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Working papers

MANAGING MIGRATION THROUGH THE CRISIS **Evolving Patterns in European Policies on Labour Migration and Mobility***

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1. Some preliminary remarks on the European migration policy research agenda: Labour migration policies back on centre stage?

Labour migration policies in Europe have suffered almost forty years of political and scholarly neglect. Under the deceptive cover of the so-called “stop policies”, in the early 1970s traditional immigration countries abdicated the strategic objective to strive for the regulation of foreign workers’ access to the national labour markets. Under the pressure of economic and demographic constraints, since the 1990s southern European countries, currently (but, by now, inappropriately) defined “new immigration countries”, have struggled to develop active labour immigration policies, but in a politically shy, technically sketchy and generally ineffective way.

This weakness and discontinuousness of political attention was matched by a protracted lack of specialised scholarly interest. For decades, European migration studies have been favouring forced and irregular movements, on the one hand, and “integration”, in all its changing senses and nuances, on the other, as their central research concerns.¹ What had classically been understood as the social and economic core of migration – i.e. the mobility of labour across borders– has undergone a lengthy process of political and conceptual marginalisation. This has concerned also the labour components and the labour market impact of “irregular” flows, family migration and forced movements. A similar destiny of scholarly neglect has affected not just the study of labour migration policies as such, but also – more broadly – of the labour market impact of other policies such as for instance, of EU enlargement decisions.

It is only recently, well into the 2000s, that this political and academic disregard has started to mitigate. Mediterranean and Anglo-Saxon Europe have meanwhile become among the biggest importers of foreign manpower worldwide and they struggled, although in very different ways, to gain at least some control of that immigration boom. The 2004 and 2007 EU enlargements have surprised most experts and decision-makers with the magnitude of their migratory impact, thereby triggering an ongoing process of re-politicisation of the European citizenship. In this context, it has become increasingly difficult to ignore labour immigration and downplay the importance of its regulation and management. Academic interest and expert engagement in the field have also started to show some important signs of recovery.² An important development at the crossroads between research and policy which is also worth mentioning here has been the increasing attention devoted in the last few years by OECD Continuous Reporting System on Migration (SOPEMI) to specific aspects (design, outputs, outcomes) of labour migration policies.³

The economic downturn of 2008-9, with its long and empoisoned occupational tail, has cast again dark shadows on the effectiveness and on the very legitimacy of active labour migration policies. In the European case, such consequence was made particularly acute by the fact that some of the worst hit countries have precisely been those which had adopted the most open attitudes in the legal

¹ The subordination of the European migration policy research agenda to policy priorities has recently become the subject of growing critical attention by scholars (Bommes & Morawska, 2005; Boswell 2009). The close linkage between research and policy-making operates essentially at national level (Lavenex 2005), thus contributing to the emergence of national paradigms (which often spuriously combine interpretative and normative functions) which tend to hamper rather than foster in-depth comparative research. Such tendency has been shown to be particularly strong and pervasive in the field of studies on migrants’ integration (Favell 1998; Bertossi and Duyvendak, 2009).

² See, in particular, Menz 2009, and Rhus & Anderson 2010; See also, with a more global scope, Gabriel & Pellerin, 2008, and with a specific focus on the management of intra-EU labour mobility, Galgóczi, Watt & Leschke 2009.

³ This was particularly evident since at least the 2006 edition of the International Migration Outlook (IMO), which included a whole section entitled “Managing migration – Are quotas and numerical limits the solution?”. Such attention was confirmed in the following years: in 2008, IMO’s second Part was devoted to the “management of low-skilled labour migration”; IMO 2009 included a substantial “road-map for managing labour migration”; IMO 2010 contains a valuable comparative overview of migration policy responses to the crisis.

immigration field: this is certainly the case of UK and Ireland, with their courageous early and unrestricted opening to the free movement of workers from the eight East European new Member States in 2004 (an orientation which was however reversed in late-2006 prior to Romania and Bulgaria accession) (Brücker et Al., 2009); but is also the case with Italy and Spain (and to lesser extent to Greece and Portugal), with their often confuse but also innovative mixes of mass regularisations, experimental schemes for the admission of low-skilled non-EU migrants and gradual (but substantial) opening to intra-EU labour flows.

As we will see below (Section 4), the crisis has triggered a large wave of restrictive policy changes in virtually all EU countries, although at different pace and with different modalities. Tightening labour admission channels has been an obvious (but not as immediate and homogeneous as one could have expected) response to dropping labour demand and growing tensions on domestic labour markets between natives (and older immigrants) and newcomers. Nevertheless, there can be few doubts that, however delayed and mild the recovery may be, sectoral shortages will start to bite again in European labour markets, and that they will do so ever more painfully in the coming years. New and more performing labour migration strategies will therefore have to be designed and implemented. Such pressing policy changes will have to be carried out in an ever less conducive political environment.⁴ Comparative research can give an important contribution in loosening such critical strategic knot. But in order to do so, some blurredness which still affects contemporary research on labour migration policies will have to be cleared away.

Almost twenty years ago, James Hollifield formulated a severe assessment on the state of comparative research on the politics and policies of migration:

“Since immigration is a defining characteristic of liberal democracy, it should lend itself easily to comparative analysis. Yet truly comparative works on immigration are few. In the field of migration studies, the tendency has been to collect national case studies, bind them together and call the study *comparative*. Such compendia are useful sources of information, but they rarely yield theoretical insights” (Hollifield 1992, p. 17).⁵

Such stern judgement primarily targeted research being carried out in and on Europe. In the last two decades, the general state of comparative research on migration has substantially improved under many respects (for an updated overview, see Bommers & Thranhardt 2010). But, as far as the comparative study of labour migration policies is specifically concerned, some fundamental shortcomings persist, starting with an often inadequate definition and delimitation of the research object itself.

In the next pages, we will first argue in favour of the necessity to overtake the most commonly used definitions of “labour migration policy” and to adopt a broader concept of “labour migration governance system” as a basis for a comparative study of recent European developments capable to go beyond a formalistic juxtaposition of very different national approaches (Section 2).

On such methodological and conceptual bases, in Section 3 we will develop a preliminary typology of European labour migration governance systems built on a limited number (seven) of essential policy design parameters.

⁴ Among the most recent comparative opinion polls on immigration which confirm the increasingly restrictive opinion climate in Europe, see German Marshall Fund of the United States et Al., 2009.

⁵ It is a striking (and probably not accidental) coincidence the fact that, as with Hollifield’s 1992 study, most of the seminal comparative studies of Post WWII European migration policies have been written by non-European scholars, issuing from traditional settlement countries: This is the case for Stephen Castles (Castles and Kosack 1973), Gary Freeman (Freeman 1979) and Mark Miller (Miller 1981), just to mention the authors of some of the most influential studies in this field.

The tentative grouping deriving from the application of such key features to the five largest immigration countries in the European Union will then be tested on the basis of three basic quantitative indicators of migration policy outcomes (Section 4).

The final step of our analysis (Section 5) will consist of a recognition of some of the main trends in European migration policy responses to the 2007-2010 economic and occupational crisis, with a specific view to inquire how such recent changes might affect longer-term policy approaches and the overall geography of European labour migration governance as synthetically described in the previous sections.

2. The need to go beyond a formal understanding of labour migration policies: Comparing International Labour Migration Governance Systems (LMGS)

In a narrow sense, labour migration policies can tentatively be defined as those *(more or less) coordinated sets of norms, measures and discourses which are explicitly aimed at regulating the legal admission for working purposes and the access to domestic labour markets of foreign (i.e., in the case of EU Member States, third country nationals) migrant workers.*⁶

Labour migration policies – implicitly defined in analogous terms - gradually emerged as a specific policy field in a few European countries (primarily France) at the beginning of the XXth century, but they spread to a larger number of national political systems only in post-World War II expansive decades.⁷ Even in those “golden years” of synergic expansion of European states and markets, the narrow definition of labour migration policies was inadequate in order to describe correctly and exhaustively the external gate-keeping mechanisms of European labour markets. This narrow definition has long been insufficient from essentially two points of view:

- i) unauthorised access of foreign workers to domestic labour markets was already a large-scale phenomenon at that time, including the case of those countries - like France, with the *Office des Migrations Internationales* (OMI) - which had invested substantial amounts of human and financial resources in the public management of labour migration (Spire 2005);
- ii) foreign immigrants who had been admitted to one of the Member States of the European Community (EEC at the time) for purposes other than work (e.g. for protection or family reasons) progressively gained the right to work legally in most European legal systems.

