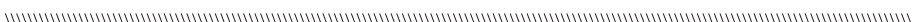
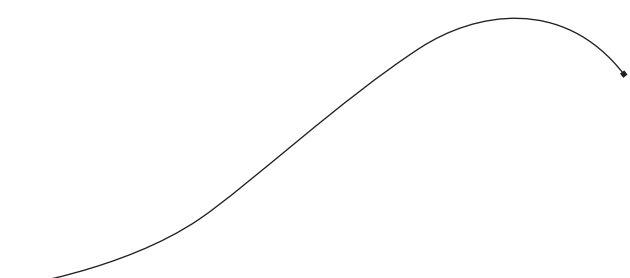
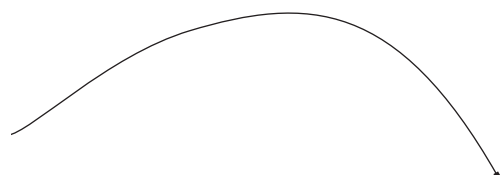
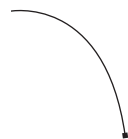
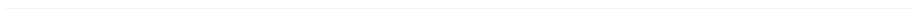




Chapter 1



OVERVIEW OF SELECT OECD COUNTRY MIGRATION POLICIES



Labour needs, foreign policy priorities, national and electoral political issues, public opinion and private lobbyist are among the factors determining migration policies regarding migration inflows or outflows. However, recently, public debates on much politicised, often controversial, migration issues are placing ever more emphasis on the security aspect. This atmosphere raises the problem of a better co-ordinated approach among European Union member countries and the (non) convergence of their nationally-based migration policies. Discussions are also being re-launched concerning bilateral agreements. These agreements should be examined for the impact they may have on dialogue between Europe and West Africa as well as in-between their States.

1

OVERVIEW

Despite substantial differences in objectives, content and specific measures, migration policies of European countries have many points in common.

First, they have evolved over the course of migratory phases that closely follow Europe's history: 1) post-war reconstruction and decolonisation (1945-1960); 2) the takeoff in labour migration during the period of economic growth between 1960 and 1973; 3) the restrictions imposed during the 1970s recession, leading to family reunification and humanitarian migration; and 4) the reorganisation of migratory flows following the collapse of the Soviet Union and the global geopolitical changes resulting from it (Zimmermann 2005, Pastore 2007).

Second, the requirements of the labour market and foreign policy priorities are not the only factors that determine migration policies. Public debates on migration issues are very politicised, often tending to polemic and exaggeration. They prompt concerns regarding the fundamental issues that societies today are confronting and to which governments are striving to respond:⁷ terrorism, crime and security; the reform of the Welfare-state; the transformation of employment, job markets and national identity in the era of globalisation (Boswell 2003). According to this author,

the politicisation of migration issues is responsible for the general trend towards placing restrictions on immigration conditions and opportunities in Europe since the 1980s. Other experts add that stricter migration policies are the reason for increased unauthorised immigration, particularly from sub-Saharan Africa to Southern European countries by way of Maghreb (de Haas 2007a, UNDESA 2004).

A third factor influences the definition of the migration policies of OECD countries: the action of interest-groups within societies (private sector, ethnic minorities with political rights), public institutions defending liberal-democratic principles (constitutional courts, tribunals) and international obligations (Universal Declaration of Human Rights) that encourage human mobility and the defence of migrants' rights.

Migration policies entail two fundamental dimensions (Papademetriou 2006):

- The *admission* of candidates for immigration (external dimension),
- The *definition of their rights and responsibilities* and sometimes even their *integration* into host societies (internal dimension).

Experts identify three constraints on the conception and implementation of migration policies over the last fifty years. First, these policies have been based on the assumption that all migration is temporary. Consequently, the "internal" and "external" dimensions are often addressed separately from a political and legal point of view, resulting in migration policies that, taken as a whole, are inconsistent. In general, priority is given to defining admission criteria and entrance controls to the detriment of the social and economic insertion of immigrants and their families. Furthermore, the management of labour and "humanitarian" (refugees and asylum seekers) immigration is often operationally linked but in the absence of an integrated conceptual approach. In 2003, Boswell explained the historic and political causes of this situation, emphasising that it had led to deterioration in the conditions of assistance and protection for asylum seekers in Europe. This category of migrant might ultimately suffer further exclusion in industrialised countries.



The "internal" and "external" dimensions are often addressed separately resulting in migration policies that, taken as a whole, are inconsistent.

Focusing on the issue of migration, the *United Nations 2004 World Economic and Social Survey* described recent trends in immigration policy on the basis of eight key topics: overall immigration levels; skilled worker migration; low-skilled migration; family reunification; the integration of non-nationals; undocumented migration; the regionalisation of policies; and links between migration and trade (UNDESA 2004).² These trends, summarised in → [Table 1.1](#), are largely representative of the situation of European countries.

Table 1.1:
Global Immigration Policy Trends

I Immigration levels
<p>The management of migration is thus a priority policy intervention area. Restrictive measures are adopted as soon as migrants make up more than 5 % of the national population. In 2003, one third of United Nations countries pursued an immigration reduction policy.</p>
II Skilled worker migration
<p>Following the example set by the United States in 1965, immigration of foreign labour was based simply on competencies and skills. Increasingly the selection of immigration applicants is based on the host country's job market needs. Adoption of ad hoc programmes notably in the health and technology sectors.</p>
III Low-skilled migration
<p>The needs of foreign unskilled labour are not widely taken into account (construction, agriculture, services), notably in Europe and North America. Hence, these needs are filled by unauthorised immigrants whose presence is tolerated, to a certain extent, by host country governments (through regularisation and amnesties).</p>
IV Family reunification
<p>Utterior understanding of the implications of family reunification on existing migratory systems (duration of migration, integration needs and modalities, etc.). As of 1990 (since 1998 in EU legislation) it is a recognised right in most European countries. Due to a lack of other opportunities, it has become the main legal justification of migration towards OECD countries. With a view to reducing migratory flows, several governments limit entrance conditions of legal migrant family members and take a hard stance on controls for admission, prompting many disputes.</p>
V Integration of non-nationals
<p>In 2003, 61 countries making up the majority of the group of industrialised countries, adopted programmes to facilitate the integration of migrants through intercultural dialogue and diversity management. These programmes are based on lessons learned from traditional integration approaches relying on assimilation and multiculturalism³, deemed ineffective. The increase in immigration has led several departure countries to offer double nationality meanwhile some host countries (ex: Germany) make the naturalisation process more flexible in order for immigrants, notably second generation, to have civil and political rights. However this trend has not been taken on board throughout Europe.</p>

vi Undocumented migration

One of the reasons inciting governments to deal with migration issues. On one hand, measures are undertaken to curb undocumented immigration: combating human trafficking; bilateral agreements between transit countries, host countries and more recently countries of origin; strengthened regional co-operation in order to control external borders; introducing difficult-to-counterfeit travel documents; and awareness-raising campaigns on the risks of undocumented migration. On the other hand, in some countries with labour shortages, the underground economy and the number of undocumented migrants are high, governments proceed with regularisation campaigns.

vii Regional and sub-regional harmonisation

At the global level, several consultative processes were created to exchange information and co-ordinate actions, for example to counter undocumented migration. The harmonisation of national migration policies, the adoption of a common approach and shared objectives as well as the measures implemented depend on the level of political integration reached by each regional bloc.

viii Links between migration and trade

The World Trade Organisation through the General Agreement on Trade and Services identifies temporary movement of qualified workers as one of the modes of services (number 4). In order to respect this clause, signatory States must enable foreign service providers to circulate and temporarily reside on their territory in order to carry out their job. This provision is always difficult to convey in national legislations, States fear thus losing control on admitting foreign citizens on their territory.

Source: UNDESA 2004

Given their historical, political and economic links with former colonial powers (Belgium, France, Portugal and the United Kingdom) and because of geographic proximity (Spain, Italy), African migratory flows from the continent are mainly directed towards Europe (ECOWAS/SWAC 2006). Until 2000, however, this immigration had no particular or specific impact on the direction taken by European national policies relative to those of other communities coming from Eastern Europe, North Africa and Asia. Since 2002, by contrast – and even more so since 2005 – images of West African migrants in Spanish enclaves in Morocco or on Europe's southern coasts have provoked a public debate that has been exacerbated by what some call the "myth of invasion" (de Haas 2007a).⁴ These debates and their political consequences are largely at the origin of the renewed dialogue between Europe and Africa and the tightening of policies. They have revived processes for developing a global approach to migration by the EU.

BELGIUM EMPHASISES INTEGRATION, IN KEEPING WITH ITS HOST TRADITION

In 2004, 9% of the national population (slightly over 10 million) was foreign born. 60% of them were European citizens, most of whom lived in and around Brussels.⁵ Italians (200,000) comprise the largest group followed by French, Dutch, and Germans. Outside the EU, Moroccans and Turks dominate with 107,000 and 56,000 individuals, respectively (SPFETCS 2003). The Democratic Republic of the Congo is the only African country among the 12 most heavily represented foreign nationalities, with 11,000 nationals. In 2001, the number of West Africans in Belgium did not exceed 10,000, including Ghanaians and Cameroonians (1,700 each) as well as Nigerians (1,000) (OECD online database). During the 1990s, a large number of individuals from the Great Lakes region and the former Yugoslavia sought asylum in Belgium, with 22,000 applicants in 1998, of whom less than 10% were accepted. The high rate of unauthorised migration led to a regularisation campaign in 2000.⁶

Migratory flows to Belgium declined at the beginning of the decade. In 2005, however, migration rose by 7 points compared to 2004. These flows involved Europeans, in particular: Poles are thus the main beneficiaries of temporary work permits (OECDa 2007). Another key piece of data concerns naturalisations: there are 31,000 per year on average. This number has remained stable for several years and is higher than that of other OECD countries. It is explained by the history of immigration in Belgium and the place occupied by integration in its approach to migration.

Belgium's status as a host country dates from the beginning of the 20th century. Until the 1970s, the country attracted low-skilled foreign labour to work in Wallonian mines through bilateral agreements with Algeria, Greece, Italy, Morocco, Spain, Tunisia, Turkey and Yugoslavia. In addition to labour migration, starting in the 1980s family reunification was eased in order to achieve a second objective, namely, propping up the country's low demographic growth rate. Entry conditions for foreign labour were alternately tightened and loosened in keeping with the national economic situation. Belgium distinguished itself by its immediate openness to other types of migration. In particular, Belgium promoted student migration from developing countries: 12,300 students attended French-speaking universities in 2001–2002.⁷ In addition, with the end of

labour migration in 1974, the country came to focus increasing attention on integrating foreigners and their descendents.

Naturalisation is the favoured mode of integration. The Belgian Nationality Law was first reformed in 1984 and then again in 1992 in order to simplify access to Belgian nationality for second generation immigrants by awarding it upon request from foreign parents or, in the case of third generation immigrants, automatically. In 2000, new provisions entered into force abolishing any fees linked to gaining nationality, simplifying the procedure and eliminating the controversial notion of “a desire to integrate” (SPFETCS 2003). Between 1995 and 2000, Moroccans and Turks comprised the largest number of those who acquired Belgian nationality. At the same time, the Government adopted an Action Plan to combat all forms of discrimination and racism leading to the adoption of the Anti-discrimination Law of 25 February 2003. Created in 1993, the Centre for Equal Opportunities and Opposition to Racism monitors the implementation of anti-discrimination measures. Parliamentary debates focused on the opportunity to include religious beliefs and opinion among discrimination criteria, reflecting concerns regarding the spread of the Muslim religion and the growing power of extremist political parties. Furthermore, more recent debates have focused on the possible collection of ethnic statistics in order to evaluate discrimination in various areas of public life (access to employment, housing, etc). In the 2007 political elections, the diversity agenda was hotly contested by the nationalist fringe of the political spectrum (Flemish and Walloon alike).

Another integration measure concerned the extension of voting rights in local elections to non-European foreigners, who exercised this right for the first time in October 2006. Their very low turnout rate (only 17% of those with the right to do so, registered to vote) was due to an inadequate public information campaign and unwieldy registration procedures. Recent immigrants were particularly penalised by this situation given that those who have been in the country for a long time often hold Belgian nationality and already have the right to vote.



The voting rights in local elections are extended to non-European foreigners. This right was exercised for the first time in October 2006.

The internal dimension of Belgian migration policy is based on the Law of 15 December 1980 concerning Access to Territory, Residence and the Establishment and Removal of Aliens and amended in 1981, 1999, 2003 and 2006. The federal government is responsible for defining the categories of foreigners with right of access to the national territory. Authorised immigration involved the free movement of EU nationals, immigration in the framework of family reunification, admission of students for the duration of their studies, labour migration for those holding a permit and, finally, reception and protection of persons in danger. The regions⁸ are

responsible for granting work permits and implementing integration measures while the communes are responsible for administrative monitoring of emigrants.

In the area of labour migration, there are two categories of work permit (Law of 30 April 1999 on the employment of foreign workers): Permit A is of unlimited period for all salaried professionals and Permit B is valid for a maximum period of twelve months and only allows the holder to work for a single employer.

Since 1999, the Government's priority has been to redefine the conditions of family reunification (the most important source of non-European immigration in Belgium) and reform asylum procedures. In the former case, this has involved taking a more restrictive stance: in 2006, the minimum age at which foreigners living in Belgium may marry someone from outside an EU-27 country rose from 18 to 21. Conjugal life is monitored for three years following reunification. In the latter case, it has involved simplifying procedures in order to more effectively manage applications. The new procedure consists of two phases, neither of which lasts more than one year: in the first phase, the application's admissibility is initially reviewed with the possibility of being processed urgently; in the second, the application is thoroughly examined. During the phase in which admissibility is being examined, candidates for asylum are placed in ad hoc receiving centres. There, they are only provided with material assistance thereby reducing the system's attractiveness and helping to fight fraud. Organisations defending migrants' rights strongly object to these measures. An application's rejection leads to deportation. Since 1993, asylum seekers whose applications have been refused can be detained for up to two months in the housing centres prior to deportation. This applies to all foreigners who represent a threat to security and public order. These measures also target those involved in human trafficking. Since 2007, victims of human trafficking have the right to reside in the country.

In conclusion, for forty years Belgium has received uninterrupted migration and become an ever more diverse society. While the asylum system and the fight against unauthorised migration are both sensitive issues, the most topical concern is that of integration, reflecting broader unease borne of separatist pressures within the country's two indigenous groups, the Walloons and the Flemish.

Canada is a traditional country of immigration and settlement. The first major migratory flows from Europe coincided with the great contemporaneous migration between 1820 and 1910. These flows have not halted since (they slowed between 1973–1984 but less so than in other industrialised countries). According to the 2001 census, Canada has a foreign-born population of 5.8 million, or approximately 18% of the total population. During the last ten years, it has received on average 221,000 people annually (Government of Canada website). The trend remains high: in 2005, 260,000 individuals were admitted as permanent residents, 11% more than in 2004 (OECD 2007a).

