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UNLIMITED MIGRATION INSIDE THE EUROPEAN UNION AND THE BRAIN DRAIN CONSEQUENCES FOR BULGARIA

Abstract

Brain drain is one of the biggest global challenges for both host and sending countries. This qualitative case study focuses on the brain drain costs in the sending countries applying a small-n-design. It aims to analyse the consequences of the brain drain phenomenon in Bulgaria as one of the most affected post-communist Eastern European countries. The analysis shows that the education and the healthcare sectors are most harmed Bulgarian sectors by brain drain after the regime change in 1989. The brain drain costs have been theoretically explored but the recent research has not focused empirically on the Bulgarian case. Thus, the present paper attempts to close a research gap.

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Date of submission: 27.05.2018

Contents

1. INTRODUCTION	1
2. THEORETICAL BACKGROUND.....	2
3. METHOD AND DATA.....	5
4. CASE SELECTION.....	5
5. EMPIRICAL ANALYSIS	6
5.1 Brain drain and healthcare.....	6
5.2 Brain drain and education	7
5.3 The Bulgarian migrants inside the European Union (EU28)	9
6. COUNTERACTIONS AGAINST BRAIN DRAIN.....	10
7. CONCLUSION AND RECOMMENDATION FOR FURTHER RESEARCH.....	12
BIBLIOGRAPHY	13
APPENDIX	16

Table of figures

Figure 1: Changes in the number of academics by the academic degree in Bulgaria	8
Figure 2: Remittances from Bulgarian emigrants	10
Figure 3: Number of academics by an academic degree in Bulgaria.....	16

1. Introduction

One of the driving forces behind economic growth and the development of a society is the human capital and its mobility. From this perspective, studying the brain drain processes underlying cross-border labour and education mobility is an important element in deriving an in-depth understanding of this current issue. Bulgaria has been involved in the global migration flow only since the last two decades. Nevertheless, on such a scale, that the migration processes are hurting the demography of the country which is becoming a more and more pressing problem (Makni 2010). Boasting high numbers of students, per thousand 24, Bulgaria is one of the specific cases of science development and brain drain (Bobeva 1993). While doubtless a high number of emigrants for a country with a population slightly above 7 million, it is, however, nothing but one of the most striking examples of the emigration dynamics in post-communist Central and Eastern Europe (Krastev 2015).

Nowadays, many of these countries are confronted with the brain drain phenomenon (Ienciu N. and Ienciu I. 2015, p. 281). Since the 1990s some 20 million of central and Eastern Europe's most talented workers have left (Parikh 2017). Brain drain can be defined as the movement of the highly educated population mostly from emerging countries to developed countries that benefit from this phenomenon (brain gain). Some of the main reasons (push factors) for the increasing migration of young people are the inconsistency or inefficiency of existing national public policies, as well as the lack of a quality education system (Ienciu N. and Ienciu I. 2015, p. 281). Moreover, one of the main pull factors for the increasing brain drain effect is the concerns about high-level spiritual needs such as social recognition and personal prosperity of the population with high-quality professional training coming from developing countries (Liu 2018; Parikh 2017).

The new member states of the European Union perceive the increased migration level with mixed attitudes. On the one hand, outflows have helped to reduce unemployment. On the other hand, the high level of migration of high-skilled people has raised concerns about brain drain and labour shortages in the sending countries (Canoy et al. 2009, p. 94-95). The potential costs of this development can be great: brain drain means loss of skills for the source country, loss of ideas and innovation, loss of the nation's investment in education and loss of tax revenues, but most importantly, perhaps, the loss of critical services in the healthcare and education sectors (OECD 2008). Those brain drain costs can be empirically observed in Bulgaria as well. For that

reason, this paper aims to highlight the socio-economic consequences caused by the brain drain phenomenon in Bulgaria as a new member of the European Union and to delineate possible policies that could tackle this issue. According to OECD (2008), the healthcare and the education sectors in the most post-communist countries are affected by the brain drain effect (OECD 2008, p. 70-71). Therefore, different theoretical approaches that could explain the causes and the consequences of the brain drain effect will be presented in detail so that the following question can be answered: *How does the brain drain effect influence the healthcare and the education sectors in the post-communist Eastern European country Bulgaria?*