Since the mid-1970s, however, the disconnection between formal labour migration policies and the actual mechanisms feeding Western Europe labour markets with foreign labour became ever deeper. As a matter of fact, both of the trends that we have just singled out (i.e., the unauthorised labour migration and the legal access to the labour market of migrants who had originally been admitted for purposes other than work) grew in size and significance.⁸ Indeed, these were the

⁶ The few existing semi-official definitions by international bodies do not usually differ much from this proposed definition. In case they diverge, it seems to be in an even more restrictive direction, as with the definition of “labour migration” contained in the recent Glossary drafted by the EU’s European Migration Network (EMN, 2010) and which follows the definition originally proposed by the International Organization for Migration in its 2004 *Glossary on Migration* (IOM, 2004). Such definition explicitly covers only admission for employment, which seems to leave outside immigration of self-employed persons:

“Migration (labour): Movement of persons from their home State to another State for the purpose of employment. Labour migration is addressed by most States in their migration laws. In addition, some States take an active role in regulating outward labour migration and seeking opportunities for their nationals abroad” (EMN, 2010, p. 102).

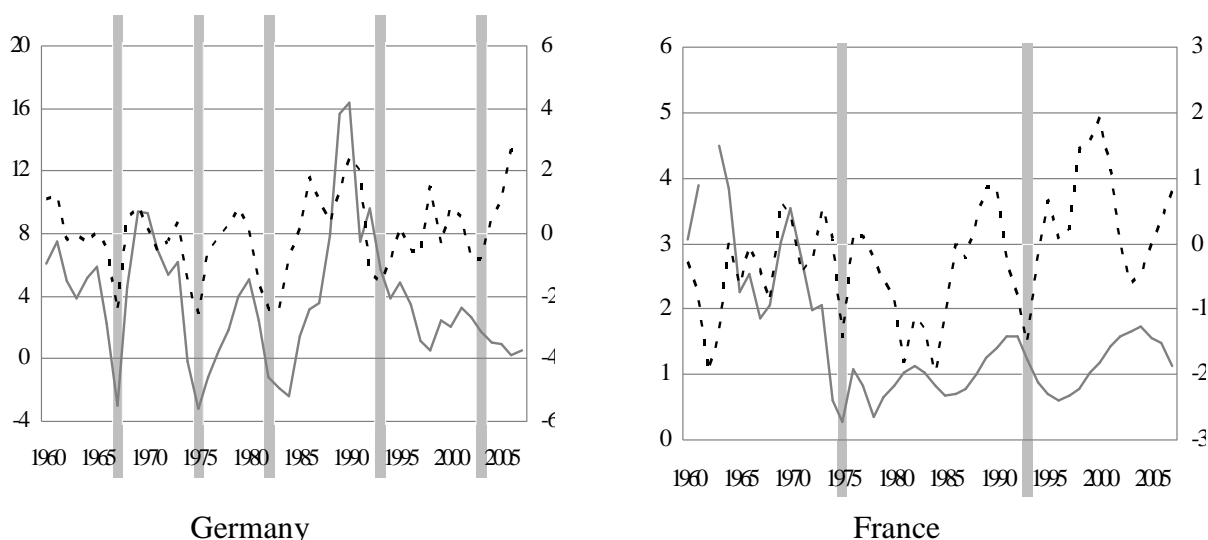
⁷ For a broad reconstruction of this process in a European perspective, see Bade 2003; excellent accounts of national political and policy developments in a long-term perspective are to be found, for instance, in Weil 2005a, for France, and Einaudi 2007, for Italy.

⁸ In recent years, the European Community has played an important role in strengthening and harmonising the pre-existing tendency towards widening employment opportunities of migrants originally admitted for other than economic

“hidden safety valves” which allowed several European labour markets to avoid large-scale supply crises even while formally sticking to the labour migration bans of the early 1970s and without abjuring the ensuing “zero-migration” doctrines. In other terms, even the most closed labour market regulatory systems in Western Europe had gradually been incorporating (official and unofficial) *functional equivalents* of legal immigration for working purposes which allowed for the necessary flexibility in a time of labour shortages which are (re-)emerging not just at the higher ends of the job pyramid.⁹

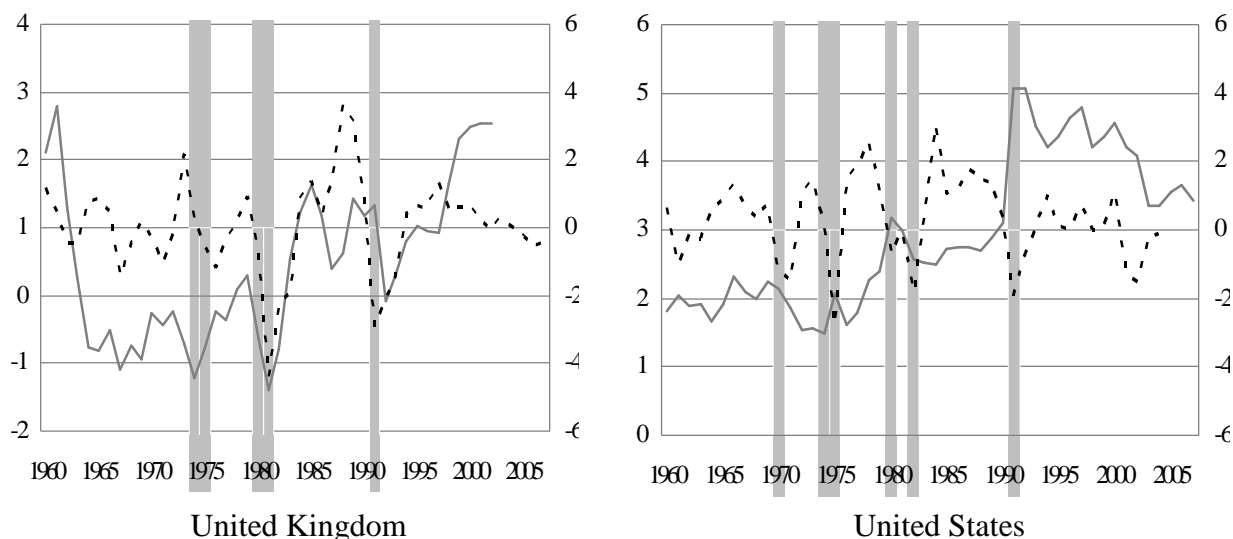
The practice of matching growing structural labour shortages with “undeclared” labour migration of different types has consolidated especially in some of the Continent’s older immigration countries. This has resulted in an expanding gap between the economic cycle and migratory trends, although at different pace in different countries. As shown in the graphs below, such gap has become evident, for instance, in France, since the 1970s, and in Germany, since the 1980s. In the case of countries with more flexible labour market regulations (and, traditionally at least, a more positive attitude towards migration), such trend is not as evident, or even reversed, as in the United Kingdom since the late 1990s and in the United States since the beginning of the same decade.

Fig. 1: Net migration rate (continuous grey line, ‰, left scale) and the business cycle (broken black line, %, right scale); vertical grey strips highlight recession phases (1960-2007 – Source OECD IMO 2009).



reasons: in the case of family members who migrate for family reunification, the prohibition to work can now last no longer than 12 months (article 14 (2), Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification *Official Journal* L 251 , 03/10/2003 p. 12–18). The same limitation to national sovereignty on the access to domestic labour markets applies – although in a less stringent form and with scope for exceptions - in the case of asylum seekers (Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, *OJ L* 31, 6.2.2003, p. 18–25).