Furthermore, the origin of migratory flows has changed greatly since the 1970s: today, almost 50% of migrants come from Asia, 20% from Africa and the Middle East and only a little more than 15% are from Europe.⁹ The share of African immigration is partly explained by the country's generous asylum policy (7,330 Somalis resided in Canada in 2001). North Africans (Algerians, Moroccans and Egyptians) are the most numerous. In 2001, there were 18,770 West Africans residing in Canada for various reasons, with approximately 6,000 Nigerians and Ghanaians respectively. The Ivoirian and Cameroonian communities each counted a little more than 1000 individuals (OECD online database).

It is not only the origin of the migratory flows that has changed over the last thirty years, but also their nature. Contrary to the trend of other OECD countries, less than one third of migration to Canada is family-related whereas work migration has risen to approximately 60%.¹⁰ This situation depends on the choice of migration policies adjusted to the evolution of global migratory dynamics underway since the 1960s.

Canada has incorporated the concept of permanent migration and has an active policy of increasing immigration. Its approach is based on the establishment of annual entry quotas (from 220,000 to 225,000 people) which depend on job market conditions and the use of admission procedures based on the human capital supplied by applicants. The Immigration and Refugee Protection Act (2001, Ch. 27) sets out the following authorised categories: skilled or independent workers, close relatives (spouse, civil partner, child, parents and grandparents) of citizens or Canadian residents, refugees, foreign students, and temporary workers.

Introduced for the first time in 1967, a point system is used to verify the admissibility of applicants as skilled workers with the right to a permanent permit. Six criteria are taken into account: education, linguistic aptitude, work experience, age, arranged employment and adaptability. Each criterion corresponds to a number of points: 25 for education, 24 for language ability, 21 for work experience, and 10 for others. In order to be admissible, an applicant must have a total of 67 points out of 100. Skilled workers and their spouses can also obtain temporary visas through government programmes targeting software development professionals.

Canadian provinces can launch international labour recruitment programmes by signing bilateral agreements with the country of origin. These agreements often involve the immigration of low-skilled seasonal

Canadian provinces can launch international labour recruitment programmes by signing bilateral agreements with the country of origin.



workers (mostly in the agriculture sector). Employers must send a specific request specifying the number of workers needed, the duration, the location as well as work and living conditions. Two procedures are avail-

able: going through provincial government services or accepting individual applications from the country of origin. Permits do not exceed eight months, do not provide the right of residence nor the possibility of accepting another job or a supplementary job without prior authorisation from the authorities. It is however possible to renew this permit upon returning to their country of origin. These programmes are deemed positive because they allow for an increase in seasonal migration while at the same time seeing to it that fewer migrants stay on once their permits expire, a sign of confidence and a shared interest between host countries, countries of origin and migrant workers.

Starting in 1976, Canada established a system to manage the arrival of refugees and asylum seekers participating in its global migration policy. The 2001 law provides increased protection for asylum seekers independently of their ability to set up residence in Canada. One particular aspect of the law is that groups and individuals can sponsor a person in danger or in need of protection provided that this person is eligible for admission. In 2004, 10% of asylum seekers obtained such sponsorship. Over the last few years, applications have declined. In 2005 there were 20,000 such requests, the lowest number since the 1980s.

The increase in student migration is a priority for developing the “knowledge economy”. Each year, approximately 70,000 foreign students, mostly Asian, are enrolled in Canadian schools, high schools and universities. Since 2005, those who complete their graduate degrees in Canada are allowed to continue their stay for two more years.¹¹ Since 2006, students can work off-campus while studying.

Permanent residents 18 years of age¹² or older can apply for citizenship. They must have lived in Canada for at least three out of the last four years and be able to sufficiently speak one of the two official languages. These residents must demonstrate their understanding of the country's culture, history and political system by taking a "citizenship exam". If the application is accepted, citizenship is obtained in the course of a citizenship ceremony in which applicants take an oath and receive their certificate. Around 160,000 foreigners obtain citizenship each year, or 85% of the migrants who enter annually (Government of Canada website).

Since the 1960s, Canada has been applying measures to adapt to global migratory dynamics to ensure that these contribute to the aims of national growth and prosperity. Thus, cultural diversity is among the fundamental principles of the Canadian state. European states seeking to reform their approach often draw inspiration from these migration policies (selection based on foreign human capital, quotas, co-operation between federal and provincial levels, citizenry exams and ceremonies, etc.). Due to a selective migratory system, Canada's foreign population is on average better educated than that of Europe. Some experts, however, question the degree to which real opportunities for professional development and social mobility are available to new immigrants in Canadian cities.¹³

4 FRANCE RESTRUCTURES ITS APPROACH, EMPHASISING SELECTIVE MIGRATION AND CO-DEVELOPMENT

The composition of migratory stocks and flows illustrates this country's long-standing tradition of receiving immigrants. Of a population of almost 61 million in 2005, 8.1% were foreign born (OECD 2007b). It is also one of the rare OECD countries where African immigration dominates,¹⁴ with 1.2 million of Maghreb migrants and 368,000 Sub-Saharanans in 2005.¹⁵ The largest communities are Algerian (565,000) and Moroccan (470,000), followed by Senegalese (50,000), Malian (45,000) and Cameroonian (31,000). Almost two thirds of the total recent flows are from Africa. Algeria and Morocco are at the top of the list of countries of origin. Cameroon and Côte d'Ivoire are respectively in fifth and seventh place (OECD 2007a). After having grown since the mid-1990s, total flows were steady at about 135,000 in 2005 as a result of the reduction in family reunification and European enlargement. The number of direct entries on the job market and asylum seekers has slightly increased.¹⁶

The migratory approach is influenced by – and in its turn influences – foreign policy, notably with regards to Africa. Domestically, it is closely linked to social and economic changes within society and especially to increasing cultural and increasing religious. France terminated its foreign labour recruitment programme in 1974. Up to that date, immigration from European countries (Belgium, Italy, Poland and Spain) and former colonies was not restricted in order to facilitate post-war reconstruction.¹⁷ The halt to labour migration was not reflected in a drop in entries. It was replaced by family migration in order to facilitate the integration of immigrant labourers residing in France.

In the 1980s, migration issues became more politicised as extreme right movements such as the National Front grew. The anti-immigration agenda (new entries and integration conditions) dominated the political debate. Based on a political discourse of “zero immigration”, the Pasqua laws¹⁸ of 1993 toughened conditions for obtaining family reunification and asylum and organised the deportation of undocumented immigrants. They also prohibited foreign students from working during or after their studies. Similarly, these laws changed the Nationality Code: naturalisation was no longer automatic upon their 18th birthdays for foreign children born in France. They must now apply for French nationality between 16 and 21 years of age. The interval for acquiring it through marriage increased from six months to two years. Following the opposition’s victory in the 1997 legislative elections, these laws were reformed in 1997 and 1998. New provisions focused on the regularisation of around 90,000 undocumented immigrants, increasing student and skilled labour immigration and ensuring the right to nationality for the minor children of foreigners living in France.

In the first decade of the century, security aspects and managing cultural diversity in relation to migration issues continued to be a national preoccupation.¹⁹ They were the focus of the 2002 and 2007 electoral campaigns and subsequently resulted in legislative reform. Key texts are:

- Law 1119 of 26 November 2003 regarding controlling immigration, the length of foreigners’ stay in France and nationality;
- Law 119 of 24 July 2006 regarding immigration and integration; and
- Law 1361 of 20 November 2007 regarding controlling immigration, integration and asylum.

As of 2007, the Ministry of Immigration, Integration, National Identity and Development Partnership is responsible for implementing these laws. The Ministry’s title illustrates the conceptual and operational approach adopted by the new Government with regard to migration.

Traditional objectives concerning immigration have been maintained and even strengthened: reducing unauthorised immigration and controlling migratory flows. Priority has been given to deportation operations,

which had already increased since 2001 (the annual quota of 25,000 deportations was almost reached in 2007). These efforts to control flows, moreover, reflect the new objective of reducing family migration while giving priority to professional migration in order to respond to economic needs while taking into account the host country's capacities:

- Conditions for family reunification have become more restrictive: every non-European foreigner requesting family reunification must demonstrate legal presence in the country for at least eighteen months and income without benefits at or above the minimum wage depending on family size. The 2007 Law introduced an obligatory evaluation of the applicant's linguistic skills in the country in which the visa application is submitted. A long-term residency permit is no longer issued if there is a lack of linguistic understanding.²⁰
- Labour migration is actively solicited: low qualified labour is selected from a list of sectoral deficit occupations that can be filled by foreigners from developing countries (30 occupations). Foreign workers obtain a one-year renewable residence permit for the length of their contracts. By means of bilateral "concerted management of migratory flow" agreements with the principal countries of origin (→ [Table 1.2](#)), other non-opposable professions may be added to this list. Similarly, new temporary residence permits were created for: a) skilled workers ("competencies and talent" card for three years, approximately 2,000 per year); b) wage earners temporarily posted to France by their employers; and c) seasonal workers. Students obtained the right to work up to 60% of the legal work time. Upon completion of their studies, they can remain six months longer in order to find employment. If employment is found, they can apply for a change in status.
- Procedures for changing status have been amended: obtaining a long-term residence visa is a prerequisite to obtaining a residence permit under three conditions linked to integration (see below); if a residency permit is refused, the applicant may have to leave the territory; automatic regularisation after 10 years residence in France has been suppressed.
- Administrative responsibility for receiving and processing asylum applications was transferred from the Ministry of Foreign Affairs to the Ministry of Immigration. The delay for processing applications and the possibilities of recourse have been reduced.

New measures introduced a Reception and Integration Contract [*contrat d'accueil et d'intégration (CAI)*] obligatory for all non-EU foreigners entering as permanent residents. This contractual agreement sets out the reciprocal rights and responsibilities of France and its migrants, who are seen as active agents of integration. Willingness to integrate is demonstrated by fulfilling three fundamental conditions:

1) a personal commitment to respect the principles governing France; 2) effective respect of these principles; and 3) an adequate understanding of the language. Since 2007, there is also a CAI for the family that commits parents to ensuring that their newly arrived children are well integrated. Noncompliance could lead to the suspension of the family allowance and a judge's intervention on behalf of the children. The state, for its part, is committed to facilitating integration through action in three priority areas: housing, academic success and professional insertion. Specific measures are being studied for 2008 for new arrivals, immigrants who have long lived in France and their progeny. With regard to integration, the Ministry works in collaboration with the National Agency for the Reception of Foreigners and Migration and the *Haute Autorité pour la Lutte contre les Discriminations et l'Égalité*.²¹

Finally, co-development, a concept borrowed from the development aid and, more particularly, decentralised co-operation policy, became a full-fledged lever of immigration policy. It concerns "*all development aid involving immigrants living in France whatever the nature or modalities of this contribution.*"²² Its specific objectives are to facilitate circular mobility between countries of origin and host countries (including voluntary return), support development projects involving migrants, and support and strengthen the action of co-development actors including states as well as territorial entities, civil society organisations, universities and businesses. An example of this is supplied by the "co-development savings account" (Law 2006-119) offering tax benefits to migrants investing in their country. Co-development conventions signed with partner countries (Mali, Morocco, Senegal) in the framework of French development assistance govern the details of the measures taken. These conventions are now part of concerted migratory flow management agreements (→ [Table 1.2](#)), with France striving to promote consistent policy in regards to migration and development aid within the government.

Co-development and controlling unauthorised migration are the two priorities pursued by France within the European migration agenda. France's draft of a European pact on immigration and asylum met with "broad agreement" – including among countries such as Spain that had

Co-development and controlling unauthorised migration are the two priorities pursued by France within the European migration agenda.



been reluctant – within the European Union at the Cannes meeting of 7 July 2008. At Cannes, the Interior and Immigration Ministers of the twenty-seven Member States held a meeting to smooth over differences concerning

this document, which France, currently President of the EU, wishes to see adopted by the European Council in October. The aim of this text is to express a strong political commitment on the part of European governments to work both separately and together on the basis of shared

principles for guiding migration policies in a spirit of solidarity and responsibility. Yet another project dear to the French presidency of the EU is the new framework linking Mediterranean countries and European Union Member States to one another on the basis of the Barcelona process. “The heads of state and of government share the belief that this initiative can play an important role in what concerns common challenges facing the Euro-Mediterranean region, such as: social and economic development; the global crisis in the area of food security; the degradation of the environment, including climate change and desertification, in order to encourage durable development; energy; migration; terrorism and extremism; the promotion of inter-cultural dialogue.

This proposal has Italy and Spain’s support but is less popular with other European countries that are more concerned with migration related to the accession of the Eastern European countries.

Table 1.2

Bilateral Agreements linked to the Readmission between France and West and North African countries (as of 10 January 2008)

Country	Type of Agreement	Year
Algeria	Law enforcement Co-operation and Re-admission Agreement	2003
Benin	Agreement for the Concerted Management of Migratory Flows, in negotiation	
Mali	Re-admission agreement, in negotiation	
Mauritania	Re-admission agreement, in negotiation	
Morocco	Law enforcement Co-operation and Re-admission Agreement	2001
Nigeria	Re-admission agreement, in negotiation	
Senegal	Re-admission Convention Agreement for the Concerted Management of Migratory Flows (includes three parts: legal immigration, unauthorised immigration and co-development)	2000 2006
Tunisia	Exchange of letters Re-admission Agreement, in negotiation	1984–1994
Togo	Re-admission Convention	1996

Source: www.mirem.eu/donnees/accords/rapports-et-documents/france

France is currently restructuring its approach on migration to promote labour migration, combat unauthorised migration and forge closer links between migration and its development aid policy in Africa. Co-operation with European partners, transit and origin countries and international organisations on the topic of “migration and development” is an important instrument of this renewed approach. The creation of a Ministry of Immigration, Integration, National Identity and Development Partnership seems to reflect a desire to address the internal and external aspects of these policies in a systematic and coherent manner. Currently, the measures that have been undertaken favour temporary migration and in some cases circular migration whereas the integration model described above highlights foreigners’ individual responsibility to successfully integrate into society.

5

GERMANY HAS DIFFICULTY CONSIDERING IMMIGRATION AS A STRUCTURAL PHENOMENON

In 2005, 20% of the population (82.4 million in 2006) was composed of immigrants or children of immigrants, all nationalities collectively. The number of foreigners totalled 7 million (OECD 2007a). There were approximately 700,000 refugees and 300,000 asylum seekers.²³ Poland and Turkey were the main countries of origin of labour migration and family reunification. Taken together, these two countries accounted for almost 35% of migratory stocks, followed by the former socialist bloc countries where German economic influence has historically been strong and which contain significant German-speaking communities (OECD 2007a). Only a small percentage of Germany’s foreign population originates in the countries of Sub-Saharan Africa. Scattered around the country and often unauthorised, it is difficult to evaluate its size:²⁴ approximately 85,000 people (ECOWAS/SWAC 2006). The most recent data concerning West Africa dates from 2003²⁵ and mentions: 11,645 migrants from the former German colonies of Cameroon (2,543) and Togo (1,109) together with Nigeria (2,091) and Ghana (1,646).