The brain drain costs have been theoretically explored but the recent research has not focused empirically on the Bulgarian case, particularly on the brain drain consequences for the Bulgarian healthcare and education sectors. Thus, the present paper attempts to close a research gap by means of a qualitative case study. Although every post-communist Central and Eastern European country has its own migration dynamics after the fall of the Soviet Union in 1989, it could be derived a development trend referring to the Bulgarian case as one of the post-communist countries with the highest number of emigrants (Bobeva 1993). For that purpose, an appropriate method is *small-n-design*. The *small-n-design* considers one case of the phenomenon (consequences of the brain drain effect). Objects of analysis are events, institutions, and policies implemented (Johnson and Reynolds 2012, p. 196).

Thereafter, the focus is on the healthcare and the education sectors in Bulgaria that are considered to be two of the most affected sectors by the brain drain effect referring to a OECD study (2008) and to the frequency of mentioning the consequences of the brain drain effect in other recent surveys primary in the Bulgarian media. Finally, the results are summarized and recommendations for policies against brain drain as well as recommendations for further research are given.

2. Theoretical Background

In the previous chapter, some of the main causes for the emergence of the brain drain effect and its consequences were mentioned. Before concerning the consequences of the brain drain effect in Bulgaria, the reasons for its emergence in the post-communist countries should be discussed. Therefore, different theories and theoretical approaches, which consider the push factors as main causes of the brain drain effect are presented in detail. Moreover, some theoretical approaches that evaluate the consequences of the brain drain phenomenon for post-communist

countries are connected with the theories about the reasons for the brain drain effect so that a broad understanding of the causes and the consequences of the brain drain effect can be enabled. As a next step, the method and data used are presented and the case selection is justified.

The main causes (push factors) for brain drain effect in the most post-communist country are at least four. First, some post-communist countries have still difficulties to overcome particular economic challenges since the beginning of the transition in the early 1990s which makes it less likely that they will be able to invest in the science and education sectors where most highly skilled labour work (Horvat 2004, p. 77). Second, the emigration of highly skilled workers might be caused by the deprivation of particular human rights, including the right to education. Comparing the education and science systems in post-communist transition countries with those in other OECD countries it can be stated that the education sector in post-communist countries is still underdeveloped. Consequently, given the opportunity, many young experts, scientists, and students seek out better circumstances in which to study and work (Horvat 2004, p. 77).

However, the violation of human rights and the poor economic situation are not always the main push factors for the brain drain effect in the post-communist countries. Some of the highly educated and talented workers who decide to emigrate have the opportunity to cover their material needs in their home countries. Still, in the era of the knowledge economy and the improvement of social life, their needs begin to transform from low-level material needs to high-level spiritual needs. Maslow's theory of needs assumes that talent has long been beyond the physical and security needs. The needs for social recognition, respect from others, self-achievement are more intense than at any other time. As a result, they pay more attention to job satisfaction, achievement in careers and personal promotional development, whereby they prefer to emigrate in order to find more promising workplaces and make a full commitment (Liu 2018, p. 21).

The high-level spiritual needs of the most highly skilled migrants are connected with a strong sensibility to other problems in the home country, including the bad governance. According to Olesen "they find the human rights/governance situation in their home country unacceptable." This can have many forms: corrupted civil servants; lack of freedom to speak one's mind, especially for civil servants; and promotions based on unprofessional criteria (Olesen 2002, p.137; Horvat 2004, p. 77).