⁹ However crucially important to understand the actual functioning of Western European immigration systems and their complex interaction with migration policies, such functional equivalents of formal legal labour migration flows have received little scholarly attention. For some important comparative reflections based on such broad understanding of labour migration, see Weil 2005b (in particular, Chapter 1); a very good example of international policy comparison based on analogous concepts is Finotelli 2009.



In a regulatory perspective, as already said, the “undeclared” labour migration inflows which had progressively been gaining structural economic relevance were essentially of two types: A) Unauthorised inflows; B) “Non-discretionary” inflows, i.e. rights-based types of international migration (family regroupments and asylum) that states had reduced capacity lawfully to limit and eventually stem.

During the 2000s, another macroscopic factor intervened which contributed to further widening the gap between the outcome of formal labour migration policies and the actual mechanisms feeding domestic labour market with exogenous labour force. Such factor coincided with the two (2004 and 2007) waves of the EU Eastern Enlargement. From a migration point of view, such spectacular two-step liberalisation process represented a major turning point in the history of the European integration process. As a matter of fact, it was the first time that the European Community incorporated countries with a still large migrant-sending potential. The long transition periods embodied as optional safeguards in the accession treaties did not prevent the Eastern Enlargements to produce higher than expected migratory impacts primarily directed towards what had already emerged as the two largest labour immigration basins in the EU, i.e. the UK and Ireland on the one hand (with Polish mobility as the most significant component of inflows), and Italy and Spain on the other (with Romanians as the biggest national incoming stream).¹⁰

To sum up, during the last couple of decades, European labour markets have increasingly relied upon three forms of labour immigration which do not fit into a strict and formal definition of labour immigration, namely: i) irregular immigration for working purposes; ii) non-discretionary immigration holding rights to access the labour market; iii) intra-EU mobility of labour. In order to avoid partial and distorted views, a mature and sound comparative research approach should fully embody these forms of de facto labour immigration and the policies directly or indirectly driving or anyway affecting them. This pushes us towards the adoption of a *functional concept of labour migration policies*, which should prevail over any narrow formal definition.¹¹ In this perspective, we will frame our research objects as Labour Migration Governance Systems (LMGS), which we

¹⁰ Comprehensive analyses of the entity and the economic impact of post-enlargement East-West labour mobility can be found in Brücker et Al. 2009; Galgóczi, Watt & Leschke, 2009.

¹¹ A second theoretical and methodological consequence which can be inferred from what has been written so far, is that a state-centric perspective should be replaced by a *multi-level governance perspective*, where not only EU enlargement strategies but also bilateral relations with migrant-sending states (insofar as these strongly affect, as a minimum, the actual dynamics of *irregular* international labour flows) need to be fully included in the research design. Such “external dimension” of labour migration policies is particularly under-researched in the European context and certainly deserves specific research attention. It will however remain outside the scope of this paper.

tentatively define as the *complex systems of regulatory mechanisms which interact in directly determining the conditions for the access of foreign labour to domestic labour markets*. Such regulatory systems include (at a minimum) the following specialised sets of norms, measures and discourses:

- migration policies *stricto sensu* (as defined at the beginning of this paragraph);
- policies regulating the access of non-economic migrants to the labour market;
- policies regulating the access of EU citizens to domestic labour markets.

3. Making sense of the pre-crisis policy landscape: Some basic parameters to build a typology

On the basis of the preliminary methodological and theoretical remarks made so far we can now move forward towards the core of this paper, namely the recent evolution of European LMGS. Our central focus will be on the impact of the global economic crisis on European policies on international labour mobility, but in order to appreciate the meaning and implications of such short-term changes, an assessment of pre-crisis main trends is obviously needed.

The regulation of legal migration for economic purposes has been explicitly inserted among EU competencies more than a decade ago with the treaty of Amsterdam (signed in 1997, entered into force in 1999)¹². But so far the repeated attempts by the European Commission to initiate a harmonization or at least a coordination process in this field have met with overall disappointing results due to persistent opposition and scepticism coming from the capitals of Member States.¹³ Some recent developments might indeed bring an acceleration in the communitarization process in this field.¹⁴ For the time being, however, the protracted difficulties of the European Commission in asserting a substantial role of European institutions on labour migration regulation is not surprising, considering the heterogeneity of structural domestic conditions and the divergence of perceived national interests in this field (Pastore & Sciortino 2004; Pastore 2006).

¹² The Amsterdam Treaty added Article 63(3) to the EC Treaty which gave the Council the task to adopt, among others, “measures on immigration policy within the following areas: (a) conditions of entry and residence, and standards on procedures for the issue by Member States of long term visas and residence permits”.

¹³ A first attempt was made in 2001 by Commissioner Antonio Vitorino with the “Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities” COM/2001/0386 final OJ C 332E , 27.11.2001, p. 248–256. After that initiative had abruptly been rejected by Member States, a new (and far less ambitious) offensive was launched by President Barroso and Commissioner Frattini a few years after, on the basis of a “Green Paper on an EU approach to managing economic migration” (COM/2004/0811 final) and of a “Policy Plan on Legal Migration” (COM (2005) 669) which provided for the adoption of five legislative proposals. The first two directives, dealing respectively with the admission of highly qualified workers (‘EU Blue Card’, COM(2007) 637) and the second “on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State” (‘Framework directive’, COM(2007) 638) were presented in October 2007. The Council adopted the first proposal on 25 May 2009 while the second one is currently under negotiation in the European Parliament and the Council. A third proposal devoted to “the conditions of entry and residence of third-country nationals for the purposes of seasonal employment” has been tabled by the Commission in July 2010 (COM(2010) 379 final).

¹⁴ As we have reminded above, the implementation process of the 2005 Action Plan is still ongoing. Besides, the Treaty of Lisbon (signed in December 2007 and entered into force two years later) has brought about some important institutional changes by submitting the whole legal migration field to qualified majority vote in the Council and to the ordinary legislative procedure, entailing a full legislative role of the European Parliament on an equal basis with the Council of Ministers. On paper, these changes could certainly contribute to make EU’s role on labour migration more dynamic and influent. A further impulse could come from future developments in the broader field of the economic governance of the EU, which might have direct repercussions on the regulation and management of labour mobility of third country nationals to and within the Internal Market.

In the absence of a strong supranational push towards convergence, LMGS of EU Member States have developed over the last decades in a largely autonomous way, which has produced a considerable variety of national approaches and solutions.¹⁵ The purpose of this section is to provide a schematic overview of this diverse landscape, by focusing on some of the main differences and similarities. To this purpose, we will proceed as follows: we will first sketch, with essentially heuristic purposes, a tentative (and by no means exhaustive) qualitative typology of some of the main “families” of national LMGS on the basis of some clear internal commonalities in the policy design and in the use of peculiar policy tools. We will then move to a quantitative dimension, and test the solidity of the proposed typology on the basis of some essential quantitative parameters for the measure of LMGS policy outputs.

In the context of this paper, our typological effort will be limited to five Member States (selected on the basis of sheer dimensional criteria, as the five largest EU MS both in terms of overall population and of foreign population: i.e. France, Germany, Italy, Spain and United Kingdom).

We will classify the LMGS of these five countries on the basis of seven legislative and/or policy parameters that we consider essential to define the nature and seize the specificities of a contemporary admission system. Such key parameters are the following:

- a) Existence/non existence of an active and ad hoc policy for the admission of *non-seasonal low- and medium-skilled* foreign workers;¹⁶
- b) Existence/non existence of planning mechanisms aimed at setting yearly (or within a different timeframe) *quantitative limits* for the admission of foreign workers (quotas, ceilings);
- c) Existence/non existence of *bilateral international labour agreements* aimed at (among else) better management of non-seasonal migration flows;
- d) Attitude towards freedom of circulation of nationals of new MS (EU8) in 2004 (immediate or delayed opening/persisting closure);
- e) Attitude towards freedom of circulation of nationals of new MS (EU2) in 2007 (immediate or delayed opening/persisting closure);
- f) Use made (or not) of *large-scale regularisations* of undocumented foreign workers
- g) Existence (or not) of legal opportunities for the *case-by-case regularisation* of undocumented foreign workers.