In 2005, there was a sharp decline in all migration flows into Germany (OECD 2007a). Between 2004 and 2007, the countries of Eastern and Central Europe joined the European Union. Europe’s enlargement was one of the factors that prompted the adoption of the new law on immigration of 5 August 2004 which for the first time addressed issues relating to labour migration, humanitarian migration, integration and national security.

Due to its strategic position along the axis of East/West confrontation and its economic boom, as early as 1950 the Federal Republic of Germany was attracting large numbers of asylum-seekers and generally low-skilled immigrant workers. They were absorbed by the labour market through guest worker programmes²⁶ that allowed them to work for one or several years in Germany without being able to establish residency. Once their contract terminated, they had to return to their countries, from which they could be recalled once a new demand for foreign labour on the domestic labour market. Conceived to manage temporary low-skilled migration and respond to the context of the 1970s and 1980s, these programmes in fact enabled workers and their families from Mediterranean countries to establish permanent residency without however addressing the issue of their integration into German society.

This situation illustrates the difficulty experienced by Germany in accepting its status as a country of immigration. It fuelled debates on national identity and sparked tensions, especially during the period of unification from 1989 to 1992 (Boswell 2003). After an end was put to guest workers programmes in 1974, a return assistance law was adopted at the beginning of the 1980s, though it had little real impact. Similarly, a series of laws enacted between 1981 and 1998 discouraged asylum seeking and reduced the cost of managing the system. The Aliens Act of 1990 introduced some exceptions to the overall end to recruiting immigrant workers, allowing for bilateral seasonal recruitment (Eastern Europeans).



The law of 5 August 2004 for the first time addressed issues relating to labour migration, humanitarian migration, integration and national security.

In 1998, the Social-Democratic and Green coalition government relaxed the legislation. Major innovations involved: 1) the new Nationality Law²⁷ of 2000, which allowed children with at least one foreign parent residing in Germany for eight years to be naturalised; 2) a Green Card system valid for five years, facilitating immigration of information technology professionals; and 3) the new Immigration Law of 2004, which included the following key measures:

- The new law authorises only two types of permit: a temporary residence permit for a specific motive (training, paid or independent employment, humanitarian, political or family reasons) and a permanent residence permit after five years under certain conditions. Skilled workers obtain the latter upon arrival and their dependents similarly have the right to work.
- Foreign students are given the possibility of remaining for one year after completing their studies in order to seek employment consistent with their training.
- An across the board halt to recruitment of low-skilled labour.
- Granting refugee status in the event of persecution by non-State actors.

- Promoting “integration by law” through an integration course administered for permanent residents, refugees and asylum seekers by the Federal Office for Migration and Refugees. The course is mandatory for immigrants who do not have sufficient oral command of the language.
- Reforming the deportation system with emphasis placed on security threats and terrorism.

These new provisions raise three interesting issues for the European debate on migration.

- First, the new permit system can complicate the admission of non-European foreigners into the German job market. In order to benefit from these measures, they must usually obtain a work contract while in their country of origin, which is difficult in practice for labourers in developing countries, even if they are skilled. Foreign students, however, have new rights under this law. They are the ones ultimately targeted by the provisions concerning the freedom of establishment. Many studies have nevertheless shown that foreign students or students of a foreign origin are more likely to suffer from discrimination in hiring than European citizens. These students are rarely employed at a level corresponding to their skills, especially at the beginning of their careers. This fact raises the two following points:
 - The stakes of integration. One of the merits of this law is that, for the first time, integration is among its principal objectives but the instruments set up for this (integration courses) are for the moment modest. The integration of the various components of German society and the promotion of diversity are the main challenges for the country’s future yet they are absent from the political agenda because they remain controversial (Miera 2007).
 - The migration of low-skilled labour. The law leaves the pre-existing system unchanged in a context in which the needs of an ageing society in demographic decline are growing. As a consequence, these needs are often filled by unauthorised migrants or skilled foreign workers (not employed to the extent of their capacity) who have not been able to fully integrate into the job market, a situation that is advantageous neither for the immigrants nor for the German economic system.

6 IN ITALY, WHERE IMMIGRATION IS A RECENT ISSUE,
RESPONSES VARY BETWEEN A LAISSEZ-FAIRE
ATTITUDE AND A SENSE OF URGENCY

Like Spain, Italy was a traditional emigration country until the 1970s. Within thirty years, it became a southern European transit country for Eastern European and African migrants en route to continental Europe and later a host country. In 2005, Italy had the world's third most rapid rate of growth of permanent legal migration (OECD 2007a). That same year, 4.6% of its 58 million inhabitants were foreigners (OECD 2007b).

The first flows came from Mediterranean countries (Tunisia, Morocco, Albania) followed by traditionally Catholic countries such as Poland, the Ukraine, and the Philippines. Subsequently, flows diversified with the increase of entries from Romania, China and Africa. North Africans remain the majority compared to those from sub-Saharan Africa, who numbered slightly fewer than 80,000 in 2001 (OECD online database). Among migrants from sub-Saharan Africa, Senegalese (29,000), Ghanaians (17,000) and Nigerians (14,000) were the most numerous whereas Moroccans were estimated at 150,000. These numbers are hardly representative of the current situation given the upward swing of flows originating from Africa, and in particular Senegal, as well as the significant number of unauthorised immigrants in Italy. The latter mainly consist of individuals who remain in the country after their permits have expired.²⁸ This explains the frequent recourse to regularisation and amnesty as migration policy instruments between 1982 and 2007, no matter the political orientation of the acting government.

The fact that immigration is a rapidly developing recent phenomenon underpins the evolution of Italy's approach. Between the 1980s and 2002, it has evolved from a laissez-faire attitude to one of urgency. At a time when other European countries were bringing an end to their foreign labour recruitment programmes, the first provisions taken by the Italian government (1986) encouraged salaried labour migration. This opening up was a result of the economic boom and a locally segmented job market. The needs, centralised in the north-east, were for low qualified labour (Campani 1999). In 1990, Law 39 was the first attempt to address migration from several angles: regularisation of unauthorised migrants, the length of stay and work, introduction of the right to asylum and stricter border controls. This law aimed to attract the attention of Europe's partners to

the distribution of responsibility and costs of migratory flows transiting through Italy towards other European destinations. Likewise, it demonstrated the country's willingness to play "European border guard" in the Mediterranean at the beginning of the Schengen process. Deemed ineffective due to, among other reasons, insufficient funds to handle the large flows from Albania and the former Yugoslavia, then in the midst of war, Law 9 was replaced by Law 40 of 6 March 1998. In one text, this Law brings together provisions related to immigration and norms regarding the foreigner's condition. This Law was passed at the end of elections within an anti-immigration climate established by the Lega Nord and the emergence of the "*scafisti*"²⁹ in the Mediterranean (Campani 1999). From this point on, the themes of immigration and security have often been perceived by the general public as intimately linked.

Law 40 answers the need to address the integration of foreigners living permanently in Italy while more effectively combating unauthorised immigration and responding to the security issues that had been troubling public opinion. The following provisions form the core of this approach:

- A quota system set by annual decree according to the job market.³⁰ These quotas concerned foreign residents who are directly recruited by an employer in Italy. They also aimed to grant entry visas for those directly seeking employment with the support of a sponsor (individuals, associations, municipalities). This possibility opened the way to regularisation of foreigners already in Italy at the time the decree was published. Preferential quotas were given to countries that agreed to sign re-admission agreements for their nationals subject to deportation (Albania, Morocco, Tunisia).
- Replacement of a long-term one-year renewable residence permit by a permanent residence card for foreigners legally residing for more than five years with sufficient income.
- Decentralisation of integration initiatives to regions and municipalities capable of adapting intervention to the local context.
- Family reunification as a right for foreigners with permanent residence.
- The creation of law enforcement-controlled "detention centres" where foreigners remain for a maximum of 30 days awaiting deportation, rejection of their candidacies or in the event there are hindrances to immediate execution of a particular operation (non-identification due to lack of papers).
- Sanctions against individuals promoting unauthorised immigration and trafficking of women.

Contested by the centre-right opposition, this law was not abolished until a new majority came to power in 2001. Law 189 of 30 July 2002

tightened conditions for entry, length of stay and access to jobs and asylum for non EU foreigners but left the original framework intact. Law enforcement co-operation with Maghreb and Balkan countries concerning re-admission, for example, was in keeping with the operations of the 1990s. In addition, some new measures were deemed illegitimate by the Constitutional Court due to Italy's international commitment to protect the rights of migrants and asylum seekers. Yet others (the abolition of a sponsor system for entry visas, a halt to regularisations) were proven inapplicable due to labour shortages, including in those regions where the Northern League was strongest. This situation shows that, in Italy, migrants find themselves subject to legislative ambiguity. The centre-left government's 2006 programme included a global reform and a migration policy that recognised the structural and necessary character of immigration for society, taking into account demographic decline and globalisation. Three areas of intervention were identified:

1. Integrating immigration and foreign policy in keeping with the objectives of promoting peace and development. Supporting the global European approach to migration and the project for a Mediterranean Union (initiated by France and supported by Spain) and reinforcing bilateral co-operation with countries of transit and origin (→ [Table 1.3](#)) are part of this framework.
2. Giving priority to integration, promoting cultural diversity, loosening the rules governing naturalisation, ensuring access to local citizenship and family reunification, strengthening anti-discrimination legislative tools and the played by cultural mediators at the local level are at the foundations of Italian integration policy.
3. Simplifying administrative procedures for obtaining work and residence permits and for changing status by relying on the centralised processing system already in place.

Two bills concerning the reform of citizenship legislation and immigration were submitted to Parliament by the Ministers of the Interior and Social Solidarity in spring 2007. The anticipated close of the legislative session in early 2008 renders the future of these reforms uncertain.

In conclusion, given the relative novelty and extent of migration, Italy is struggling to implement a coherent global approach. Thus, while unauthorised immigration is sometimes tolerated in order to ease local job market shortages, the system for receiving refugees and asylum seeking system is one of the strictest in Europe. In operational terms, there is a contradiction between the national level – at which action is blocked due

« The migration policy recognised the structural and necessary character of immigration for society, taking into account demographic decline and globalisation.

to partially inapplicable legislation – and a very dynamic local level at which municipal administrations and civil society have created innovative programs for receiving and integrating migrants. Furthermore, while there is no consensus at the political level upon which a national immigration policy might be built, there is unanimous support for participating in European and international processes in the area. The same holds for border controls to slow the illegal immigration to which Italy is exposed across the length of its maritime borders. Community-based associations and the media, moreover, question decision-makers on humanitarian and security issues related to an increase in foreigner detention centres – a very visible problem in Italy which has become a concern for all of Europe.³⁷

Table 1.3

Bilateral agreements linked to re-admission between Italy and West and North African countries (as of 10 January 2008)

Country	Type of Agreement	Year
Algeria	Signed Re-admission Agreement (but not in force)	2000
Côte d'Ivoire	Re-admission agreement, in negotiation	
Ghana	Re-admission agreement, in negotiation	
Libya	Law enforcement Co-operation Agreement linked to re-admission	2007
Morocco	Signed Re-admission Agreement (but not in force)	1998
Nigeria	Law enforcement Co-operation Agreement linked to re-admission	2000
Senegal	Re-admission Agreement, in negotiation	
Tunisia	Law enforcement Co-operation Agreement linked to re-admission	1998

Source: www.mirem.eu/donnees/accords/italie

7 THE NETHERLANDS IS RESTRUCTURING ITS IMMIGRATION AND INTEGRATION POLICIES IN RESPONSE TO CURRENT EVENTS

In 2005, there were 16.3 million inhabitants in the Netherlands of whom 10.6% were foreign born (OECD 2007b). The flows were mainly from neighbouring countries as well as the United States, followed by Turkey and Morocco. Arrivals from the latter two countries began in the 1970s. This initially involved labour immigration, which was eventually replaced by family reunification. In 2001, 79,000 people of Moroccan origin resided in the Netherlands (OECD online database). Few West Africans migrated to the Netherlands compared to other European destinations. English-speakers were the majority: approximately 4,000 Ghanaians and 2,000 Nigerians, for the most part health sector professionals. There were approximately 1,800 Sierra Leoneans and 1,000 Liberians, most of whom have been granted asylum. The latest trends show a drop in family and humanitarian flows and a rise in temporary labour immigration and return migration towards Turkey and Morocco.

The Netherlands' approach to migration has historically been based on three points: 1) a restrictive internal dimension, 2) an external dimension centred on integration and multiculturalism, and 3) a generous asylum policy. Considered as exemplary in Europe, this approach was profoundly called into question after the events of 2002 (the assassination of Pim Fortuyn, leader of the anti-immigration nationalist political party); 2004 (the assassination of Theo Van Gogh by a Dutch citizen of Moroccan origin in reaction to a film in which the director denounces the abuse of Muslim women); and 2006 (Ayaan Hirsi Ali, a Parliamentarian of Somali origin who entered the Netherlands as a refugee, revealed the circumstances of her naturalisation exposing holes in the system and its potential for abuse). From that point on, a new immigration, asylum and integration policy was developed. The Ministry of Immigration and Integration is now responsible for developing this policy, which will be implemented by the Immigration and Naturalisation Service (IND) with the Ministry of Justice. The principles guiding the new policy are:

- Admission criteria based on selectivity and flexibility in accordance with society's needs as well as the Netherlands' economic system as well as on foreigners' capacity to contribute to and participate in public life and the country's economy.

- All administrative admission procedures have been simplified. The admission model contains five “residence tiers”: temporary workers, students and low-skilled workers, highly skilled workers, family migration and humanitarian reasons. Each tier corresponds to a variety of rights and responsibilities.
- The responsibility – in particular, financial responsibility – for the migratory project is shared between relevant State institutions, migrants and sponsors in the Netherlands (e.g. employers, universities).

Concerning labour migration, residence and reception conditions and procedures vary depending upon whether low-skilled or highly skilled employment is involved. In both cases, the work permit must be requested by the employer in the Netherlands. For skilled labour, employment provides the right to a residence permit for the length of the work contract over a maximum period of five years. A “special talents” programme also exists to target foreigners who wish to set themselves up as independent workers or entrepreneurs. Admission is based on a point system. For semi or low-skilled work, the principle of national or European preference remains in force. The residence permit issued does not go beyond three years. Any change of employer requires a new request for a temporary residence permit. Specific provisions concern the admission of nationals from less developed countries seeking work in sensitive sectors (e.g., health) in order to prevent the brain drain. This measure has been applied in the past to Ghanaian health workers.