Nevertheless, the consequences of the brain drain effect for developing countries are controversially discussed. Whereas the increased migration level contributes to the reduction

of unemployment in the sending countries, it also leads to concerns about human capital shortages which can cause lack of labour force and demographic problems. Since 2007, on an aggregate European level, however, workers' wages continue to rise and unemployment to decline in both receiving and sending countries. Furthermore, there is no indication that recent Intra European mobility flows have exceeded the absorption capacities of the labour markets (Beine et al. 2008, p. 648; Canoy et al. 2009, p. 94-95). On the other hand, Commander et al. (2004) refer to the negative consequences of the brain drain effect arguing that skilled migration lower welfare for the population remaining behind in the sending country. This claim is highly sensitive to assumptions regarding wage setting and ex-ante employment levels. The authors address some of the main losses caused by brain drain in developing countries — for example, the subsidy to public education or the underemployment of skilled or other labour arising from distorted wage setting (Commander et al. 2004, p. 264). In this perspective, Beine et al. (2008) find out that the brain drain effect on many small sending countries is extremely worrisome¹ (Beine et al. 2008, p. 648).

Moreover, the departure of the high-skilled workers can hurt sending countries in different ways. Although, the magnitude of the negative impact is far from clear. According to OECD (2008), an exodus of sorely needed healthcare workers and teachers from developing countries is alarming whereby the South-eastern part of Europe is quantitatively the most important source of migrants into OECD (OECD 2008, p. 12). The emigration of highly-educated individuals leads to at least three kinds of specific losses for the sending countries. First, the departure of highly-skilled people in the most cases means a loss of their innovative ideas for productivity and governance and the benefits they would provide to their fellow citizens, co-workers, and students. Second, the main part of the education cost is paid for out of fiscal revenues. The brain drain effect can be regarded as export of human capital in which the nation has already invested. Furthermore, that leads to loss of potential tax revenue that might have been raised by the income of emigrants. However, this effect could be mitigated by remittances to the emigrant's families. Third, the lack of highly-skilled personnel causes difficulties in the delivery of critical social services, such as healthcare and education (OECD 2008, p. 70-71).

From the last assertion the following hypothesis can be derived, which can be tested on the basis of a qualitative analysis with regard to the Bulgarian healthcare and education sectors:

¹ Although Bulgaria is not mentioned in the findings, they could be applied to Bulgaria as a small country in comparison to other European countries as well. This topic is going to be discussed in Section 5.

Hypothesis 1: The stronger the brain drain effect becomes, the more impairs the quality of services in the Bulgarian healthcare and education sectors.

3. Method and Data

This paper applies a qualitative methodological approach that draws on primary and secondary sources. For the present study, a *small-n-design* is chosen which belongs to the group of qualitative analyses or the so-called case studies (Blatter and Haverland 2012). The case study research starts from deriving an in-depth understanding of a single or small number of cases, set in their real-world contexts (Bromley 1986, p. 1; Yin 2012, p. 4). As a by-product, and as a final feature in appreciating case study research, the relevant case study data are likely to come from multiple and not singular sources of evidence (Yin 2012, p. 4). The choices among different research methods, including the case study method, can be determined by the kind of research question that a study is trying to address. Accordingly, case studies are pertinent when the research addresses an explanatory question — “How or why did something happen?” (Yin 2012, p. 5).

For the data collection, governmental documents and reports published between 2007 and 2018 are examined. Moreover, several online-published newspaper articles were selected in order to trace and reflect current developing trends of the brain drain effect in Bulgaria so that it can be concluded if the brain drain effect is becoming stronger after the accession of Bulgaria to the European Union in 2007. Therefore, this study focuses on the period between 2007 and 2018 as a time frame. In this period a stronger brain drain effect is assumed because, since 2007, Bulgarian citizens received more migration rights to leave the country without a visa inside the European Union. This case study is conducted till 2018 so that the current migration development and especially the brain drain effect could be examined. It comes back to the question of how the unlimited migration inside the European Union affects the less economically developed members, referring to Bulgaria as an example. Those brain drain effects are going to be discussed in section 5.