¹⁵ A detailed comparative analysis of national legislations and practices was carried out in 2000 by a consultancy on behalf of the European Commission (ECOTEC 2000). A more recent study commissioned by the European Parliament and carried out by IOM (International Organization for Migration 2008), although with a broader focus on legal immigration of all sorts, supplies a useful update.

¹⁶ The underlying empirical assumption is that almost all EU Member States have nowadays formally in place admission channels for the admission of high-skilled immigrant workers. Differences in this sub-sector are therefore not usefully based on the formal policy but rather on policy outcomes, i.e. on the actual magnitude of highly-skilled inflows. In the paper, however, we will focus essentially on medium- and low-skilled flows, due to their more controversial nature in the contemporary European political and academic debate.

Table 1: Essential qualitative features of selected Member States' LMGS (based on key policy design features).

| <i>Policy features</i> | France | Germany | Italy | Spain | UK |
|--|---|---|--|--|---|
| <i>a) Existence of policy for low/medium-skilled admission</i> | NO | NO | YES | YES | YES (Tier 3 of 2008 reform: not yet implemented) |
| <i>b) Predetermined quantitative limits for admission</i> | NO | NO | YES (<i>Decreto-flussi</i>) | YES (<i>Contingente</i>) | NO (but numerical cap now being debated Sept 2010) |
| <i>c) Existence of bilateral labour agreements</i> | NO (but agreements with mostly African countries on high-skilled circulation) | NO | YES | YES | NO (but agreements on health care personnel) |
| <i>d) Attitude towards freedom of circulation (EU8)</i> | - 1 st phase (May 2004-April 2006): Closed (with limited exceptions in sectors with shortages); - 2 nd phase (May 2006-April 2009): Open since July 2008 | Closed (with very limited exceptions) until 2011 | - 1 st phase (May 2004-April 2006): Closed (limited exceptions in sectors with shortages); - 2 nd phase (May 2006-April 2009): Open since July 2008 | 1 st phase: Closed (exceptions on bilateral bases) 2 nd phase: Open | Open since 2004 (with obligation to register for work permits) |
| <i>e) Attitude towards freedom of circulation (EU2)</i> | Closed (with limited exceptions in sectors with shortages) | Closed (with very limited exceptions) | Closed (with substantial exceptions for specific sectors) | Closed (with exceptions) until January 2009; Open since then | Closed (with exceptions for high-skilled and quotas for certain low-skilled) |
| <i>f) Large-scale regularisations</i> | NO (since 1982) | NO | YES | YES | NO |
| <i>g) Case-by-case regularisation</i> | YES (traditionally on humanitarian grounds; since 2007 on economic grounds) | NO | NO | YES | NO (not on economic grounds) |

This table, which has been compiled on the basis of a variety of national sources, clearly gives a strongly simplified picture which is furthermore subject to constantly possible and potentially significant variations.¹⁷ Nevertheless, such stylized synoptical representation is in our view useful in order to grasp some fundamental affinities and differences among the five main destination countries in the European Union. What emerges is a clearly differentiated landscape, where three groups could be singled out (emphasized in different colours in the table above):

A) the two Mediterranean countries, which have in common an essential structural feature such as the existence of a proactive admission policy for low- and medium-skilled workers from third countries, and also share some specific policy approaches (such as the use made of bilateral labour agreements and of mass regularisations for undocumented foreign workers). Such fundamental policy convergences between Italy and Spain, combined with other affinities in the economic role of international migration in both countries, have inspired the past scholarly analyses which pointed out the existence of a Mediterranean immigration model. Such interpretative paradigm, which has

¹⁷ An additional caveat is the following: the migration policy decisions which have been adopted in the last two years as targeted sectoral responses to the economic crisis are not included in this table, as they will be the specific subject of another part of this paper (section 4). As we will argue in greater details below, it is unclear to what extent such reactive policy changes have just a contingent and temporary nature, or to what extent they anticipate more fundamental revisions in European policy approaches to labour migration governance. Depending on this, the comparative landscape of European LMGS might emerge more or less transformed from the 2008-2010 economic storm.

been deepened and questioned by recent studies (Arango et Al. 2009; Finotelli 2010) is further problematized – as we will see in greater details below - by some clear and important divergences in Spanish and Italian migration policy responses to the crisis;

B) the United Kingdom shares with the two most southern countries a policy preparedness to the admission of low- and medium-skilled foreign workers. However, such feature of the British LMGs has so far remained quiescent (Tier 3 not activated), while in the last few years the domestic demand for foreign labour of a non strictly temporary nature has been satisfied essentially thanks to a very positive attitude towards mobile EU citizens from Eastern Europe (at least until 2007). Such peculiar blend of admission strategies tentatively suggests placing the UK in a different category from Spain and Italy;

C) the two remaining countries, France and Germany, are still bound together by a fundamental refusal to acknowledge, being structurally in need of permanent injections of foreign labour, except for higher skills. Such fundamental commonality, which is reflected (with some variations)¹⁸ in legislation and policy, allows to bundle together these two countries in a “conservative grouping” within our hypothetical typology.

4. Checking the typology on the basis of some basic quantitative policy outcome parameters

The schematic typology that we have presented above is based on some arguably fundamental traits in the design of national LMGs. The tentative conclusions that we have derived in the previous section from an overview of such distinctive features will be usefully tested on the basis of an analysis of some basic measurable policy outcomes. These are the following:

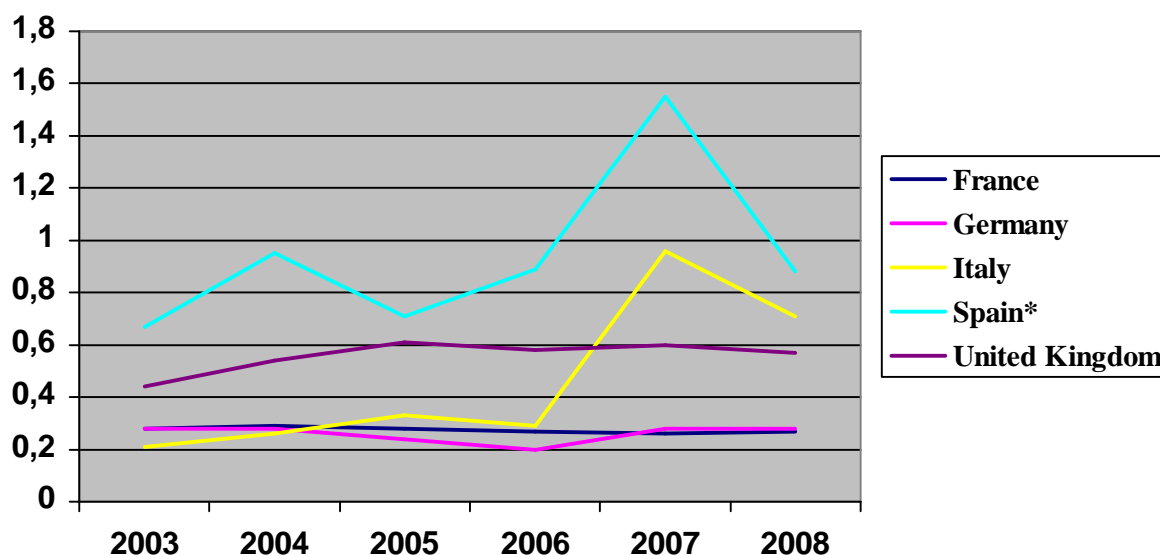
- overall openness to migration, measured as a ratio between legal migration inflows and total population;
- systemic propensity to stabilize the immigrant population, measured as a ratio between temporary- and permanent-type legal inflows;
- stronger or weaker orientation of each national admission system towards economic objectives, measured as a ratio between work-oriented legal inflows and other immigration streams for which admission decisions are not primarily driven by economic criteria (but rather, for instance, by humanitarian or family reasons).