Rules governing student migration assume that foreign students are coming to complete their post-university education in the Netherlands and seek to encourage this. They give the right to a one-year renewable residency permit depending on the length of the academic programme, plus two extra years. Any change of academic degree course or university establishment first requires a new residence permit. Under some conditions, it is possible to change status upon the completion of studies.

Beneficiaries of family reunification must be at least 18 years of age and possess sufficient financial resources. They must pass a “civic integration” test in the country in which the visa application is submitted (some countries are exempt). This test evaluates linguistic and civic knowledge according to the “*Civic Integration Abroad Act*” of 15 March 2006. Salaried workers’ spouses obtain a one year residency permit while their children have a right to reside in the country for the duration of the parent’s work permit.

Asylum requests are initially handled by two IND centres located in the Amsterdam Schiphol Airport and in Ter Apel. 60% of responses are delivered within six months. If a request is accepted, the refugee obtains a temporary residence permit which can be changed into a permanent residence permit, although the change of status is not automatic. Asylum seekers whose application has been refused must leave the territory.

Since 2003, the government has increased the rate of forced repatriation, provoking bitter protests. Debates concerning the validity of offering an amnesty to asylum seekers in unauthorised situations contributed to the government crisis of 2006. In 2007, the new government endorsed this measure in order to enable those who had submitted their request before 2001 to benefit from the new procedures shortening the waiting period for processing requests. A “repatriation assistance service” within the Ministry of Justice facilitates the return of refused asylum seekers. Long-standing immigrants wishing to return to their country of origin benefit from similar measures. Their trip is paid for and they receive financial assistance to assist their socio-economic reinsertion. This programme is primarily aimed at Turkish and Moroccan nationals.

The new integration policy draws on the past fifty years of experience, namely, the need to jointly take admission and integration into account. As set out by the Law on the Civic Integration Test for Foreigners, this process begins when the applicant applies for a visa for professional or family reasons. The Law on Civic Integration, in force since 1 January 2007, then makes receipt of a permanent residence card contingent upon completion of an integration programme (within three and a half years after arrival, extended to five years for refugees and other foreigners who have not taken the test prior to their arrival in the Netherlands). The integration programme consists of a theoretical section (evaluated by a test) and a practical section (voluntary work, professional internships, etc.). Preparatory courses are paid for by the applicant although municipalities offer courses for some categories: refugees, social assistance beneficiaries, religious officials, etc. Completing the programme is a necessary condition for naturalisation. Since October 2006, citizenship is granted at a naturalisation ceremony. Municipalities must organise at least one ceremony per year. Other integration measures involve intensifying social dialogue and support for local initiatives encouraging cultural diversity. “How to promote social cohesion while respecting diversity” was one of the themes of the electoral campaign at the end of 2006 and remains an item on the Government’s agenda.

« “How to promote social cohesion while respecting diversity” remains an item on the Government’s agenda.

In conclusion, the Netherlands has restructured its approach to migration issues with a view to developing a new migration management system by the end of 2008. Emphasis has been placed on the direct link between admission, integration and expulsion by establishing clear and simplified procedures and through effective implementation. Overall, this approach is more selective and restrictive. Far from representing a purely technical issue, this reform has stimulated public debate on diversity and social cohesion as well as activism within civil society and political parties.

PORTUGAL'S LONGSTANDING TRADITION OF AFRICAN IMMIGRATION UNDERLIES REGULARISATION AND INTEGRATION POLICIES

In 2005, the Portuguese population was estimated at 10.5 million inhabitants of whom 6.3% were of foreign origin (OECD 2007b). Traditionally, immigration to Portugal originated from three areas: Eastern Europe (following accession to the European Community in 1986) and Portuguese-speaking countries in Latin America and Africa. The principal flows are from Brazil, followed by Cape Verde (approximately 12% of the total). Guinea Bissau was the sixth nationality of origin in 2005. Recent trends indicate a fall in flows and in the work permit renewal rate, a rise in entries for family reasons, training programs permitting a right to temporary residence and the feminisation of flows (women represented 58% of total migrants in 2005) (OECD 2007a).

African immigration began in the 16th Century (almost 10,000 African slaves resided in Lisbon). During the colonial period, and in particular during the 1960s, African labour was recruited from Cape Verde to work in the construction and manufacturing sectors. They replaced the Portuguese workers who had emigrated to other European countries, Brazil and the United States. African flows increased during decolonisation and wars of independence from the 1970s onwards. An estimated one half million PALOP³² nationals were living in Portugal at this time, notably in Lisbon and its surrounding areas. Among them were many “retornados”, Portuguese nationals or their descendents residing in Africa but also many indigenous Cape Verdeans and Angolans. Confronted with this situation, nationality legislation was modified so that nationality was no longer automatic for those born in Africa without Portuguese ancestry. During the 1980s and 1990s, immigration towards Portugal, increasingly skilled, diversified by origin and type (more qualified). Though African immigration declined, its characteristics remained unchanged: it continued to be of principally sub-Saharan origin, low-skilled work or humanitarian. Despite more permissive asylum laws in 1998, only 20% of the applications received were accepted in 2001–2002.

Foreigners' basic rights and those of migrants, in particular nationals of Portuguese-speaking countries, are set out in the 1976 Constitution. Legislative reform in the 1990s and 2000s accompanied the evolution of migration towards Portugal. The first legislative provisions responded to

pressure from public opinion and civil society in reaction to the increase of flows and the poverty of African-origin migrants living for over fifteen years in Portugal. These measures take into account both regularisation and integration. Regularisation campaigns were organised before introducing more restrictive admission conditions in order to harmonise national legislation with that of European legislation in 1993 and 1994. It was foreseen that the Government anticipate the annual labour needs and priority sectors. Bilateral migration management agreements were signed with the countries of origin.

Furthermore, multicultural education is promoted in primary and secondary schools. Employment rights, access to housing and social security were extended to legal foreign residents. In 1995, the High Commissioner for Immigration and Ethnic Minorities was set up, followed in 1998 by the Consultative Council for Immigration Affairs, which includes representatives of the State Secretary for Portuguese Communities, the Ministry of Foreign Affairs, trade unions, civil society and recognised immigration associations. These two institutions play a key role in the evolution of anti-discrimination legislation and in the promotion of the diversity agenda. Local municipalities are also involved in the implementation of migration policy as well as in carrying out national measures (e.g. regularisation) and developing innovative initiatives in the area of integration.

Laws 27 and 65 of 2000 (amended in 2001) govern the entry, residence, and deportation of foreigners in Portugal. A new law has been under study since 2006 to simplify the visa system according to the type of authorised migration: labour, training, family reunification and humanitarian reasons. Currently, there are seven generic visa categories, four types of work visas as well as other visas related to temporary or permanent migration. A temporary residence permit is valid for two years and renewable for three. For family reunification, the permit granted to the beneficiary is renewable for one year. The length of stay is two years if the foreigner applying for his/her family has a permanent residence card. After two years, if the family continues to be a unit, the member of the family obtains an independent right to residence. PALOP nationals can obtain a residence card after five years of legal residence.

The new nationality law adopted in April 2006 allows children born in the country to foreign-born parents to obtain nationality if one of them legally and continuously resides in Portugal for at least five years. If one of the two parents was born in Portugal, the child obtains nationality at birth. The procedure is facilitated for children who have attended school in the country.

In conclusion, migration issues have always been hotly debated within the political system and in Portuguese public opinion due to the Portugal's twofold status as a country of emigration and a country of immigration.

The colonial past influenced the evolution of the approach emphasising access to nationality for nationals of Portuguese-speaking countries and their descendents, the integration of African communities and combating discrimination. Dialogue and consultation are preferred in an effort to follow the example of other European countries while tightening entry controls. The evolution of Portuguese legislation also owes much to the country's membership in the European Community. While holding the rotating presidency of the EU and on the occasion of the December 2007 Africa-Europe Summit held in Lisbon, the government reaffirmed these principles.

Table 1.4

Bilateral Agreements on Migration between Portugal and West and North African Countries (as of 10 January 2008)

Country	Type of Agreement	Year
Morocco	Law enforcement Co-operation Agreement linked to Re-admission	1999
Guinea Bissau	Agreement on Migration	1981

Source: www.mirem.eu/donnees/accords/portugal

9

SPAIN ATTRACTS LABOUR MIGRATION AND SEEKS
A COMMON EU APPROACH

In 2005, the foreign population represented 6.2% of 43.3 million inhabitants (OECD 2007b). The same year, entries reached 680,000, or 40,000 more than in 2004 (OECD 2007a). An historic country of emigration up to the 1970s, today Spain ranks among the countries in which immigration is most rapidly increasing. Its economic boom explains its attractiveness as a destination for nationals from poorer countries while demographic decline has increased the need for foreign labour. The first migratory flows originated from Spanish-speaking Latin American countries. The fact of geographic proximity subsequently led to immigration from Morocco and Algeria: more than 230,000 Moroccans and some 24,000 Algerians were living in Spain in 2001 (OECD online database). In the aftermath of Italy's move to tighten entry conditions, some Romanians

have been choosing Spain as a destination within the European Union (94,000 entries in 2005).³³

By virtue of Spain's geographic position on the western flank of the Mediterranean, its historic ties with Maghreb countries and its trade with West African countries (Senegal, Mali), it has relatively high levels of African immigration. In 2001, it had more than 47,000 West African residents. Among them, there were eleven nationalities counting more than a thousand individuals on Spanish territory, with Senegal (10,953), Nigeria (8,748) and Gambia (6,083) heading the list.³⁴ With the exception of Morocco, no African country figured among the ten largest sources of immigrants to Spain between 1995 and 2005. African immigration has nevertheless generated much attention as it is largely undocumented. Several studies have substantiated the characteristics of undocumented immigration from and through West and North Africa towards Mediterranean European Union countries.³⁵ They have described the routes taken, the profiles of the migrants and the impact of this immigration on trans-Saharan dynamics or between Maghreb and Southern Europe. Two conclusions can be drawn from these studies:

- Undocumented immigration is less significant than the media attention devoted to it would suggest.³⁶ Since the end of 2006, it has declined as a result of the monitoring of maritime borders carried out off the coast of the Canary Islands by several European countries under the auspices of Frontex.³⁷
- Political solutions are needed to sustainably limit undocumented immigration. Reinforced monitoring of external borders alone can only temporarily reduce migration flows as new routes will be found. This was demonstrated by the increase of flows along maritime routes following the introduction of tougher controls in Ceuta and Melilla, Spanish enclaves in Morocco.

Recent immigration, and particularly its unauthorised dimension,³⁸ has influenced the Spanish Government's choice of policies and initiatives. The development of this approach owes much to Spain's membership of the European Union. Immigration was placed on the Government's agenda for the first time in 1985 on the eve of Spain's entry into the European Community. The Law on the Status of Foreigners (*Ley de Extranjería*) entered into force the same year. It emphasised monitoring foreigners already in the country, who were supposed to work only temporarily. Procedures for renewing residence permits were complicated and sanctions for employers hiring foreigners without permits increased. During the 1990s, it became obvious that immigration was not a passing phenomenon. New rules were introduced. These limited entries, through annual quotas (1994) but also extended rights for immigrants in education, sought to promote equal opportunities, provided access to legal aid in their

contacts with the authorities, created a permanent resident status and provided for the possibility of family reunification (1996).

Some political parties present immigration as a risk to society's stability and security and it was an important issue in the electoral debates leading up to the 2000 legislative elections. Once in place, the new conservative majority amended the Law 4/2000 on the Rights and Freedoms of Foreigners in Spain and their social insertion. The new, more restrictive Law (8/2000) opened the way to reforms, relying on:

- Bilateral co-operation agreements with the main countries of origin in order to control flows. These agreements regulated job opportunities and entry conditions for nationals from signatory countries.
- The development of a global and co-ordinated approach to immigration consistent with European commitments.
- Increasing the responsibility of regions in the development and implementation of integration policies.
- The implementation of humanitarian migration initiatives.³⁹

In 2002, Spain took over the European Union's rotating Presidency. It encouraged strengthening external border controls and drew a link between undocumented migration and international terrorism. This link was seen as all the more important following the terrorist bombings in Madrid on 11 March 2004, which involved residents of Moroccan origin. The Socialist government of José Luis Rodríguez Zapatero, which came to power as a result of the 14 March 2004 elections, nevertheless adopted a different approach, linking the fight against unauthorised migration to the management of legal migration. Its policy was based on four pillars:

1. A 2005 regularisation and amnesty campaign.⁴⁰ This was incorporated into a reform of legislation already in force as one-off regularisations had already taken place in 1986, 1991, 1996, 2000 and 2001. This last campaign was conceived to bring the underground economy into the open and reduce job market tensions while protecting foreign workers' rights. Compared to precedent regularisations, that of 2005 was accompanied by reinforced controls (at borders, in workplaces).
2. The migration management system's domestic dimension: a list was created and locally updated of job sectors in which there were labour supply shortages; flexible quotas were created to enable job seekers in sectors in which a personnel interview is essential (home care) to obtain three-month visas to find these jobs; the waiting period for requests for temporary family reunification was reduced to one year; local community and immigrant integration funds for social and economic insertion were increased.
3. The migration management system's international dimension: dialogue and co-operation with origin and transit countries were

strengthened through bilateral agreements (e.g., with the Ukraine in 2007). Agreements concerning Africa are listed in the → [Table 1.5](#) below.

4. Spanish leadership in the process of a global and integrated European approach on migration (→ Chapter 2) which includes demands from southern EU countries. Spain occupies this role sometimes in harmony, sometimes in competition with France and Italy, in particular in what concerns initiatives of interest to North and West African States.

In conclusion, in order to come to grips with significant recent immigration, Spain is developing an approach in which limiting unauthorised immigration and facilitating job-related semi- or low-skilled migration are given priority. Migration issues and the Spanish approach depend mostly on European migratory dynamics and EU level decisions. At present, Spain seems to be playing a more active role relative to its partners than it had in the past. It has contributed to placing the Mediterranean issue once again on the migration agenda, which has up to now been occupied with questions relating to the accession of former Eastern Bloc countries.

Table 1.5

Bilateral Agreements regarding re-admission between Spain and West and North African countries (as of 10 January 2008)

Country	Type of Agreement	Year
Algeria	Agreement for the Re-admission of Algerian nationals with unauthorised status in Spain	2004
The Gambia	Agreement to control maritime areas to combat clandestine immigration* Immigration Agreement	02/08 2006
Ghana	Re-admission agreement currently in negotiations	
Guinea	Agreement to control maritime areas to combat clandestine immigration Immigration Agreement	02/08 2006
Guinea-Bissau	Agreement to control maritime areas to combat clandestine immigration* Provisional Re-admission Agreement	02/08 2003
Libya	Re-admission agreement currently in negotiations	

Mali	Co-operation Agreement Related to the Regulation and Management of Migratory Flows. It foresees the repatriation of Malians with unauthorised status in Spain. 800 visas issued to seasonal labourers	2007
Mauritania	Agreement for the Repatriation of West African Migrants having Transited in Mauritania with unauthorised status in Spain Co-operation Agreement Related to the Regulation and Management of Migratory Flows	2003 2007
Morocco	Agreement for the Re-admission of Moroccan and Sub-Saharan Nationals (transiting through Morocco) with unauthorised status in Spain	2007
Nigeria	Immigration Agreement	2001
Senegal	Memorandum of Understanding for the re-admission of Senegalese nationals with unauthorised status in Spain Creation of a Spanish Employment and Social Affairs Council in Senegal Agreement of providing contracts to Senegalese labourers (2 000 in fisheries and 700 in agriculture)	2006 2007

Source: www.mirem.eu/datasets/agreements/espagne;
* = www.lesoleil.sn/article.php3?id_article=34002.

