*

35 See in this project, Richard Black, Michael Collyer, and Will Somerville, *Pay-to-Go Schemes and Other Noncoercive Return Programs: Is Scale Possible?* (Washington, DC: MPI, 2011), www.migrationpolicy.org/pubs/pay-to-goprograms.pdf.

36 See in this project, Françoise de Bel-Air, *US and EU policies in the Field of Cooperation with Third Countries: A Need for a Change of Outlook and Implementation Method* (Florence: EUI, 2011), http://hdl.handle.net/1814/17847.

Migration and Development

The movement of people from developing countries towards advanced industrialized economies in Europe and North America has long prompted conversations about the relationship between migration and economic development in origin countries. On the one hand, policymakers have asked how migration affects the development of less-developed sending countries and what can be done to make the impact more beneficial. Targets of such thinking have included reducing the transaction cost for transfer of remittances, the circulation of skilled workers, cooperation on skills training and credential recognition, and the engagement of diasporas with their ancestral countries.

On the other hand, development in sending countries has often been seen as a "solution" to unwanted migration — although this view has lost vogue as governments on both side of the Atlantic realized that the relationship between development levels and the pressure for emigration is complicated and much less amenable to policy interventions than previously thought. For example, when the US Congress approved the *Immigration Reform and Control Act* (IRCA) in 1986, it mandated the creation of a study commission to investigate "push" factors for illegal immigration and the relationship between economic development in Mexico and the reduction of unauthorized immigrant flows. The commission identified greater openness to trade as a way to stimulate growth in the Mexican economy; and when Mexico, Canada and the United States signed the North American Free Trade Agreement (NAFTA) three years later, politicians widely touted the treaty's potential to reduce the pressure for illegal immigration. However, NAFTA did not achieve the desired effect. The Mexican economy did not grow as fast as expected and illegal immigration, in fact, increased (not least because economic restructuring shifted some jobs once performed in Mexico further north), contributing to deep disenchantment with the treaty.[37]

From a policy perspective, migration and development have traditionally been separate fields with distinct objectives and priorities. This is perhaps not surprising, since most immigrants in Organization for Economic Cooperation and Development (OECD) countries come from the middle or top socioeconomic groups within their countries of origin and from countries of origin in the middle or top tiers of the development spectrum — in other words, they are not the world's poorest, and not the groups on which development policymakers focus. (This is less the case with Mexican and Central American migration to the United States, which contributes nearly half of all immigration to the country and nearly 80 percent of its unauthorized population.) Even with greater funding, policies targeted at fostering development through migration cannot substitute for other kinds of development assistance. Furthermore, on both sides of the Atlantic immigration is also a politically sensitive and often contentious area of domestic policy, and virtually all governments have been unwilling to mobilize immigration policies in favor of development goals, especially if this would mean providing more visas.

In recent decades, however, US government agencies have increasingly engaged with diaspora groups to promote development in countries of origin. The US State Department, for example, has rolled out a major new initiative, the "New Approach to Advancing Development," which has sought to identify immigrants and their descendants as partners in the government's international development strategy.[38] Meanwhile, the US Agency for International Development operates a number of programs that work with migrant volunteers or social entrepreneurs to launch businesses, credit initiatives, and development projects in their countries of origin.

A wide range of policies designed to link migration to development has also emerged in the European

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37 See in this project, Aaron Terrazas, *Migration and Development: Policy Perspective from the United States* (Washington, DC: MPI, 2011), www.migrationpolicy.org/pubs/EconomicIntegration.pdf. See also John Audley, Demetrios G. Papademetriou, Sandra Polaski, and Scott Vaughan, eds., *NAFTA's Promise and Reality: Lessons from Mexico for the Hemisphere* (Washington, DC: Carnegie Endowment for International Peace, 2004).

38 White House, "A New Approach to Advancing Development," June 25, 2010, www.whitehouse.gov/the-press-office/a-new-approach-advancing-development.