In the following subsections, the results of such simple analyses – carried out on the basis of OECD data - are presented for the same five countries considered in Section 3.

¹⁸ All in all, for a few years France has been showing a slightly stronger propensity than Germany to test innovation through circumscribed and carefully controlled policy experiments in the labour migration governance field, as for example with a) the very cautiously managed case-by-case regularisation channels, b) the controversial pilot schemes of *migration circulaire* or c) the slightly bolder (but tainted by suspects of ethnic selectivity, as the European Parliament and Commission have denounced during the clash over Roma repatriations in August-September 2010) attitude towards freedom of movement from the EU8.

4.1. Openness to migration

Fig. 2: Openness rate (immigration/total population ratio) to permanent-type migration (OECD definition), 2003-2008 (Own calculations based on OECD 2008 and 2010; United Nations 2010 for estimates of total population).



(* Spain 2003-2006: non-standardised statistics).

Such graph confirms the relative closure of the German and French admissions systems (not only to work-oriented inflows, which will be the specific focus of Subsection 4.3, but as a whole). The greater openness of the three other countries stands out, although with a fundamental difference between the United Kingdom on the one hand, where immigration trends have been fairly stable over the last six years, and the two Mediterranean countries on the other hand, where the tendency has been much more volatile, partly as a result of periodic regularisations but possibly also due to a number of other structural characteristics (among which we can hypothetically set lower administrative efficiency, stronger role played by underground economy, higher geographical exposure to unauthorised inflows, etc.).

For these reasons, the graph below seems consistent with the triangular grouping proposed in Section 3 on the basis of qualitative considerations.

4.2. Prospective length of stay of legal migration

Let us now focus on the (higher or lower) systemic propensity of each national admission system to stabilize the new immigrant population. We will measure this fundamental property through the ratio between temporary-type and permanent-type inflows.¹⁹

¹⁹ The concept of “Permanent migration” which is used here is modelled on the OECD definition (OECD 2010, 28). According to it, permanent-type migration *does not* mean that immigrants enter the country with the right of permanent residence, as ordinary language would imply. OECD definitions differ depending on the type of international movement: regulated or free. In the case of *regulated movements* (i.e. movements which are not based on a free movement regime), permanent-type migration “consists of persons who are granted a residence permit which is more or less indefinitely renewable, although the renewability is sometimes subject to conditions, such as the holding of a job. Excluded therefore are persons such as international students, trainees, persons on exchange programmes, seasonal or contract workers, service providers, installers, artists entering the country to perform or persons engaging in sporting events, etc.”. On the other hand, *in the case of free movement migration*, “permanent immigrants are often problematic to identify, because there are few, if any, restrictions placed on their movements or duration of stay. In some cases, they

Here too, the comparison of data on national flows allow for some interesting considerations. The share of temporary inflows on the yearly total of new migratory admissions varies greatly from country to country, thereby confirming a fundamental heterogeneity among the immigration systems of the EU largest countries. But here, the variations do not entirely correspond to the tripartite typology proposed above: Italy and Spain do indeed share a marked propensity towards permanent immigration, to be probably explained, in part at least, with (often undeclared) policy preferences for settlement migration, which would be coherent with the low fertility and generally gloomy demographic outlooks of both countries. But such commonality could also, at least in part, be explained through a low capacity to enforce temporariness of migrants' stay, which in the Italian case, for instance, makes one-year admission for working purposes a clear avenue towards permanent stay (even though with an administrative status which tends to remain weak and subjectively precarious for several years).

As for the other countries in our sample, France confirms its traditional identity as a settlement country, with a very small share of temporary entrants, in spite of the prominent role played by the concept of "circular migration" in the recent French political rhetoric.²⁰ Germany and Great Britain, on the other extreme, have in common a higher-than-OECD-average share of temporary admissions. London and Berlin could however be considered as "false friends" from this particular perspective, because the countries immigration systems are in fact built on very different types of non-permanent inflows, with a crucial role of publicly managed seasonal migration in the case of Germany and with a more complex and heterogeneous pattern of short-term mobility in the case of the UK (notably with an important role of "working holidays-makers", mostly from the Commonwealth, a type of migration whose equivalents in other European countries are generally negligible in quantitative terms).

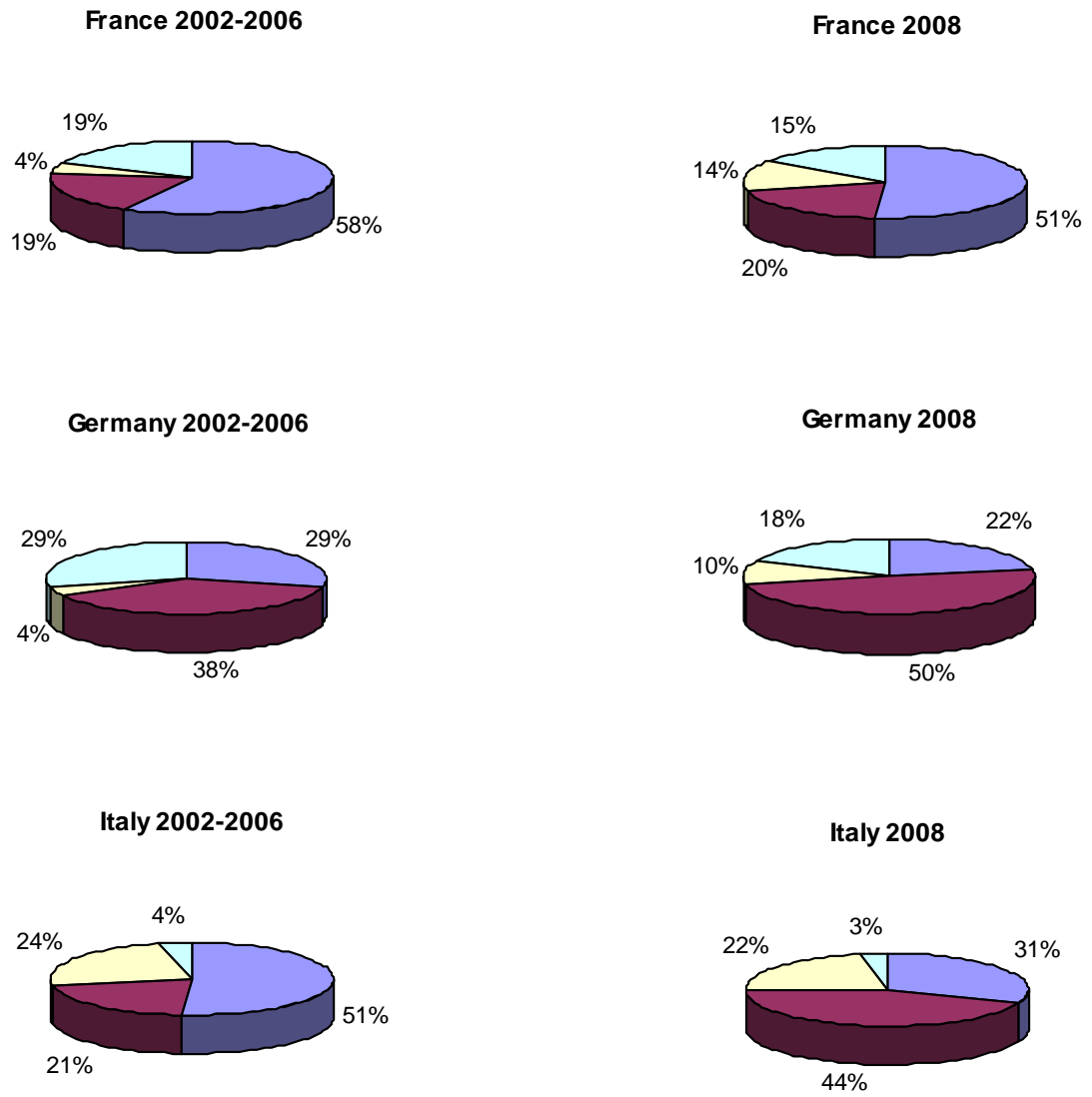
4.3. Relative weight of labour migration

We will now move to the heart of the functional structure of migration management systems by taking into consideration, as a third analytical parameter, the composition of inflows by registered category of entry, with particular regard to the share of work-motivated admissions on the total. In Figure 4, we will thus show how much the relative weight of labour migration on total legal permanent-type inflows varies through the five largest EU countries by focusing on two distinct periods in time: pie charts on the left show the average composition of permanent inflows between 2002 and 2006, whereas pie charts on the right depict the situation in 2008. Recent variations in the structure of legal immigration for each target country (and for the OECD as a whole, shown as a useful term of comparison) are therefore highlighted.