THE UNITED KINGDOM TIGHTENS ENTRY CONTROLS AND PROMOTES DIVERSITY

In 2005, there were 60 million inhabitants in the UK of whom 9.7% were foreign born (OECD 2007b). Flows originating from non-EU countries are between 85,000 and 90,000 persons per year. Between 1995 and 2005, South Africa was among the first ten nationalities of origin (OECD 2007a). Flows from West Africa were close to 12,000 people in 2005, including Nigeria (5,500), Sierra Leone (3,500) and Ghana (3,000). West African immigration is not the majority although it has risen since 1991. The analysis of migrant stocks better indicates the scale of African migration in the UK and the influence it has had on evolution of approaches and policies: in 2001, 830,000 individuals of African origin lived in the country (of whom 201,000 were of West African origin and 90,000 were Nigerian). Africa is thus the second immigration-origin continent after Asia.⁴¹

Up to 1962, nationals of former colonies could move about and establish themselves freely in major cities as British subjects. In order to limit these flows, the “*Commonwealth Immigrant Act*” introduced a distinction between citizens born in the UK with a right to a British passport and individuals born in former colonies who no longer had that right. This measure aimed to slow permanent migration from Asia, Africa and the Caribbean during and after decolonisation. In the short term, the new provisions had the opposite effect: foreign temporary workers chose to establish themselves in the UK for fear that they would no longer be able to freely move between their country of origin and their place of work, and they were soon followed by their families. During this period, British society became more multicultural, particularly in the large cities. Legislation passed in 1971 and 1981 thwarted this trend by first facilitating migration from Commonwealth countries in which populations descended from English settlers lived (Australia, New Zealand, South Africa) and subsequently restricting the right to residence to British citizens.⁴²



In 2001, 830,000 individuals of African origin lived in the country. Africa is thus the second immigration-origin continent after Asia.

Between 1993 and 2004, five new laws were adopted to better manage ever more complex and diversified flows and to reform an asylum system that had become a favoured path for admission. When the Labour party came to power in 1997, 52,000 asylum applications were unresolved (Spencer 2007). Legislative reforms supported strengthening human, financial and technological resources available to the Border and Immigration Agency within the Home Office. Under pressure from public opinion and the media, migration issues gradually gained visibility in the Government’s programme between 1997 and 2007. A policy vision was gradually forged on the basis of two white papers: the first in 1997, entitled “*Fairer, Faster, Firmer*”, prepared the ground for the “*Immigration and Asylum Act*” of 1999. The second, in 2002, entitled “*Secure Borders, Safe Havens: Integration with Diversity in Modern Britain*”, for the first time set out an integrated approach. On the eve of the 2005 elections, the Government presented its five-year strategy in its report, “*Controlling our Borders: Making Migration Work for Britain*”. Its fundamental recommendations included tightening border controls and introducing a point system based on the North American model in order to simplify the management of labour and student migration. This strategy is in the process of being implemented. Recent innovations as well as the bulwarks of current legislation concerning migration are as follows:

- Tightening of border controls is a priority. Henceforth all visas are biometric, passports of foreign nationals presented when entering and exiting the country are scanned and, as of March 2008, digital fingerprints of all visa applicants are to be stored in a database. Furthermore,

the UK supports European co-operation through the exchange of data and tightening the Union's external border controls.⁴³

- A programme for skilled workers is accessible to foreigners already in the UK or while they are still in their country. Eligibility depends on the number of points obtained taking account of skills, experience, age and current salary level. This programme enables access to salaried or independent work (without the need of an offer) and ultimately permanent residence.
- Permits for non-opposable work have been re-organised into six categories (previously eighty categories). These permits are issued to an employer based in the UK to employ from abroad a pre-identified individual for a specific job. Permit validity length varies according to the sector. Some permits provide the right to permanent residence.
- In 2006 the "*International Graduate Scheme*" was created for students having undertaken post-university training in the UK. It enables them to prolong their stay for twelve months and to work with the possibility of changing status if they meet the conditions.
- The asylum application processing time was reduced to six months. Refugee status provides the right to an initial five year residence for the applicant and their dependents. In the event that an application is refused, it is possible to obtain asylum for humanitarian reasons with a temporary residence permit. Refused applicants can benefit from a voluntary return and re-insertion assistance programme. If they remain illegally, they may be detained and forcibly deported.
- For family reunification, the spouse of a permanent resident over 18 years of age and with sufficient income can obtain a two-year residence and work permit. If the marriage continues beyond this period, the spouse can apply for permanent residence. This provision is also valid for parents and grandparents over 65 years of age as well as those of the applicant's children, brothers and sisters, uncles and aunts who are at least 18 years of age.
- Concerning citizenship, adults having lived the last five years (three years if married to a British citizen) in the UK can apply for naturalisation. Application criteria include good knowledge of the language and civilisation and proof that the applicant respects the rights, freedoms and responsibilities of all British citizens. Naturalisation is granted at a citizenship ceremony during which an oath of fidelity to the Crown and a promise of loyalty to the UK is made.

In the UK, integration is addressed less in terms of migration than with reference to the relationships between different ethnic communities making up society. Multiculturalism as a model of integration is often associated with Anglo-Saxon countries: in the UK, it is reflected in a desire for peaceful co-existence among communities (eliminating discrimination

and actively promoting equal opportunities, Boswell 2003). Until 2007, the Commission for Racial Equality was responsible for monitoring integration policies and anti-discrimination legislation. These missions are now overseen by a new Commission responsible for equal opportunities and human rights. The July 2005 terrorist attacks, in which involved British citizens of foreign origin and Muslim faith, have re-opened the debate on the limitations of the integration model based on multiculturalism. The diversity approach is now preferred by the Government, which has chosen “*Diverse Britain*” as its slogan, though the conceptual grounds and practices of this approach have yet to be fully settled upon.⁴⁴

In conclusion, border control, management of highly diversified flows and integration issues are high on the Government’s agenda. It has reached a clearer vision of the objectives to be pursued and the means necessary for attaining them. Currently, priority is given to simplifying the migration management system and increasing controls. Co-operation with European partners is sought for the exchange of information and the control of external borders. In other sectors, the UK seems to want to follow a more autonomous path towards greater selectivity and the closing its borders to unskilled labour from outside of Europe.

11 IN THE UNITED STATES, SECURITY CONCERNS DELAY GLOBAL REFORM OF THE SYSTEM

The United States remains the number one immigration country in the world, ahead of such settlement and immigration countries as Australia, Canada and New Zealand. In 2005, the percentage of the foreign-born population rose to 13 % (out of a total population of 296 million inhabitants) (OECD 2007b). Official migratory flows reached 1.1 million, as compared to 0.7 million in 2003 (OECD 2007a). Mexico is still the leading country of origin of official migratory flows although the volume of Mexican immigration has dropped, reflecting an increase in unauthorised immigration as well as diversification in the origin of flows. China and India are the main beneficiaries. Not one African country is among the top ten countries of origin. Nevertheless, in 2005, 85,000 Africans obtained residence permits, or 30% more than in 2004. This trend illustrates the diversification of extra-continental African flows in response to the more restrictive policies being applied in Europe.

In 2000, some 230,000 West Africans were living in the United States (OECD online database),⁴⁵ the main communities being from Nigeria

(around 85,000), Ghana (45,000), Liberia (28,000) and Sierra Leone (14,000). Cape Verde nationals comprise the largest group non-English-speaking African immigrants (almost 15,000) but the number from French-speaking countries is growing (Cameroon, Côte d'Ivoire, Mali and Senegal). The Senegalese in particular are becoming more prominent due to their successful integration over the last twenty years. In 1987, they settled in New York taking on itinerant work.⁴⁶ Without mastering the language, they were able to take advantage of favourable legislation for new workers, independently of the manner in which they entered American territory. Today they are boutique owners in Harlem (a section of Manhattan) and many have acquired American citizenship. This immigration opened up the path to a new generation of migrants educated in American universities. In 2006, 1,367 permanent residence permits were granted to Senegalese.⁴⁷

The policy of the current government is based on the 1965 *Immigration and Nationality Act Amendments* which abolished national quotas and introduced a seven-category preferential system to allocate visas. A general quota is maintained to set annual entries. This quota does not take into account family reunification; no cap has been placed on the numbers who may enter the country in this way. In 1990, the *Immigration Act* reformed admission (permanent migration) and entry (temporary migration) categories in order to increase the level of expertise of new immigrants. Ten years later, the *American Competitiveness in the 21st Century Act* helped increase the number of issued temporary skilled work visas (visa H-1B), mostly for professionals in the new technologies sector. The 2007 quota, set at 85,000⁴⁸ for all specialised professions, was filled well before the end of the year, an indication of the difficulty – common among countries applying the quota system – of establishing appropriate limits to real job market needs.

Reducing unauthorised migration became a priority in the 1980s. In 1986, sanctions for employers employing permit-less foreign labour were adopted. During the 1990s a series of laws restricted access to basic social services for immigrants. Those having committed crimes could be deported. Arrest, detention and deportation of non-citizens for security reasons and combating terrorism already authorised by the *Anti-Terrorism and Effective Death Penalty Act* became more frequent under the *USA Patriot Act*, which entered into force in October 2001. The security approach was confirmed in 2006 when Congress, with the *Secure Fence Act*, refused to adopt the global reform of migration measures desired by the President: greater border security, increased supervision, creation of a new temporary worker admissions system, a reduction in unauthorised migration without resorting to amnesty, promoting integration, etc.

The American system makes a clear distinction between permanent and temporary migration.

1. An alien may obtain a Green Card in four ways which will allow him to permanently reside in the United States: a) sponsorship by a relative whose status permits family reunification; b) participating in an employment sector preference programme; c) obtaining refugee status; d) winning the *Diversity Lottery Program*,⁴⁹ which targets nationalities that are under-represented in the United States. After five years as a *Lawful Permanent Resident*, the Green Card holder can apply for naturalisation. To receive it, the candidate must pass a citizenship test and display an adequate understanding of the language. The applicant must have resided on American territory in the thirty months preceding the application.
2. An alien enters the United States as one of the following types of “non-immigrant”: a) as a tourist; b) to study; or c) to work temporarily in certain specific sectors. There are eighty types of temporary visa,⁵⁰ most of which are valid for one year and renewable. Those entering on a student visa can stay, depending on the visa, for an extended period once the curriculum is completed in order to gain professional experience. The status of skilled worker and foreign student provides the opportunity of eventually obtaining a Green Card (procedures for adjustment of status). For a fee, it is now possible to have a response in fifteen days once the application has been supplied to the American Citizenship and Immigration Service.

The United States is an historic destination for refugees and asylum seekers. After a downward trend, approved applications in 2005 rose to 140,000 (OECD 2007a), close to the numbers that preceded the September 2001 attacks. The refugee resettlement programme sets an annual flexible for applications by region: Eastern and Southern Asia, the Middle East, Africa, the former socialist bloc, Latin America and the Caribbean. The recently created *Refugee Corps* speeds up the processing of applications. Present in fifty countries around the world, it enables applicants to be interviewed and asylum applications to be processed in the initial host country.

« Migratory dynamics are at the centre of American economic development and occupy an important place in the debate over the country’s future.

In conclusion, migratory dynamics are at the centre of American economic development and occupy an important, if only rarely strategic, place in the debate over the country’s future. The events of 11 September 2001 raised concerns regarding illegal immigration and its possible ties to terrorism. From that point on, security concerns have stood in the way of bringing to completion the global reform of the system. Student immigration – in particular from emerging countries where Islam is the

dominant religion – has been heavily penalised. The economic repercussions remain to be seen at a time when several European countries encourage this type of migration as the basis for a more selective policy. Security within national borders and the growing visibility of the Hispanic community call into question the “melting pot” version of the concepts of integration and national identity.

WILL OECD COUNTRY MIGRATION POLICIES EVENTUALLY CONVERGE ?

The above overview of select OECD member countries reveals a common trend in the development of new migration policies. However, these countries do not always share the same interests, constraints and, consequently, the same perceptions and approaches regarding the most appropriate choice of measures to best manage migrant admission and integration. The similarities and differences are focused on seven points:

- **Renewed interest in labour migration.** The majority of countries that stopped recruiting foreign labour in 1974 are currently studying new ways to attract migrant labour and, in particular, skilled workers:
- *Special recruitment programmes and/or targeting particular sectors:* Canada, Germany, United Kingdom and the United States.
 - *Ad hoc work permits facilitating residence and status change:* France, the Netherlands, United States.
 - *Admission based on a point system:* Canada, the Netherlands, United Kingdom.
 - *Development of individual contracts and the promotion of self-employment:* Canada, Germany, the Netherlands, United Kingdom, United States.
 - *Link between student migration and job market access upon completion of schooling:* Belgium, Canada, France, Germany, the Netherlands, United Kingdom, United States.

Recruiting unskilled foreign labour is also important due to shortages in domestic job markets. Measures have been taken to guarantee the temporary nature of this type of migration, for example:

- *Bilateral agreements to manage seasonal migration notably in agricultural and service sectors:* Canada, France, Germany, Italy, Portugal, Spain

- *Annual entry quotas*: Italy, Spain, United States
- *More residence permits for temporary work*: Italy, Portugal, Spain, United Kingdom, United States
- *Management of flows taking into account local needs for unskilled labour*: Canada, France, Italy, Spain
- *Targeted regularisation and amnesty campaigns*: Italy, Portugal, Spain.

→ **Importance of student migration.** This is part of a strategy to attract the best talent (“*war for talent*”) world-wide to develop a knowledge-based economy and strengthen host countries’ political, economic and strategic influence over countries of origin. The following measures have been established:

- *Promoting student migration as a specific objective of migration policy*: Canada, the Netherlands, United Kingdom.
- *Residence permits related to schooling providing the opportunity to remain upon curriculum completion and to benefit from professional experience*: Canada, France, Germany, the Netherlands, United Kingdom, United States.
- *Facilitating status change and naturalisation for post-university foreign students*: Canada, the Netherlands, Portugal, United Kingdom, United States.

→ **Two distinct types of systems for permanent and temporary migration.** The admission channels, procedures, rights and responsibilities associated with the two regimes are now distinct. In several countries, notably Germany and Belgium, this situation has resulted in a reduction in the number of residence permits issued.