Union since 2005 with the entry into force of the Global Approach to Migration (GAM).[39] These include efforts to reduce the cost of remitting money, including by reducing taxes associated with money transfers, and to make financial institutions more transparent and accessible. Furthermore, some countries have introduced codes of practice for the "ethical recruitment" of highly skilled workers, such as health care workers from developing countries. And a series of pilot projects has provided funding to civil-society organizations and diaspora groups involved in development projects in sending countries. Many of these initiatives are relatively new, and there is little evidence on their effectiveness based on rigorous evaluation, but many appear promising. Finally, EU initiatives in this field remain extremely modest in comparison with much larger sums of official development assistance (ODA), or with the financial flows generated by immigrants' remittances.

> *Even with greater funding, policies targeted at fostering development through migration cannot substitute for other kinds of development assistance.*

Despite the uncertain links between migration and development, governments do have tools at their disposal to make the development impacts of immigration more positive.

- Development and job-creation initiatives in communities of origin represent a growing component of cooperation with sending countries. These efforts are often organized through diaspora groups and civil-society organizations, and support a wide range of often small-scale "micro-development" projects which have multiplied in recent years. As governments seek to consolidate and expand these efforts, they should be careful to embed support for individual initiatives within a strategic development framework, looking for synergies between projects and ensuring that donors are sufficiently demanding of their grantees, insist upon value for money, and expect concrete results. This framework should include careful monitoring and evaluation, in order to ensure that projects are implemented consistently and that future projects can benefit from an understanding of past experience.

- Development agencies cooperating with nonprofit organizations and diaspora groups and migrant-sending communities should work with more realistic timeframes, supporting projects for longer periods in order to allow the gradual process of change to take root. Moreover, since diaspora groups are not always well organized or acquainted with the structures and procedures of funding agencies, more systematic efforts to build the capacity of diaspora and civil-society groups would help to ensure that money is well spent.

- Continued efforts are needed to reduce the cost of remitting to sending countries, a strategy that has proved beneficial in the regions where it has been implemented. Moreover, persistent monitoring and regulation of recruitment agencies is needed to guard against deception, exploitation, and the charging of excessive fees to migrants themselves; these policies can make migration more beneficial for migrants, their families, and the communities from which they come.

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39   See in this project, Michael Collyer, *The Development Challenges and the European Union* (Florence: EUI, 2011), http://hdl.handle.net/1814/17838.

V.   Humanitarian Protection

While formal systems and policies for accepting refugees and asylum seekers are decades old, their implementation continues to provoke debate across the Atlantic. Concerns have focused on disparities in success rates (depending on where applications are adjudicated), a political aversion to burden sharing among EU Member States, and uneven opportunities (and in many instances, rights) for those granted asylum. At the same time, many remain concerned about the impact of tighter border-security policies and the growing pressure to keep illegal immigration under control on migrants' ability to reach EU or US shores to apply for humanitarian protection.

In recent years, the United States has granted political asylum to more than 20,000 people annually who lodge applications after reaching the country. It also runs the world's largest refugee resettlement program for admitting internationally resettled refugees whose claims to protection have already been recognized abroad. After a significant reduction in the numbers admitted under this program in the years immediately following the 9/11 terrorist attacks, refugee resettlements subsequently rebounded to around 75,000 per year. Additional security measures, however, reduced admissions by almost one third in FY 2011. In addition, the United States extends temporary protected status (TPS) or another form of temporary protection to hundreds of thousands of migrants.[40]

Despite the traditional generosity of the US refugee system and the strong reputation of its refugee resettlement program, it faces a number of challenges. These include concerns about insufficient coordination between the various government and nongovernmental entities that work together to bring refugees to the United States and help them to integrate. Also, there is a fear that recent policy to increase the diversity of refugees and welcome greater numbers from extremely vulnerable backgrounds has undermined the ability of local communities to integrate them. Advocates have also criticized a number of barriers to the successful recognition of *bona fide* asylum seekers. These include the introduction of a one-year deadline for filing an asylum application after arrival in the country; difficulties accessing legal representation; tighter rules on the evidence that must be presented to support an applicant's case; and large disparities in approval rates between different immigration judges.