4. Case Selection

Bulgaria represents an appropriate country for the present analysis. According to Bobeva (1993), Bulgaria is one of the specific cases of science development and brain drain. Compared to other Central and Eastern European countries Bulgaria boasts high numbers of students: 24

thousand². Furthermore, 17% of all unemployed Bulgarian citizens have higher education. As a result, the unemployment promotes the emigration attitudes among scientists (Bobeveva 1993). In opposite to other European countries, Bulgaria has a relatively small population of around 7.1 million (Krastev 2015). This suggests a strong influence of the brain drain effect on Bulgaria's economy, politics and demography (Beine et al. 2008, p. 648). Moreover, after the fall of the Soviet Union, the most restrictions concerning freedom of movement inside the EU were overcome and passports became easily available. Consequently, it could be suggested that the emigration level increased. Since 2007 Bulgaria is a member of the European Union whereby the emigration and the brain drain effect became an economic and demographic problem. In order to constitute the brain drain effect on the education and healthcare sectors in Bulgaria, it is important to analyse the current brain drain development since the accession of Bulgaria to the European Union.

5. Empirical analysis

The following sections discuss the brain drain in Bulgaria. First, the brain drain effect on the healthcare and education sectors in Bulgaria considering the unlimited migration within the European Union is analysed. As a next step, a profile of the Bulgarian migrants inside the European Union (EU28) is outlined, whereby the remittances from Bulgarian emigrants are considered as a brain drain mitigating factor. Furthermore, some recommendations for policies against brain drain are given.

5.1 Brain drain and healthcare

The private, as well as the public sector, face a lack of highly skilled workers. On the one hand, business companies complain about a shortage of qualified labour. On the other hand, Bulgaria's public institutions such as the healthcare sector are deprived of well-trained personnel. For instance, many Bulgarian nurses choose to emigrate and seek out personal prosperity in developed countries rather than working at a low-paid local hospital (Krastev 2015). As a result, more than 1800 Bulgarian nurses leave each year the country and work in foreign hospitals. The average number of nurses per 100 000 people in the other EU countries is 745, while in Bulgaria the number is 421. Furthermore, the average age of nurses in Bulgaria is over 47, with nearly 11% of them being working pensioners (Rowlands 2010). In this

² Estonia-12 per thousand, Slovenia - 20, Poland - 11, the Czech Republic – 11 (Bobeveva 1993).

perspective, the head of the Sofia Emergency, Dr. Gelev addresses the lack of medical professionals in Bulgarian hospitals since 2007: “When Bulgaria joined the EU and the borders were opened, a great number of doctors started leaving the country. First left those who speak foreign languages - English, German and French. Since 2007 some 30-40 doctors have left the emergency centre in Sofia to work abroad.” Because of personnel shortage in the emergency teams in the Bulgarian capital Sofia they serve about 15 calls per shift, while they should do half of this work. The workload and stress are immense and a number of doctors and nurses suffer from chronic diseases. Moreover, many of them are forced to have another job in order to be able to secure a decent income (Vladkova 2015).