→ **More restrictive conditions regarding family reunification for some categories of foreigners.** This trend counter-balances policy orientations in favour of greater labour migration. In particular, it benefits those holding temporary work and residence permits, less-skilled workers as well as refugees and asylum-seekers. Some of the most common measures are:

- *Raising the age at which reunification can be claimed*: Belgium
- *Sufficient income excluding assistance and allowances*: France, Italy, the Netherlands, United Kingdom.
- *Granting temporary residence permits to those claiming reunification even if the applicant already has a permanent or long-stay residence permit*: Spain, the Netherlands, United Kingdom.
- *Sufficient language comprehension evaluated prior to arrival in the country*: Canada, France, the Netherlands, United Kingdom.

Some countries such as Canada and the US, as well as Italy and Spain, continue to consider family reunification as a fundamental tool of

integration. Thus, reducing migratory flows for family reasons is not a stated objective of their policies.

→ ***Simplified and accelerated processing of asylum applications along with stricter admission conditions.*** Some rules are negotiated at the EU level (Chapter 2). Among the most commonplace national measures are:

- *Reorganising administrative services responsible for processing applications:* Belgium, France, the Netherlands, United Kingdom.
- *Setting maximum deadlines for each step of the process:* Belgium, United Kingdom.
- *Retaining asylum seekers in ad hoc centres reducing their ability to move about freely:* Belgium, Italy, United Kingdom.
- *Creating assistance and reinsertion programmes following application rejection:* the Netherlands, United Kingdom.
- *Forced deportation of rejected applicants:* Belgium, France, Italy, the Netherlands, United Kingdom.

→ ***Priority given to migration security issues and strengthening border controls.*** Managing migratory flows and combating undocumented migration are among the fundamental objectives of OECD country migration policies reviewed here. All seek to co-operate with countries of origin and transit particularly regarding expulsion and readmission. There are law enforcement-related co-operation agreements with transit countries in order to control external European Union borders, notably in the Mediterranean and Eastern Europe. Furthermore, EU member countries have intensified information and data exchange between each other, carry out joint external Union border control operations under the co-ordination of Frontex and are progressively harmonising the visa system for non-EU citizens. Like the United States, the United Kingdom already uses biometric passports. Other European countries are currently experimenting with this system. Available funds for this area of migration policy are constantly increasing.

→ ***Integration, a new priority for host countries.*** Historic and more recent host countries seem ready to give priority to the social integration of migrants and their descendants. They recognise the importance of successful integration if society as a whole is to prosper and be secure. The new measures that have been proposed consider integration as a process in which responsibilities, rights and duties are reciprocal between host countries and migrants, the latter being primarily responsible for their integration. Among these measures:

- *Compulsory exams to evaluate immigration applicant's capacity to integrate notably through their linguistic and civic understanding of the receiving country:* Canada, France, Germany, the Netherlands, United Kingdom.
- *Solemn and symbolic vows upon gaining citizenship with an event such as signing of a contract, taking an oath or participating in a ceremony:* Canada, France, the Netherlands, the United Kingdom, United States.
- *Promoting integration as a strategic and integral objective of migration policy:* Belgium, Canada, the Netherlands, United Kingdom.
- *Reforming legislation regarding nationality to provide permanent residents and second generation immigrants better access to citizenship:* Germany, Portugal. Other countries (France, United Kingdom, etc.), on the other hand, make these conditions more restrictive.
- *Institutional reorganisation to address integration issues in a more targeted manner:* France, the Netherlands, Portugal, Spain.
- *Devolving authority for the development and implementation of integration initiative to local communities:* Italy, Spain.
- *Strengthening legal instruments against discrimination:* Belgium, Portugal, Spain.

|||||

- 1 Eurobarometer survey for 2006 cited by Spencer 2007 indicates that international migration ranks fourth among issues concerning European public opinion.
- 2 Today at the centre of debates, the "migration and development" topic was not included in this survey at the time. It was addressed at the High-level Dialogue on International Migration and Development organised by the United Nations in New York in September 2006. See: www.un.org/french/migration/.
- 3 For the definition of integration, assimilation and insertion see: www.ladocumentationfrancaise.fr/dossiers/immigration/definition.shtml. See also the UK Equality and Human Rights Commission's work on diversity, multiculturalism and integration: www.equalityhumanrights.com/en/Pages/default.aspx.
- 4 This is not to deny that there has been an increase in West African migration towards Europe over the last decade (authorised and unauthorised), De Haas is arguing against "the apocalyptic image of an increasingly massive exodus of desperate Africans fleeing poverty".
- 5 See www.migrationinformation.org/Feature/display.cfm?ID=606.
- 6 This campaign concerned 140 nationalities. 50 000 applications were received, 23,000 of which were from minors. Approximately 25 000 cases were regularised. Congolese and Moroccans represented respectively 18 and 12% of the applications. See: www.migrationinformation.org/Profiles/display.cfm?ID=164.
- 7 *Ibidem*.
- 8 Since 1994, Belgium is a Federal State composed of three regions: Flanders, Wallonia and Brussels (the capital).
- 9 2004 Data. Between 1956 and 1976 migration flows from Europe rose to 64%. See: www.migrationinformation.org/Profiles/display.cfm?ID=348.
- 10 2004 Data. In 1985, the proportion of family reunification was 50% and that of work 30%. See: www.migrationinformation.org/Profiles/display.cfm?ID=348.
- 11 They must however settle in towns outside of Montreal, Toronto and Vancouver.
- 12 Different provisions apply to minors whose application must be submitted by their parents. See: www.cic.gc.ca/francais/citoyennete/devenir-admissibilite.asp.
- 13 Where a great majority have settled. See: www.migrationinformation.org/Profiles/display.cfm?ID=348.
- 14 In 2000, the Sub-Saharan Africa and North Africa proportion of the foreign population was respectively 10 and 48% (OECD 2007a).
- 15 www.diplomatie.gouv.fr/fr/pays-zones-geo_833/afrique_1063/sommets-afrique-france_326/xxiveme-sommet-afrique-france_15947/place-une-gestion-concertee-flux-migratoires_45862.html.
- 16 These trends were provisionally confirmed for 2006–2007 by the government. See: www.ladocumentationfrancaise.fr/rapports-publics/074000765/index.shtml.
- 17 Migration from Algeria was open and unregulated leading to massive flows during the Liberation War and post independence. Special provisions remain in force concerning the immigration of Algerians in France.
- 18 Named after the Minister of the Interior of the Conservative Government at the time.
- 19 As shown by the debates on the law regarding conspicuous religious symbols in public places in 2002, the reaction to the situation in the banlieue in 2005 and the reinforced identity controls introduced to counter unauthorised immigration.
- 20 The 2007 Law also introduced preliminary genetic testing, carried out by the State, for nationals of countries where there is "no civil State or a failing civil State". Genetic testing could only be carried out with a judge's injunction and the written consent of the applicant. The Constitutional Council raised specific reserves to applying this provision.
- 21 High Authority For Combating Discrimination and For Equality.
- 22 See: <http://lesrapports.ladocumentationfrancaise.fr/BRP/074000232/0000.pdf> and www.co-developpement.org/?p=534
- 23 See: www.unhcr.fr/cgi-bin/texis/vtx/statistics/openssl.pdf?tbl=STATISTICS&id=4486ceb12.
- 24 See: www.lagazettedebertin.de/3559.0.html.

- 25 See: www.migrationinformation.org/GlobalData/countrydata/data.cfm.
- 26 *The first was concluded with Italy in 1955. The other countries concerned were Greece, Morocco, Portugal, Spain, Tunisia, Turkey and Yugoslavia (Martin 2006).*
- 27 *Until the adoption of this law, Germany was one of the only countries in the world to continue to base nationality on jus sanguinis (ethnicity) instead of jus loci (place of birth). This law replaced a precedent law adopted at the beginning of the 20th century.*
- 28 *Not more than 15% of the unauthorised immigrants arrive in Italy by boat. In 2005, 22 000 people were apprehended off the southern coasts (OECD 2007a).*
- 29 *Boat-using smugglers often involved in cigarette contraband and other products between the Balkans and Apulia as well as in the trafficking of women feeding into the prostitution network in Europe.*
- 30 *These quotas have risen from 53,000 to 170,000 between 1999 and 2007 for salaried, non-seasonal and autonomous work. In 2007, available quotas for West African countries were: 1,500 for Nigeria, 1,000 for Ghana and 1,000 for Senegal. For Maghreb: 4,500 for Morocco, 4,000 for Tunisia and 1,000 for Algeria. In 2008, the quota for season labourers rose to 80,000 units. Not one West African country was involved. See: www.interno.it.*
- 31 See *Courrier International* No. 897 from 10 to 16 January 2008, p. 14.
- 32 *Paises Africanos de Lingua Oficial Portuguesa (Association of Portuguese-speaking African countries) including Angola, Guinea-Bissau, Mozambique, and Sao Tomé e Príncipe. See: www.migrationinformation.org/Profiles/display.cfm?ID=77.*
- 33 *Romania joined the European Union in 2007 but Spain imposed a transitional period before opening its borders to free movement of Romanians and Bulgarians.*
- 34 *In descending order: Senegal, Nigeria, the Gambia, Mauritania, Mali, Ghana, Guinea, Guinea-Bissau, Cape Verde, Cameroon, and Sierra Leone. OECD database.*
- 35 See for example *Adepojou 2006, Berriane 2007, Coslovi 2006, De Haas 2007a and IMI 2007* in the bibliography.
- 36 *In Spain there were 15 000 entries per year of which the majority are Senegalese and Ghanaians.*
- 37 *European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union.*
- 38 *A figure of 1.2 million unauthorised immigrants was put forward at the end of 2004. www.migrationinformation.org/Feature/display.cfm?ID=331.*
- 39 *The last three points are part of the 2001–2004 GRECO Plan. This law was amended in 2003.*
- 40 *In total, almost 700,000 regularisation requests were presented between February and May 2005. The regularisation provides the right to a one-year residence and work permit. See: www.migrationinformation.org/Feature/display.cfm?ID=331.*
- 41 See: www.migrationinformation.org/GlobalData/countrydata/data.cfm.
- 42 *The 1981 Law identifies three types of citizenship: British, British overseas territories, British overseas. See: www.bia.homeoffice.gov.uk/britishcitizenship/aboutcitizenship/.*
- 43 *On the other hand, the UK has negotiated a clause exempting measures taken by the EU with regard to asylum and migration management.*
- 44 *It is based on the idea that each individual/community has something to offer the others based on their specific characteristics. This diversity and a common vision of living together should be emphasised. Shared objectives should be defined collectively. To this end, it is essential to further intercultural dialogue and re-examine the idea of “us” and “them” in order to maximise the benefits of diversity and minimise negative consequences.*
- 45 *In 2006, 280 000 West African nationals or of West African origin were counted by the Migration Policy Institute. See: www.migrationinformation.org/datahub/countrydata/data.cfm.*
- 46 *The article appeared in the Senegalese daily newspaper *Le Soleil* on 19 September 2007 painting a portrait of Senegalese migration in New York. See: <http://fr.allafrica.com/stories/200709190839.html>.*
- 47 www.migrationinformation.org/datahub/countrydata/data.cfm.
- 48 *65,000 set in 2006 plus 20,000 more, OECD 2007a.*
- 49 *50,000 entries are permitted per year. See: http://travel.state.gov/visa/immigrants/types/types_1322.html.*
- 50 *The visa types are categorised by letters. “F” is for students and “H” for workers. Some student and skilled worker visas allow a maximum stay of six years. For those who have earned a medical diploma, they must return to their country or go to another country for two years before returning to the United States (OECD, 2007a).*

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ANNEXES

Annex I contains graphs and bar charts using data from OECD statistics. It is important to take into consideration that data collection and compilation of migration inflows varies and is specific to each country. However, the major trends become evident. → [Figures I.1–I.10](#)

Annex II sets out a chronology of significant events and meetings that occurred in 2005 (the tragic incidents in Cueta and Melilla). The human and above all security dimensions will henceforth be extremely important in the “management” of migration issues.