By contrast, humanitarian migration in the European Union consists overwhelmingly of individuals granted asylum after reaching European soil; participation in refugee resettlement is extremely limited. In recent years, about 40,000 asylum seekers have been granted refugee status per year, and a slightly smaller number has received subsidiary protection (a temporary status) or authorization to stay for humanitarian reasons. The number of applications has remained roughly constant during the economic crisis at about one-quarter of a million per year, after a sharp decline from over 400,000 in the early 2000s.[41] In both the United States and European Union, the majority of asylum applications are rejected, although rejection rates are much higher in the European Union.

Frenetic legislative and regulatory activity has characterized the past decade's policy on asylum at the EU level. Policymaking has focused on harmonizing standards and conditions governing the asylum process in Member States, leading towards the creation of a Common European Asylum System (CEAS). Despite harmonization on paper, however, substantial discrepancies in implementation remain, prompting the EU Commission to embark upon a new phase of "consolidation." This most recent phase includes several measures that aim to regulate access to EU territory, combat "asylum shopping," enforce the return of failed asylum seekers, and promote the integration of recognized refugees. A newly established European Asylum Support Office (EASO) is designed in large part to provide support to Member States' more consistent implementation of the rules.[42]

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40   See in this project, Donald M. Kerwin, *The Faltering US Refugee Protection System: Legal and Policy Responses to Refugees, Asylum Seekers, and Others in Need of Protection* (Washington, DC: MPI, 2011), www.migrationpolicy.org/pubs/refugeeprotection-2011.pdf.

41   Eurostat, "Asylum Statistics," http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Asylum_statistics.

42   See in this project, Vincent Chetail, *The European Union and the Challenges of Forced Migration: From Economic Crisis to Pro-*

- Once fully operational, the new European Asylum Support Office offers the potential to help Member States develop and execute asylum policies more evenly across the European Union, providing much-needed technical support for efforts to narrow discrepancies in the outcomes of cases and assisting countries in making adjudication standards truly shared. Ultimately, a fair system must also include the resettlement of successful asylum applicants within Europe through an equitable allocation formula.

- The European Union must participate in a substantive way in the global system for refugee resettlement if is to demonstrate a true commitment to protecting the safety of recognized refugees. If European policymakers choose to do this, they should look at the experience of the large and long-established US refugee resettlement program and the lessons it can provide. These include striking a balance between extending protection to the most vulnerable refugee populations and selecting refugees with good prospects for integrating and becoming self-sufficient. They also include ensuring good communication and cooperation between resettlement agencies and the local communities responsible for refugees' integration.

VI. Transatlantic Cooperation on International Migration

The transatlantic relationship is among the most significant partnerships between wealthy nations in immigration policy.[43] Even if EU-US cooperation is, of course, far surpassed by the intra-EU or US-Canada relationships, the sheer size of the North Atlantic economic space and the number of workers and travelers who circulate within it make dialogue on migration both necessary and inevitable. The European Union and the United States rely on each other to attain a number of policy objectives, most clearly in the case of border security, as noted earlier.

Border security is the field of immigration policy in which

transatlantic cooperation has been most intense.

While the potential benefits are significant, however, effective cooperation is complicated not just by differences in policy approaches to immigration, but by the complex and different ways in which the two "governments" are organized internally: the European Union is not a single entity that can negotiate freely through a single process or appointed body; and even in the United States, no single branch of government controls all of the policy levers at once. Nonetheless, the EU-US relationship offers a critical opportunity: as one of the most important international relationships, it can both facilitate the mobility of millions of travelers and migrants and drive cooperation with other countries and regions, creating models that can be emulated in other parts of the world.