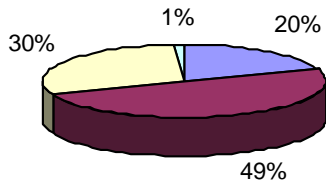
²⁰ This still vaguely defined policy concept was strongly endorsed at European level with the adoption by the October 2008 European Council under French Presidency of the "European Pact on Immigration and Asylum" (Doc. 13440/08).

Fig. 4: Composition of permanent inflows in selected EU states by category of entry (Source: Own calculations based on OECD 2009, IMO Fig. II.4., p. 98; OECD 2010, IMO Fig. I.2., p. 30).

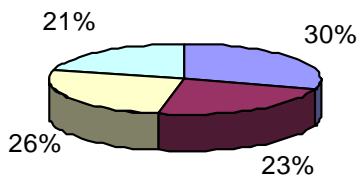
- family
- free movement
- work
- other (incl. human.)



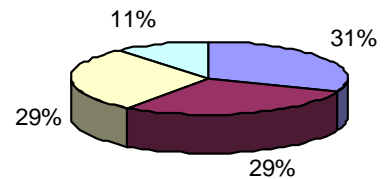
Spain 2008



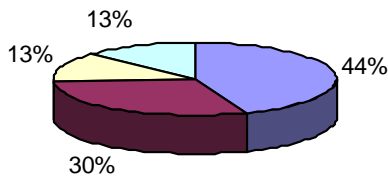
United Kingdom 2002-2006



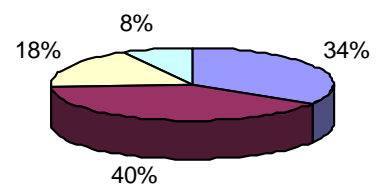
United Kingdom 2008



OECD average 2002-2006



OECD average 2008



The pie-charts above once more show deep and persisting differences among our test cases, in spite of a general trend, which is reflected also in aggregated statistics for the whole of the OECD area, towards an increasing share of work-motivated movements on total inflows. At one extreme, we find Germany and France: for the first, the small share of work-motivated inflows seems partly compensated by a high and growing weight of free movement migration (that we can assume as largely driven by professional reasons); in the second case, a traditionally very high share of family migration is only marginally mitigated in recent years, in spite of the strong emphasis on *immigration choisie* (an expression claiming for a more selective approach, where the “choice” ought to be made primarily on the basis of utilitarian considerations: Bertossi 2008) in recent French governmental discourse. At the opposite extreme, lies Spain, with both the largest share of labour inflows from third countries and a very high percentage of intra-EU movements.²¹ Italy shows a similar pattern to Spain, although less unbalanced, whereas the British case is noticeable

²¹ The question, in the Spanish case, was obviously how sustainable such an intensively work-oriented model was. The devastating impact of the crisis on labour market outcomes of foreign immigrants in Spain has showed how weak the foundations of that migrant-intensive economic model were (for a detailed analysis, see the excellent collection of essays in Aja, Arango & Alonso 2010).

for a substantial orientation towards economic goals but also for a remarkable balance among the different types of inflows, which remains rather constant across the two periods considered.

4.4. Summing up so far

The evidence illustrated in this section so far is summarized in Table 2 below. The tentative tripartite typology that we have sketched above (Section 3, Table 1) on the basis of qualitative policy design parameters appears largely, but not entirely validated here. On the one hand, our analysis of some of the key measures of migration policy outcomes confirms both the close “family ties” existing between Spain and Italy, and the rather self-standing position of Great Britain. On the other hand, the kinship between Germany and France that qualitative policy design indicators seemed to indicate has now to be questioned on the basis of their very different profiles based on such a crucial parameter as the temporary/permanent migration ratio. It is probably the deep historical alterity between the oldest immigration nation in Europe (France) and the one which has until recently considered itself “kein Einwanderungsland” (Germany) which emerges here with a persisting capacity to shape policy priorities and related migration trends.²²

Table 2: Essential quantitative features of LMGS of selected Member States (based on key policy outcome parameters).

| | <i>Openness ratio</i> | <i>Relative weight of permanent migration</i> | <i>Relative weight of labour migration</i> |
|-----------------------|-----------------------|---|--|
| France | LOW STEADY | HIGH | LOW (but growing) |
| Germany | LOW STEADY | LOW | LOW (moderately growing) |
| United Kingdom | HIGH STEADY | LOW | HIGH (growing) |
| Italy | HIGH OSCILLATING | HIGH | HIGH (strongly growing if considering intra-EU labour flows) |
| Spain | HIGH OSCILLATING | HIGH | VERY HIGH |

5. Migration policy responses to the crisis: contingent convergences and persisting differences

The disproportional extent to which the financial and economic crisis that officially burst in the Autumn of 2008 has hit migrant workers worldwide is specifically dealt with in other chapters of this volume and will therefore not be discussed here. Our focus in this final section will be on European states migration policy responses to the crisis, with a specific view to analyse the implications of such policy changes for longer term developments in this field and, more particularly, for the evidence-based typology that we have tentatively sketched in sections 2-4.

It should be pointed out from the outset that the very concept of “migration policy responses to the crisis”, however unavoidably and broadly used in a number of recent reports and studies, is problematic from two opposite points of view:

²² It should be noted, however, that the strong preference for *migration circulaire* which – as we have already pointed out - has emerged in the French political discourse since a few years, might in the medium-long term produce a real convergence from this point of view between Paris and Berlin by increasing the temporary component in legal immigration inflows towards France.

i) On the one hand, recent migration policy developments are not always explicitly justified as “responses to the crisis”:²³ in some cases, this does not exclude that a causal link does indeed exist in the policy-making process, but more in-depth analysis (based, for instance, on the parliamentary debates which have led to recent reforms) would be required in order to demonstrate and qualify such direct correlation.

ii) On the other hand, measures which do not, strictly speaking, belong to the migration policy field may be driven, among other factors, by implicit migration policy considerations.²⁴ This latter category of measures is excluded from the scope of this chapter.

With these methodological caveats, we will try to single out some of the main trends in recent developments in EU Member States labour migration policies during the crisis period. Our primary focus will remain on the five large countries taken into consideration in the previous sections, with occasional references to other countries, when especially relevant policy developments justify a broadening of the focus.²⁵

5.1. Restriction of discretionary channels for the permanent admission of lower skilled migrants

Discretionary channels for the admission of economic migrants – as opposed to procedures aimed at regulating rights-based forms of immigration – should be, by definition, the ones which are more easily and quickly affected by political decisions. It is equally evident, however, that the actual capacity of a political system to implement a decision to restrict (or indeed – and even more so – to broaden) discretionary admission channels depends on various factors among which the strength and coherence of governmental political will, the responsiveness and efficiency of the administration, the weight and nature of international constraints. In the wake of the crisis, the pressure on discretionary admission channels grew in all European countries, but with different outcomes depending on domestic economic and political specificities.