Figure I.1

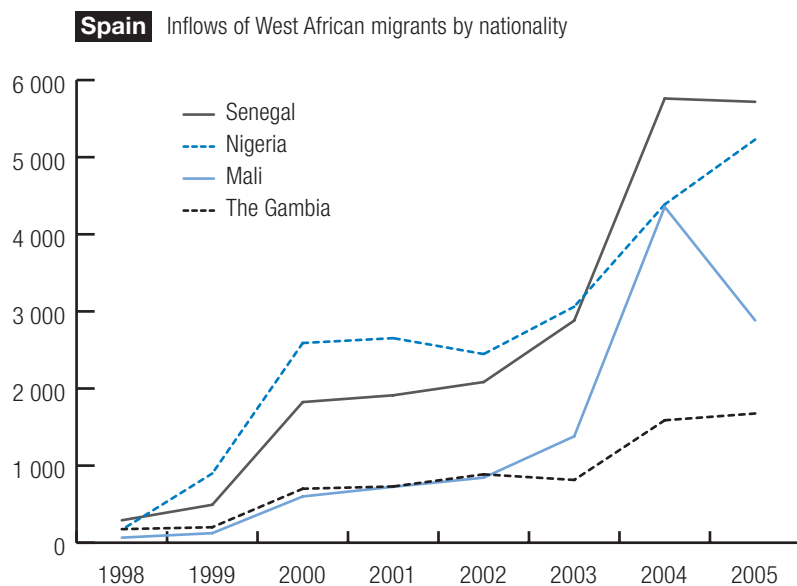


Figure I.2

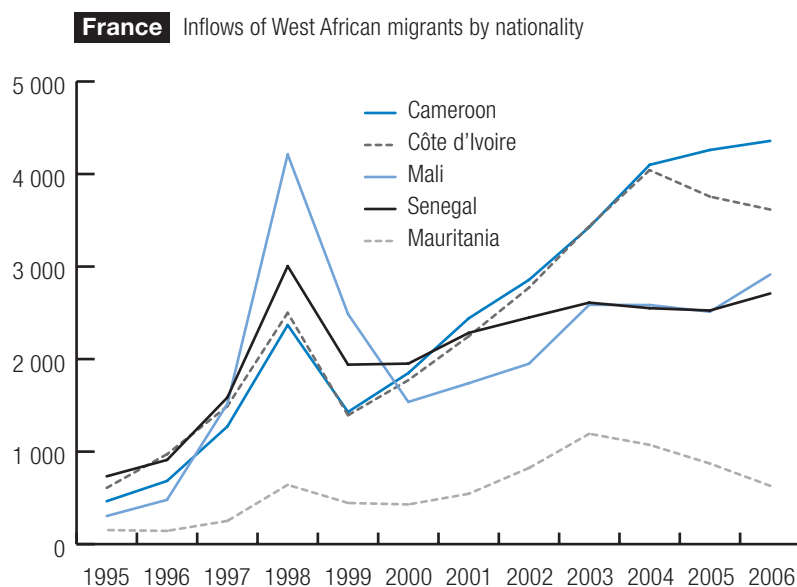


Figure I.3

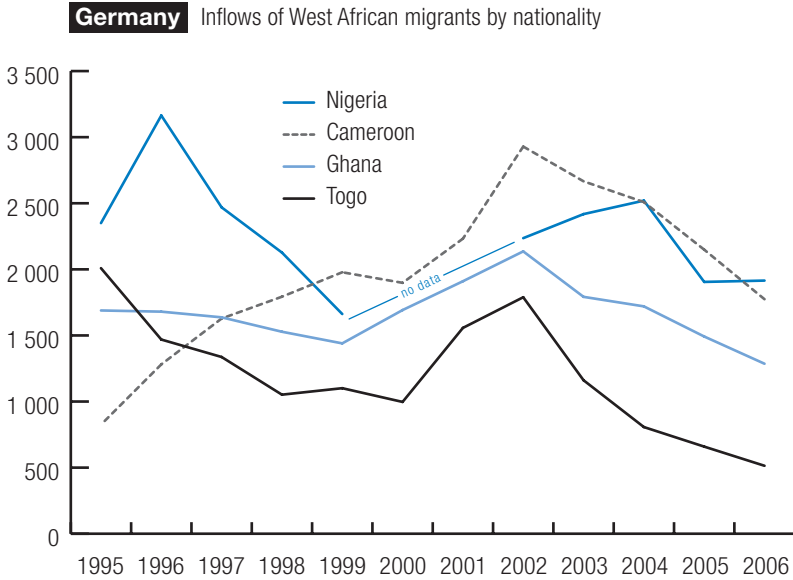


Figure I.4

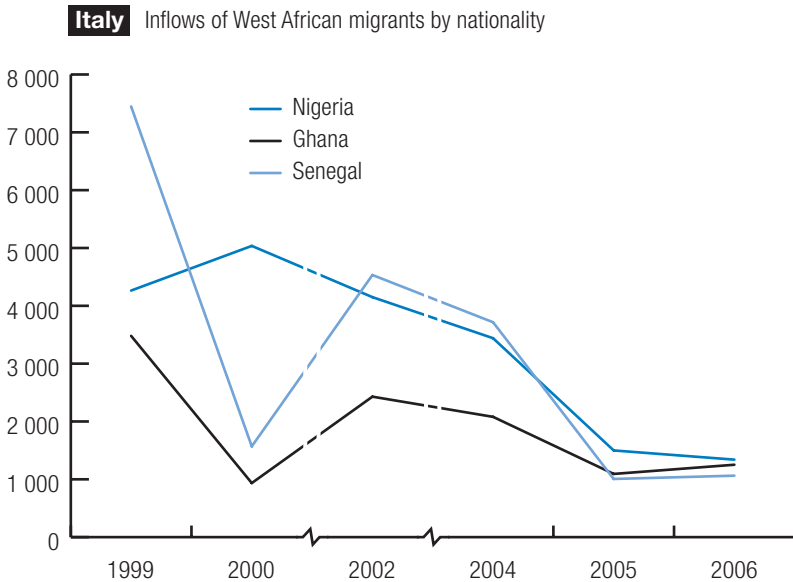


Figure I.5

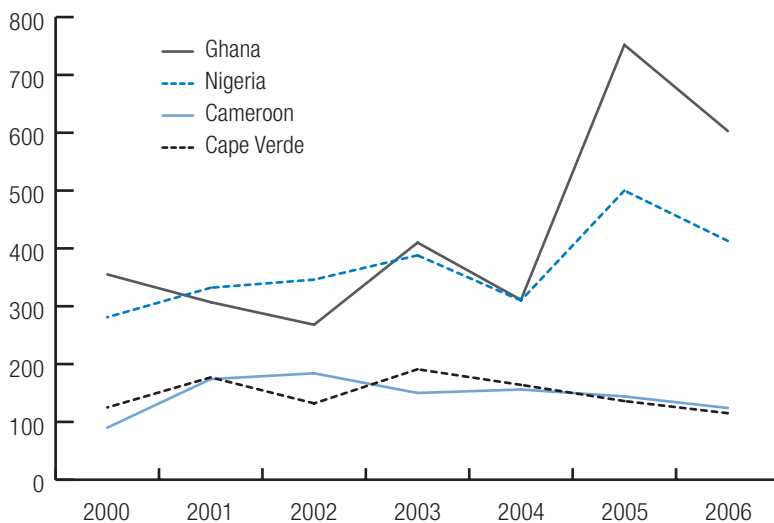
Netherlands Inflows of West African migrants by nationality

Figure I.6

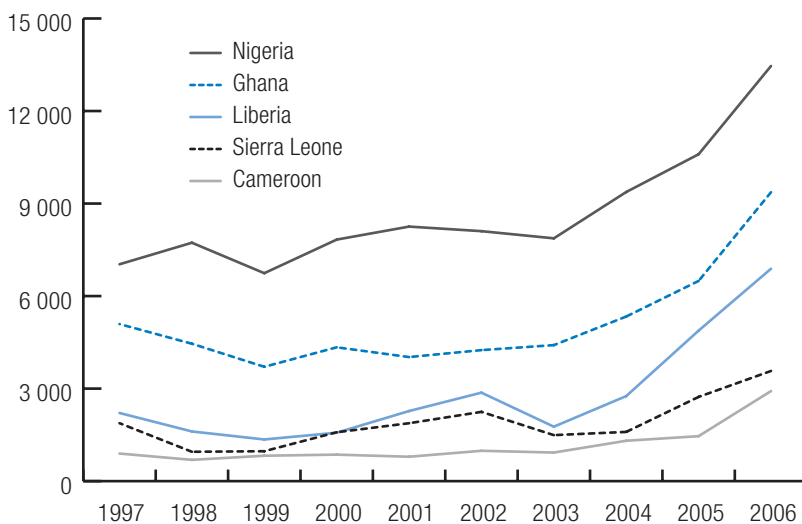
USA Inflows of West African migrants by nationality

Figure I.7

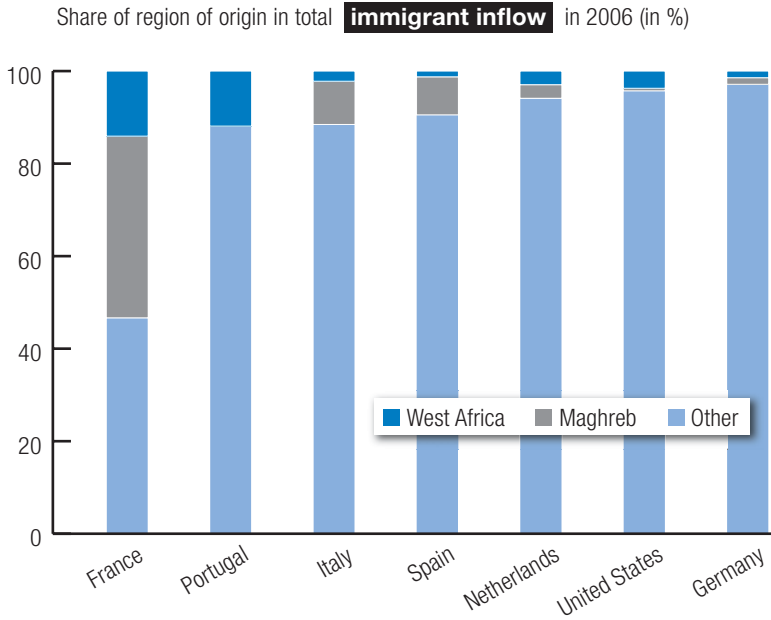


Figure I.8

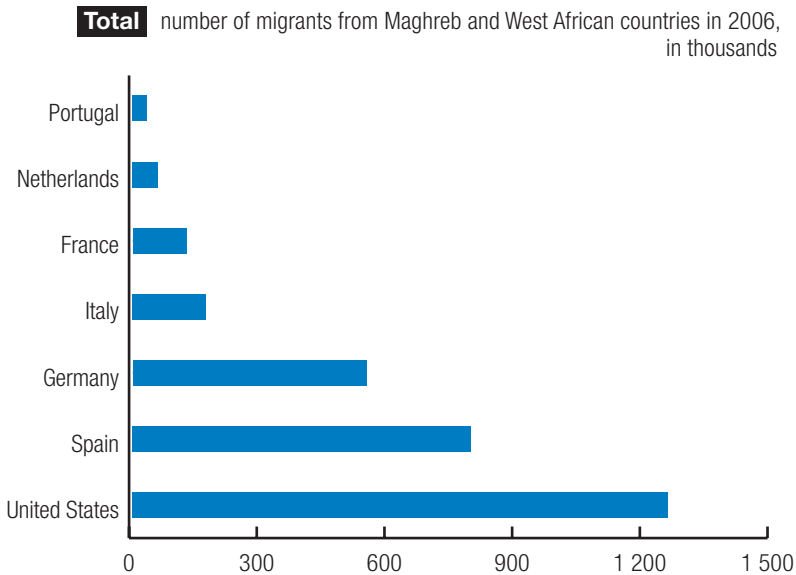


Figure I.9

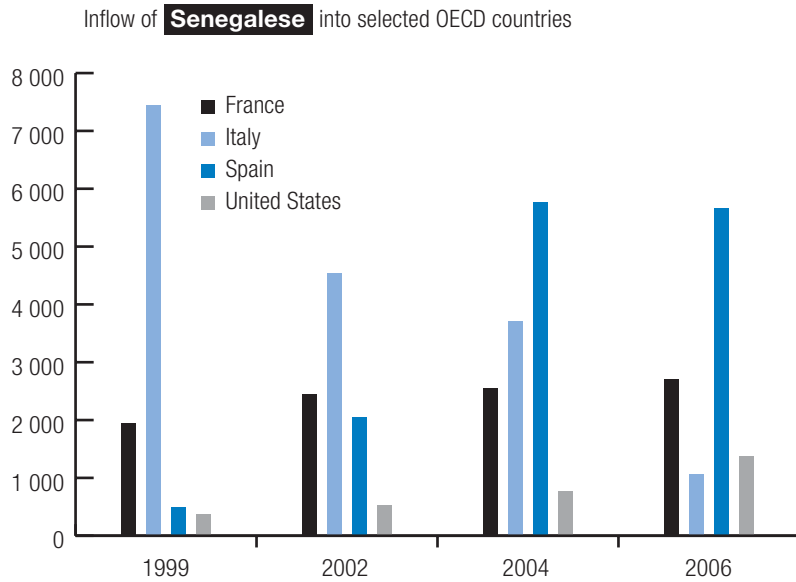
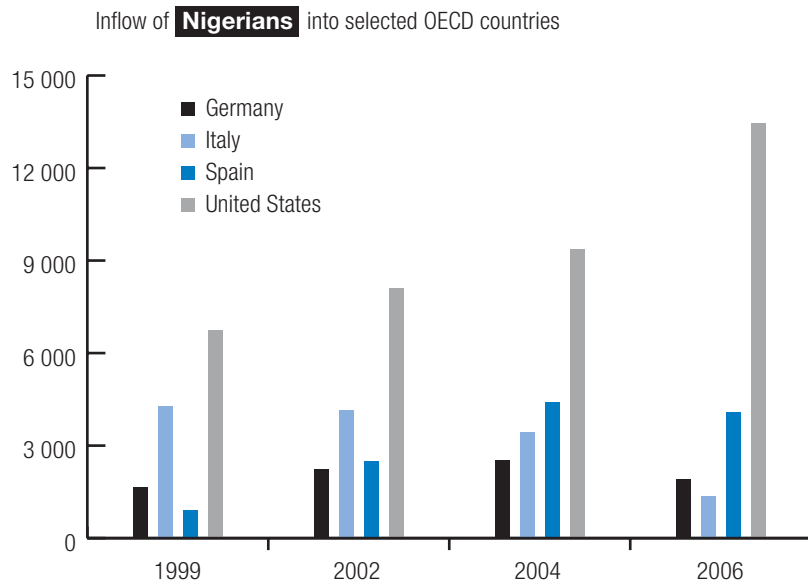


Figure I.10



Chronology¹

Global approach to Migration

2005

September

Hundreds of immigrants try to enter the territories of Ceuta and Melilla.

→ For four days hundreds of immigrants, mainly young men from Sub-Saharan Africa who would do anything to get to Europe, try to enter the Spanish cities of Ceuta and Melilla.

October

European leaders meet informally to try and respond more effectively to the problems of migration.

→ On 27 October EU leaders meet at Hampton Court (UK) to discuss the growing problem of illegal immigration and the urgent need to take action, not least to prevent the loss of human life among illegal immigrants.

→ Recognising the need for EU intervention, given the increasingly strong public interest in these issues, they call for action and dialogue in a spirit of partnership between all the countries involved (in particular the countries of North and Sub-Saharan Africa).

November

Communication from the Commission to the Council and the European Parliament – Priority actions for responding to the challenges of migration – First follow-up to Hampton Court

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0621:EN:NOT>

December

The European Council adopts the Global Approach to Migration

Brussels European Council, 15 – 16 December 2005, 15914/1/05 REV1
www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/87642.pdf

Focusing on Africa and the Mediterranean, this approach aims to implement comprehensive and coherent actions, recommending in particular:

→ cooperation with third countries and regional organisations in all related areas (legal and illegal immigration, development, refugee protection, human trafficking);
 → coordination of different policies: external affairs, development, employment, justice and interior affairs.

The approach assumes:

→ strengthened cooperation between EU Member States;
 → a dialogue with Africa;
 → a dialogue with neighbouring countries in the Mediterranean region.

2006

January

Work starts on implementing the plan.

European Commission, EU Member States, Frontex, Europol, international organisations (UNHCR, IOM).

May

Immigration is one of the main items discussed at the Ministerial Troika Meeting between the Economic Community of West African States (ECOWAS) and the EU. A joint working group on migration is set up.

www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/er/91464.pdf

May

The Commission initiates a bilateral dialogue with Mauritania and Senegal on the basis of Article 13 (Migration) of the ACP-EC Cotonou Agreement.

- The Commission establishes a bilateral dialogue with priority countries of Sub-Saharan Africa. Meetings are held in Mauritania and Senegal in May and in Mali in September. Similar meetings are planned with other African countries to review all migration issues relevant to the EU and Africa.
- The dialogue on immigration continues within the framework of the regular political dialogue between the local missions of the Commission and the authorities of the countries concerned.
- EU Commissioner Frattini travels to Libya to explore opportunities for dialogue and cooperation on migration issues.
- There is an improvement in dialogue and cooperation between the EU and North African countries, including Morocco, Algeria and Libya, which are important transit countries.
- Libya, which is recognised as an important partner in migration issues, invites a team of experts to visit its southern borders. Later in the year Libya hosts the EU-Africa Ministerial Conference on Migration and Development.