Border security is the field of immigration policy in which transatlantic cooperation has been most intense and, as a result, where cooperation has been most concrete. Despite substantial transatlantic collaboration across a number of domains, however, several critical philosophical differences remain in the key area of information sharing for security purposes, most notably regarding how data on travelers are collected, used, and retained. These are exacerbated by sharply different histories, divergent perceptions of risk and expectations of privacy — and differing attitudes towards what to do in case of errors.

The difficulties in agreeing on data sharing also reflect differences between actors within the European

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tection Crisis? (Florence: EUI, 2011), http://hdl.handle.net/1814/17837.

43 See in this project, Demetrios G. Papademetriou and Madeleine Sumption, *Opportunities for Transatlantic Cooperation on Migration* (Washington, DC: MPI, 2011), www.migrationpolicy.org/pubs/transatlanticcooperation-2011.pdf.

Union and United States. As a result, important political questions must be resolved internally before the two parties can negotiate effectively with one another. In the case of the United States, the executive branch has the power to negotiate on international matters, and yet it must do so fully mindful of the legislature's interest in these matters — and its willingness to intervene decisively when it does not feel that it is properly consulted. In Europe the complexity in decisionmaking is even greater in that it has two dimensions: the European Commission's need to negotiate with all 27 Member States; and its need to navigate the treacherous waters of the European Union's other central institutions, particularly the EU Parliament, which is growing rapidly in relevance and decision-making power.

- Before the European Union can effectively negotiate and work with the United States, it is essential to improve trust within the European Union first, creating a truly coherent policy and process among EU institutions and Member States. Only then can the European Union combat the US perception that the European Union overpromises in areas in which it ultimately may not be able to deliver.

- Second, dialogue should continue at all levels of policymaking. The process of building trust between the European Union and the United States should involve cooperation not just at the political level, but also at the policy and technical levels. Continuing exchanges between officials, and shared learning from both positive and negative experiences, can help governments understand mutual constraints to action better and prepare the ground for further cooperation. Sustained progress, in turn, will require agreeing on an overarching framework of common principles and negotiating mechanisms to replace the current *ad hoc* approach that is both time consuming and that leads to policy discrepancies.

Finally, EU and US partners should push further to expand their partnership into fields outside of border security. Substantial scope remains for cooperation on facilitating the movement of professionals, removing barriers to mobility (including incomplete portability of earned entitlements such as pensions), and maintaining an ongoing dialogue and exchange of good practices across all fields of migration management.

For more on the Improving US and EU Immigration Systems Project, please visit:

www.migrationpolicy.org/immigrationsystems
and
www.eui.eu/projects/transatlanticproject/home.aspx

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About the Project: *Improving EU and US Immigration Systems' Capacity for Responding to Global Challenges: Learning from Experiences*

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

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

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

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

For each of these challenges two different researches were prepared: one dealing with the United States, and the other concerning the European Union. Besides these major challenges some specific case studies were also tackled (for example, the analysis of specific migratory corridors, the integration process faced by specific communities in the European Union and in the United States, the issue of crime among migrants, etc.).

Against this background, the project critically addressed policy responses to the economic crisis and to the longer-term challenges identified. And, following its research findings, the project provided recommendations on what can and should be done to improve the policy response to short-, medium- and long term challenges, with an assessment of the impact of what has been done, and the likely impact of what can be done.

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

- www.eui.eu/Projects/TransatlanticProject/Home.aspx/

- www.migrationpolicy.org/immigrationsystems/

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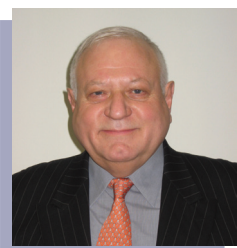
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Deaf? (2006, editor and author); *Secure Borders, Open Doors: Visa Procedures in the Post-September 11 Era* (2005, co-author), *NAFTA's Promise and Reality* (2003, co-author), *America's Challenge: Domestic Security, Civil Liberties, and National Unity after September 11* (2003, co-author); and *Caught in the Middle: Border Communities in an Era of Globalization* (2001, senior editor and co-author).

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For more on the Improving US and
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