The first important consideration to be done is that the political decisions to “close” entry channels were in general very selective and targeted essentially towards low- and medium-skilled inflows. As we will see in more details below (Sub-section 5.2.), policies to admit or even to attract highly qualified foreign workers were not generally revised and in several cases even became more liberal.

Whether and to what extent to reduce entries of less qualified immigrants has obviously become an issue only in those countries which already had in place an active and ad hoc policy for the admission of non-seasonal low- and medium-skilled foreign workers (see above, Section 3). Both the Spanish and Italian governments – however markedly different in their political inspiration and general attitudes towards immigration – gradually took restrictive decisions by means of ever more drastic *cuts in quantitative admissions ceilings*: in Italy, the quota set with yearly planning decrees

²³ For instance, the influence of the crisis climate on the recent and very restrictive Italian Law No. 94/2009 (informally dubbed “Law on security”, even though largely dealing with the treatment of foreign immigrants, both legal and undocumented) is not evident. As a matter of fact, this bill, which under many respects stands out as one of the most comprehensive pieces of restrictive legislation recently adopted in the European Union, has not been strongly worded and presented as a “response to the crisis”. The anti-immigrant drive which is reflected in the law pre-existed the crisis and is based more on cultural and sometimes even ethnic arguments than on economic ones. For a systematic legal analysis of the contents of the new Italian legislation on immigration, see Scevi 2010.

²⁴ This can be the case, for instance, with financial support measures for firms who delay dismissal decisions in a downturn (examples are the Italian *Cassa Integrazione* and the German *Kurzarbeit Lohn*). When such temporary and extraordinary financial support is conditional upon the seniority in the job of the targeted protected workers, this may turn out as a de facto discriminatory measure, implying (or even aiming at) the selective application to natives who, especially in countries marked by recent increases in immigrant workforce, have often been longer in the job.

²⁵ When not otherwise specified, the source of the information given in the sub-sections below is Part IB of OECD’s *International Migration Outlook* (2010 edition).

(currently termed *Decreti-flussi*) for non-seasonal admissions was trimmed from 170,000 in 2007, to 150,000 (all explicitly limited to the domestic and personal care sectors) in 2008, to a complete suspension of new entries for economic purposes in 2009. In Spain, the maximum levels for anonymous recruitment from abroad under the so-called *Contingente* were brought down from 16,000 in 2008 to 901 in 2009, and further down to 168 in 2009.

The impression of a strong control over legal immigration channels that one could derive from a superficial consideration of these Italian and Spanish figures needs however to be corrected in more than one way.

On the one hand, seasonal immigration generally did not suffer a halt or in some cases even experienced an increase, as in the case of Spain, where direct recruitments by employers under the “general regime” tripled from 2007 to 2008, from about 16,000 to over 46,000 (OECD 2010, p. 240). It is worth highlighting that the continuing demand for foreign agricultural workers was reflected in some important policy developments even in countries which are not traditionally large immigration receivers: this was for instance the case of Poland, which in February 2009 liberalised the access to the domestic labour market for non-EU seasonal workers.

On the other hand, closure of new entry channels was, in at least one prominent case, offset by a concomitant opening driven by a mix of pragmatism and path-dependency. This was the case of the large-scale regularisation scheme that was opened by the Italian government in September 2009 and which allowed (while formally obliging them) private employers to regularise undocumented domestic and care workers who had been working for them since at least April 2009.²⁶

The tightening of admission channels was implemented in a very different way in the other main European poles of permanent labour immigration, namely in Great Britain and Ireland. In those two national contexts, the reduction in inflows was essentially pursued – besides the decision to take advantage of the transition period after the 2007 EU enlargement – by means of a more stringent formulation of *qualitative* admission criteria, i.e. through restrictive reviews of “shortage lists”.

In the British case, however, such “qualitative closure” has more recently been deemed insufficient: in accordance with a key electoral promise of the Conservative Party, the new governing coalition in London has introduced a temporary quantitative ceiling for the recruitment and admission of non-EEA workers. The numerical cap has come into force in July 2010 and is due to last until April 2011 (Migration News Sheet, August 2010). After that date, a permanent cap should be adopted on the basis of ongoing political consultations and technical enquiries (carried out by the official advisory body called Migration Advisory Council-MAC). However limited the reduction that new provisions may generate (the temporary ceiling of 24,100 new recruitments is only 5% lower than the actual level of entries last year), the policy change has stirred a heated debate, with both business lobbies and most civil society organisations vocally opposing the cap. From our specific point of view, it should be stressed that the adoption of a numerical upper limit to new entries deeply affects the nature of an admission system whose transformations over the last decade had constantly and consistently been driven by principles of qualitative selection and employers’ centrality.

²⁶ For a detailed analysis, see Colombo 2009a, 2009b. External observers might be puzzled by the fact that such large ex post admission measure – which produced around 295,000 applications – has been adopted in the meantime of a very restrictive reform by a political majority who had been elected on the basis of a very explicitly restrictive programme. This is only an apparent paradox if one considers the heaviness of the constraints imposed by demographic factors on Italian immigration policies and the structural contradictions that such constraints have historically generated (Pastore 2008, 2009).

5.2. Continuing cautious expansion of selective admission channels for qualified migrants

The crisis-generated trend towards a gradual closure of European doors to new low- and medium-skilled inflows is just one side of the coin. On the opposite side, we can observe persisting efforts by several European governments to devise new technical solutions capable of guaranteeing the needed intakes of qualified foreign labour without provoking too hostile domestic reactions.

In recent years, such crucial and very delicate policy objective was pursued by a growing number of European governments through various blends of three approaches:

A) Cautious opening accompanied by an increased selectivity based both on structural parameters (labour market assessments, as with the “shortage lists”) and on individual characteristics (as with the “points systems” which have recently been adopted by three EU Member States: Denmark: July 2008; United Kingdom: October 2008; Netherlands: January 2009²⁷).

B) Cautious opening accompanied by an increased emphasis on temporariness of the stay, including for highly skilled migrants, as for instance in the case of the French scheme called “*Carte Compétences et Talents*”.

C) Cautious opening accompanied by a reinforcement of the demand-driven nature of the admission systems, obtained by linking it more rigidly to a specific job offer (or even a full-fledged work contract, as in the case of the Italian “*Contratto di soggiorno*”, in force since 2002).

It is clear, but nevertheless worth emphasizing, that in all these policy approaches an intrinsic tension exists between the rigidity of the admission conditions and the urgency of recruitment needs. On the one hand, restrictive admission criteria (whatever the chosen combination of qualitative filters, limitations to the length of stay and procedural requirements) are dictated by the double goal to reduce public hostility towards labour immigration (through a reassuring political discourse summarizable with the phrase: “we take only the best, for limited time, and with a job”), and to promote its social and economic sustainability. On the other hand, the necessity to fill labour market gaps, often made more pressing by the action of business lobbies, generates a constant pressure to relax the same admission criteria.

In order to manage such intrinsic tension, a constant mediation between – so to say - private needs and public fears is required and indeed represents the essence of contemporary labour migration management, especially in Europe. It is quite revealing that, even in a time of crisis, in spite of the growing public insecurity associated with migration, governmental efforts to expand admission channels for (more or less) high-skill migrants continued in a great variety of technical forms. Here are just some of the tools recently used by different countries:

a) Lowering of salary requirements for admission. In Germany, for instance, new rules were introduced in January 2010 which, among else, reduced the minimum annual income level for the admission of highly qualified third-country workers from 86,400 Euros to 63,600 Euros. Such a substantial lowering of the income threshold was a response to growing pressure by entrepreneurial organisations complaining about the slowdown in the recovery which would be caused by growing shortages in highly-skilled occupational sectors (Migration News Sheet, September 2010, p. 9).

b) Exemption from labour market tests. In Germany, again, such an exemption was recently introduced for nationals of new EU Member States holding a tertiary degree as well as for any foreign worker holding a tertiary degree from a German institution.