June

Euromed Ministerial meeting on migration.

- An agreement is reached to gather information on projects and best practices regarding legal and illegal immigration, migration and development, human trafficking and return issues, to enable the Commission to draw up a more detailed plan of action.

As of June

Networks of Immigration Liaison Officers are established along four key migration routes.

- The network of Immigration Liaison Officers will be linked to the migration routes initiative.
- The network will cooperate with EU Member States, Frontex [www.frontex.europa.eu], Europol [www.europol.europa.eu] and the Commission delegations in African countries to establish an information system on illegal immigration and human trafficking.
- Regional networks of Immigration Liaison Officers are established along the four specified key migration routes.
- The Liaison Officers are to draw up reports on illegal immigration and formulate concrete recommendations to increase cooperation along migration routes.
- Each regional network has a Member State named as leader: Spain, Portugal, France, Italy and the United Kingdom. Each of these countries organises regional meetings to draw up operational plans of action for each route.

*July***The Commission proposes the creation of Rapid Border Intervention Teams.**

→ Managed by Frontex and made up of national experts from various EU Member States, these Intervention Teams can supply rapid technical and operational assistance in case of a mass influx of immigrants. Regulation (EC) No 863/2007
<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R0863:EN:HTML>

*July***Participants in the Euro-African Ministerial Conference held in Rabat focus on the western and central migration routes that cross Africa towards Europe.**

www.maec.gov.ma/migration/En/documentation.htm

→ The participants [www.maec.gov.ma/migration/En/participants.htm] agree to look at these migration routes together and to adopt concrete proposals of cooperation [www.realinstitutoelcano.org/materiales/docs/RabatDeclaration_ActionPlan.pdf] between the countries of origin, transit and destination along specific migration routes.

→ A budget of 2.45 million Euros is allocated to Mauritania to finance measures related to the rapid reaction mechanism.

The measures relate, among others, to:

- capacity building in the areas of detection (patrol boats) and arrest (staff training);
- humane detention conditions and return of migrants;
- re-examining current legislation;
- raising awareness;
- supporting the new Mauritanian unit responsible for immigration.

→ Frontex presents a feasibility study concerning a Mediterranean Coastal Patrol Network [www.europa.eu/rapid/pressReleasesAction.do?reference=MEMO/06/454&format=HTML&aged=1&language=EN&guiLanguage=en] (MEDSEA).

→ MEDSEA studies the possibility for a central command structure in the Mediterranean and recommends the establishment of national coordination centres in the EU Member States.

→ A second study concerning the technical feasibility of a surveillance system for the southern maritime borders of the EU and Mediterranean (BORTEC) is completed in December 2006.

Summer

Frontex coordinates joint operations in the Mediterranean and Atlantic for the surveillance of the southern maritime border of the EU and saving illegal immigrants in danger of dying at sea.

Operations include:

→ joint operations off the Atlantic coast of North Africa during the summer to offer operational assistance to Spain (patrols and humanitarian aid);

→ Hera I and Hera II in the Canary Islands: granting technical assistance to Spain to organise the return of identified illegal immigrants and establish joint patrols. Several EU Member States participate in these operations;

→ joint patrols in the Mediterranean (southern Sicily, Lampedusa and Malta).

*September***United Nations High-Level Dialogue on International Migration and Development in New York.**

www.europa-euun.org/articles/en/article_6221_en.htm

This dialogue :

- strengthens links between migration policy and development policy;
 - endorses the idea of a Global Forum on Migration and Development.
- The Commission contributes a communication on EU policies.

*November***The first EU-Africa Ministerial Conference on Migration and Development takes place in Tripoli.**

http://ec.europa.eu/justice_home/doc_centre/immigration/docs/AU-UE-22.11.06.pdf

At this conference the EU and Africa agree to:

- cooperate in the management of migratory flows in a spirit of mutual partnership and shared responsibility;
- commit to a partnership between countries of origin, transit and destination;
- make political commitments and take concrete actions, in the knowledge that appropriate policy responses can best be found together;
- take measures in the areas of migration and development, management of migratory flows, peace and security, human resources and the brain drain, human rights and the well-being of the individual.

*30 November***Communication from the Commission to the Council and the European Parliament – The Global Approach to Migration one year on: Towards a comprehensive European migration policy**

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52006DC0735:EN:NOT>

In summary:

- Significant progress has been made with African countries and regional organisations on migration issues. Discussions could also be undertaken with other regions (Eastern Europe, Latin America and Asia).
- Proposals include strengthening the dialogue and cooperation with Africa on all migration issues: legal and illegal immigration, improved refugee protection, strengthening of links between migration policy and development policy. Specific proposals include Migration Support Teams, the European Job Mobility Portal, migration centres and Mobility Packages.

2007*April***The joint ECOWAS-EU Working Group on Migration meets in Luxembourg alongside the ECOWAS-EU Ministerial Troika Meeting**

www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/er/93800.pdf

- A dialogue with the key African countries involved is launched in accordance with Article 13 of the Cotonou Agreement.

16 May

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on circular migration and mobility partnerships between the European Union and third countries

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0248:EN:NOT>

→ The Commission proposes new measures for incorporating legal migration opportunities into the EU's external policies and presents means to facilitate and encourage circular and temporary migration. The communication underlines the need to improve mobility between the EU and third countries and better adapt to the EU's labour needs. It proposes establishing tailor-made mobility partnerships with countries and regions of origin and transit.

16 May

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – *Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union*

[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0247R\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0247R(01):EN:NOT)

→ The communication widens the geographical scope of the Global Approach to Migration and presents recommendations for improving dialogue and cooperation with the countries concerned.

October

EU-ECOWAS Ministerial Troika Meeting

www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/er/96478.pdf

November

First Euro-Mediterranean Ministerial Meeting on Migration

www.eu2007.pt/NR/rdonlyres/8D86D66E-B37A-457E-9E4A-2D7AFF2643D9/0/20071119AGREEDCONCLUSIONSEuromed.pdf

December

EU Africa Summit

www.eu2007.pt/NR/rdonlyres/BAC34848-05CC-45E9-8F1D-8E2663079609/0/20071208LISBONDclaration_EN.pdf

→ The declaration affirms cooperation between the EU and Africa, also in the area of immigration, and outlines the cooperation and processes in progress (see above the EU-Africa Ministerial Conferences held in Tripoli and Rabat) in a general political framework. The concrete actions are outlined in the Joint Strategy.

www.eu2007.pt/NR/rdonlyres/D449546C-BF42-4CB3-B566-407591845C43/0/071206jsapenlogos_formatado.pdf

5 December

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – *Towards a Common Immigration Policy*

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0780:EN:NOT>

10 December

Council Conclusions on mobility partnerships and circular migration

www.eu2007.pt/NR/rdonlyres/4B8B3D1F-86EA-4591-93ADC09DAAD6D42E/0/97508.pdf

→ The Council invites the Commission and Member States to finalise pilot mobility partnerships with Cape Verde and Moldova.

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www.coe.int/t/F/Coh%E9sion_sociale/Migrations/welcome2.asp#TopOfPage
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www.ecre.org/
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www.eurofound.europa.eu
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www.frontex.europa.eu/
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www.un.int/iom/index.htm
- International Labour Organization– International Migration
<http://www.ilo.org/public/english/protection/migrant/>
- Parlamento italiano
www.parlamento.it/leggi/02189l.htm
- Platform for international Cooperation on Undocumented Migrants
www.picum.org/
- Plate-forme migrants et citoyenneté européenne
www.pmc-europe.info/component/option,com_frontpage/Itemid,1/
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www.sudonline.sn/spip.php?article7635
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www.sussex.ac.uk/migration/
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www.un.org/esa/population/migration/hld/index.html
<http://www.un.org/migration/>
www.un.org/esa/population/publications/RepIMigED/migration.htm
- United Nations – Development Policy and Analysis Division
www.un.org/esa/policy/wess/index.html
- World Bank
www.worldbank.org/

Electronic Resources by country

Belgium

www.belspo.be/belspo/home/publ/pub_ostc/agora/ragee058_fr.pdf
www.migrationinformation.org/Profiles/
www.belgium.be/eportal/application?pageid=charterPodPage&navId=30523&languageParameter=fr

Canada

www.cic.gc.ca/francais/ausujet/immigration/index.asp
www.migrationinformation.org/Profiles/

France

www.premier-ministre.gouv.fr/chantiers/immigration_865/
www.vie-publique.fr/th/acces-thematique/immigration.html
<http://lesrapports.ladocumentationfrancaise.fr/BRP/074000232/0000.pdf>

Germany

www.auswaertiges-amt.de/diplo/fr/WillkommeninD/EinreiseUndAufenthalt/Zuwanderungsrecht.html
www.migrationinformation.org/Profiles/

Italy

www.interno.it/mininterno/export/sites/default/it/temi/immigrazione/
www.migrationinformation.org/Resources/italy.cfm

Netherlands

www.ind.nl/EN/
www.migrationinformation.org/Resources/netherlands.cfm

Portugal

www.acime.gov.pt/
www.migrationinformation.org/Profiles/display.cfm?ID=77

Spain

<http://extranjeros.mtas.es/>
www.migrationinformation.org/Profiles/

United Kingdom

www.ind.homeoffice.gov.uk/
www.bia.homeoffice.gov.uk/

United States

www.dhs.gov/ximgtn
www.migrationinformation.org/Resources/unitedstates.cfm

 GLOSSARY¹

Alien: A person who is not a citizen of the country in which he or she lives. A “legal alien” is someone who lives in a foreign country with the legal approval of that country. An “illegal alien” (or undocumented alien) is someone who lives in a foreign country without the legal approval of that country. A distinction is made between illegal immigrants and illegal aliens; the former being someone who wishes to settle permanently in the new country. A distinction is made between illegal immigrants and illegal aliens – the former being someone who wishes to settle permanently in the new country.

Circular migrant: One who moves regularly between his or her home country and a foreign country for employment-related reasons. Typically, though not exclusively, circular migrants do agricultural or construction work, returning home when employment opportunities wane, or when they have made a bit of money. The term “circular migrant” is not entirely synonymous with guest worker, because the latter term implies that the individual fits into a specific employment-visa category of the host country; a circular migrant can be in a host country illegally or legally. Further, a guest worker may come to a host country for a set period of time and only return home when the visa expires – in other words, there is no back-and-forth and hence no circularity.

Economic migrant: *Sometimes used as an equivalent to the term labour migrant or migrant worker. However, the two concepts may cover different categories. The term “labour migrant” can be used restrictively to only cover movement for the purpose of employment while “economic migrant” can be used either in a narrow sense, which includes only movement for the purpose of employment, or in a broader sense that includes persons entering a State to perform other types of economic activities such as investors or business travellers.*

Expulsion: A decision by a public authority, either administrative or judicial ordering an alien who has been lawfully resident to leave the country. This order might or might not include a ban on return. Seen in phrase: expulsion of foreigners.

Flow: *The term used for the unstable and changing portion of an overall population figure*

Forced departure: *So as to avoid using the word “expulsion” (a legal-technical term in State immigration law), we speak of “forced departure” of an alien in cases in which authorities enforcing the decision of expulsion have used physical or other pressure to force an alien to leave his former country of residence.*

Illegal migrant: A person who comes to settle in a country without the correct legal documentation, or who lives there using false identification or no documentation at all (“sans papiers” - without papers), or who otherwise resides in a country without formal permission. E.g., a person who enters a country on a tourist or student visa and then overstays his or her visa becomes an illegal immigrant.

Intergovernmental method: *Negotiation sessions between representatives of national governments*

Irregular migration: It is defined by the Global Commission on International Migration as a complex and diverse phenomenon in which the main focus is irregular flows and entries, rather, for example, than the various challenges posed by stocks or irregular migrants such as undocumented work.

Labour migration: Movement of persons from their home State to another State for the purpose of employment.

Migrant smuggling; smuggling of migrants: Defined in the relevant Protocol as follows: “Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”.

Naturalization: in law, refers to an act whereby a person acquires a citizenship different from that person’s citizenship at birth. Naturalization is most commonly associated with economic migrants or refugees who have immigrated to a country and resided there as aliens, and who have voluntarily and actively chosen to become citizens of that country after meeting

specific requirements. However, naturalization that is at least passive and often not voluntary, can take place upon annexation or border adjustments between countries. Unless resolved by denaturalization or renunciation of citizenship, naturalization can lead to multiple citizenship.

Non-refoulement: *A core principle of refugee law that prohibits States from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened. The principle is usually considered a part of customary international law and is therefore binding on all States, whether or not they are parties to the 1951 Convention relating to the Status of Refugees.*

Refugee: Defined under the 1951 Convention relating to the Status of Refugees (article 1) as “any person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country”. In France, refugee status is a legal status recognised by the Office français de protection des réfugiés et apatrides (OFPRA), in accordance with the Geneva Convention of 28 July 1951 as well as the law of 25 July 1952 (in its draft of the law of 11 May 1998) referring to two categories of persons: anyone meeting the definitions set out in Article 1 of the Geneva Convention of 28 July 1951 related to the status of refugees; “any person persecuted due to his/her actions on behalf of freedom” (L. 11.5.1998, Article 29).

Return migration: I.e., migrants returning to their country of origin – going home

Stock: *In migration statistics, used to describe the stable portion of an overall population figure*

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1 *The text in italics has been translated based on the official source text. www.iom.int and United Nations Multilingual Terminology Database <http://157.150.197.21/dgaacs/unterm.nsf>*

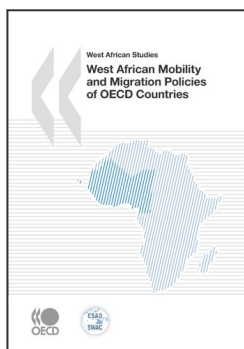
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LIST OF ACRONYMS

ACP	Africa, Caribbean, Pacific
AU	African Union
CAI	<i>Contrat d'Accueil et d'Intégration</i> (France)
ECOWAS	Economic Community of West African States
EPA	Economic Partnership Agreement
EU	European Union
FRONTEX	European Agency for the Management of Operational Co-operation at the External Borders
ILO	Immigration Liaison Officer
IND	<i>Immigratie- en Naturalisatiedienst</i> (Immigration and Naturalisation Service) (the Netherlands)
MEDSEA	Mediterranean Coastal Patrol Network
OECD	Organisation for Economic Co-operation and Development
PALOP	Portuguese-speaking African Countries
SIS	Schengen Information System
SWAC	Sahel and West Africa Club
WAEMU	West African Economic and Monetary Union



From:
**West African Mobility and Migration Policies of
OECD Countries**

Access the complete publication at:
<https://doi.org/10.1787/9789264029422-en>

Please cite this chapter as:

OECD/Sahel and West Africa Club (2008), "Overview of select OECD Country Migration Policies", in *West African Mobility and Migration Policies of OECD Countries*, OECD Publishing, Paris.

DOI: <https://doi.org/10.1787/9789264029422-2-en>

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