²⁷ A useful table summarizing the relative values associated to demographic, linguistic, social (e.g. family members in country of destination), educational and professional characteristics of migration candidates in different European systems, as compared with settlement countries point systems (Australia, Canada, New Zealand, USA) is to be found in OECD 2010, p. 60.

c) Facilitation of intra-company transfers. A relaxation of rules in this area has taken place, in different forms, in both France and Germany during the last couple of years. Analogous developments have occurred also in countries as diverse as Belgium, Denmark and Poland.

d) Easing of rules for the admission of the family members of highly-skilled immigrants. In August 2009, for example, Lithuania suppressed a previously existing two-years waiting period for this category of immigrants.

e) Liberalization of international intermediation in the supply of temporary labour. This was the case for instance in France, where the declared policy preference for temporary and “circular” migration was translated, in 2008, into a decision to remove a pre-existing ban on the recruitment of third-country workers by national temporary employment agencies.

f) Measures to encourage international students to stay and enter labour markets upon completion of studies. Developments of this kind took place in different EU Member States, including countries like Italy where the presence of foreign students in universities is comparatively very limited.

All these different policy tools have in common a more or less marked orientation towards high-skilled migration. It is important, however, to highlight that in some countries the trend towards selective opening has continued through the crisis period, even with lower skilled foreign workers as a target. This was for example the case with the power given – although under strict conditions – to French *Préfets* since 2007 to grant a residence permit for working purposes to previously undocumented migrants having a concrete job offer (see Table 1 above).²⁸ A somehow analogous development took place in Germany, with the opportunity granted since 2009 to beneficiaries of a *Duldung* decision (i.e. undocumented migrants whose deportation has been suspended out of humanitarian considerations) to obtain in some circumstances a residence permit for working purposes (OECD 2010, p. 206).

However significant as signals of the pressure to innovate in admission systems coming from the economy, these French and German decisions were taken in a rather discreet way and by way of exception to general rules. This creates a stark contrast with the style of the recent sweeping reform of Swedish immigration policy. With a law adopted at the end of 2008, the Scandinavian country shifted to an unrestricted demand-driven admission system, where no occupation is a priori excluded and where the worker is immediately allowed to be accompanied by the family.

5.3. Some concluding hypotheses on the post-crisis outlook

The recent evolution of the European labour migration policy landscape, of which we have highlighted some traits in this section, is by no means univocal nor simple to interpret. However, a final attempt needs to be done here in order to distinguish which of the described trends are just contingent responses to the crisis and which can be read as signs of more structural transformations. This will allow us to formulate some concluding hypotheses on how recent changes might affect longer-term policy approaches and the overall geography of European labour migration governance as synthetically described by the typology proposed in the previous sections.

As we have seen, the two largest labour importer in Southern Europe – Italy and Spain – have both reacted to the crisis with temporary decisions to drastically reduce recruitments from abroad for non-seasonal low- and medium-skilled jobs. In technical terms, these are contingent measures which could easily and rapidly be reversed once a different labour market outlook would require it. Whether the tightening will be quickly reversed or if, on the contrary, it will be confirmed and

²⁸ This new form of case-by-case regularisation (which we have retained among the relevant policy features of the French model as summarized in Table 1 above) is regulated by Article 40 of the Law of 20 November 2007 “relative à la maîtrise de l’immigration, à l’intégration et à l’asile” and by the *circulaire* of January 2008, subsequently annulled in October 2009 by the *Conseil d’Etat*.

stabilized, will obviously depend on broader contextual factors. From an economic point of view, however, it seems reasonable to hypothesize that some of the labour market adjustments imposed by the crisis might not easily be reversed. During the last decade, both Italy and Spain, although in different forms, have evolved into *very immigrant-intensive socio-economic models*. Some of the structural reasons for this evolution (such as the boom of the care sector, largely due to demographic factors) are largely common to both countries and will certainly not be wiped out by the downturn. Other drivers of the Mediterranean immigration boom – such as the Iberian construction bubble and probably also the (relative) dynamism of Italy’s SME manufacturing sector – will emerge downsized at the exit of the crisis. How such restructurings will affect international labour demand and the related policies is a key question that will require deep and systematic scholarly attention in the future.

How does our analysis of South European patterns in the labour migration policy responses to the crisis relate to the tripartite typology of Labour Migration Governance Systems (LMGS) sketched above in Sections 2-4? At first sight, the structural kinship between Italy and Spain that we have identified in Section 3 on the basis of selected policy parameters seems to hold even after the adjustments of the last two years. But it is very important to stress here the limits of such a partial conclusion. Should we broaden our focus beyond the specific scope of this chapter, including the treatment of legal migrant workers upon admission and the complex of policy attitudes and measures on immigrant integration, a different picture would emerge. Without going here into many details (a separate chapter would indeed be needed), some growing and fundamentally political divergences between Madrid and Rome on integration issues have to be pointed out.

In spite of the crisis, the Centre-Left Spanish majority has globally reasserted – also and most relevantly through the new Aliens Act which came into force in December 2009²⁹ - its commitment towards integration and against discrimination. Such commitment is made tangible through specific labour migration policy decisions such as the recognition of the possibility for unemployed foreigners to have their residence permit renewed, provided they can prove they have been working for at least 9 months in the previous year.³⁰

The “Italian way”, as embodied in the Law on Security entered into force in August 2009 and in a number of accompanying and implementation decisions, seems fundamentally different. In particular, the adoption of a new management tool such as the “*Accordo di integrazione*” makes the renewal of residence permits conditional on every and each immigrant’s capacity to “gain” a minimum level of “points” which can be accumulated thanks both to proven civic and linguistic abilities and to a satisfactory record on the basis of a (still vague) set of socio-economic integration indicators. The introduction of such form of protracted bureaucratic scrutiny of each immigrant’s “fitness to remain” de facto distances Italy LMGS from the Spain one.

On the other hand, such recent Italian development generates new affinities with France where, since 2007, every new entrant is obliged to sign a *Contrat d’accueil et d’intégration* which – in the case of economic immigrants - also includes an assessment of professional skills aimed at encouraging labour market participation.

²⁹ See the detailed analyses contained in Aja, Arango & Alonso 2009.

³⁰ An interesting functional analogy might be traced between this recent Spanish provision and the Irish “bridging visa” introduced in September 2009 for allowing regularisation for “non-EEA migrant workers who have lost legal status for reasons beyond their control, such as the non-renewal of their working permits or deception by their employers” (OECD 2010, p. 212). Such similar efforts to keep in a regular status recently unemployed immigrants can be interpreted as a pragmatic option in countries with soaring foreigners’ unemployment rates but where resources for large-scale forced repatriations would in any case lack and where there is not much scope for voluntary return programmes (as the very modest results of Spain’s 2008 return scheme demonstrate).

An analogous path could soon be taken also by Germany, where the implementation of “Integration contracts” stands as an important item in the coalition agreement of the new government which has taken office at the end of 2009.

Also recent moves by the UK new Conservative-Liberal Democrat coalition towards the adoption of a permanent numerical limit to yearly admissions (see above, Sub-section 5.1.) can be interpreted as a sign of significant convergence towards the more cautious and restrictive continental attitudes. When fully implemented, such new approach would distance the British LMGS from its recent past, marked as it has been by a clear subordination of migration policy strategies to market imperatives which has translated over the last decade into a radically demand-driven admission system over the last decade ³¹.

This is yet another recent tendency which could bring fundamental transformations in the tentative typology proposed above and which could thus prefigure a deeply changed post-crisis European migration policy landscape.

³¹ This does obviously not apply to the preminent role played in the recent UK policy by the granting of full freedom of movement to nationals of Eastern European new Member States. As a matter of fact, free movement migration is the basis for an entirely worker-driven admission system, whereby it is the worker who looks for his/her employer and not the other way round.

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