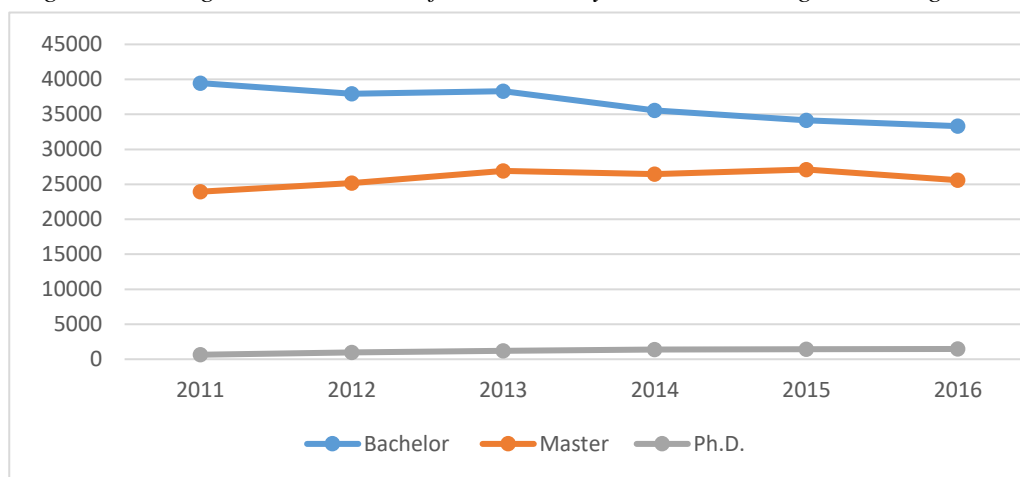
All these factors lead to a sharp decline in the quality of state healthcare and high poverty rates. According to Hope (2018), 42% of the population are at risk of poverty in old age and Eurostat gives Bulgaria the second-lowest life expectancy in the EU after Lithuania (Hope 2018). The Bulgarian National Radio (BNR) reports at a National Congress of Patient Organizations in Bulgaria that Bulgaria is one of the 13 EU countries with poor access to medical services and one of the five countries that received recommendations by the European Commission for reforms in the health system. Moreover, the European Commission regards the brain drain as serious problem in the Bulgarian healthcare sector, finding out that on the one hand, nearly 90% of young graduate medical professionals are ready to emigrate and, on the other hand, as already mentioned above, doctors and nurses who remain part of the Bulgarian health system are aging and many of them retire (BNR 2017).

5.2 Brain drain and education

Another primary public sector that is influenced by the brain drain effect is the education sector. Most of the Bulgarian universities are deprived of talented graduates because many of the best students decide to study abroad (Krastev 2015). For instance, Dimitar, 26, has decided to look for a job in Western Europe when he finishes his master’s degree in international relations at a Swiss university. He does not want to return to Bulgaria and points out: “What I’d really like would be to make a career in the EU, either the European Parliament or the Commission. I want to have a real opportunity to develop my potential, earn a good salary and enjoy a European lifestyle” (Hope 2018). His motivation proves one of the main pull factors for the brain drain effect among young professionals: high-level spiritual needs such as self-achievement (Liu 2018, p. 21). However, Dimitar, 26, is only one example for the increasing number of young Bulgarian academics who decide to study, live and work abroad.

Consequently, a decrease in the number of academics in Bulgaria can be observed. *Figure 1* illustrates that decrease by academic degree between 2011 and 2016. Whereas in 2011 64 043 students graduated from a Bulgarian university with an academic title, the number of the academic titles in 2016 was 60 383. In other words, within 5 years the total number of the academic degrees in Bulgaria decreased by around 4000. This is a significant number concerning the total population in Bulgaria of around 7 million. Focusing on the different academic degrees it can be observed that the number of the academic degree „Bachelor“ dropped most: from 39 462 academic degrees in 2011 to 33 313 in 2016. On the opposite, the number of both academic degrees Master and Ph.D. raised in the time period 2011-2016, whereby the Ph.D. academic titles in 2016 are more than twice as much compared to 2011³. This development can be explained in two ways. Either more foreign students come to Bulgaria in order to obtain a Ph.D. academic degree or a brain gain effect can be observed. This means that Bulgarian students complete their Bachelor's and Master's degrees abroad and decide to return to Bulgaria in order to obtain a Ph.D. degree. These two possibilities could also be observed together as the reason for the increased number of Ph.D. academic degrees in 2016 in Bulgaria, compared to the number in 2011.

Figure 1: Changes in the number of academics by an academic degree in Bulgaria



Data source: Statistical Reference Book of the Republic of Bulgaria (NSI 2017)

However, the brain gain would be a possible outcome of this situation when those who left return to Bulgaria as highly skilled professionals. Still, returning to the home country is connected with several difficulties. First, the returning is often associated with failure by the families, relatives, and friends of the people who left the country once. Second, social networks

³ See Appendix: Figure 3, p. 16

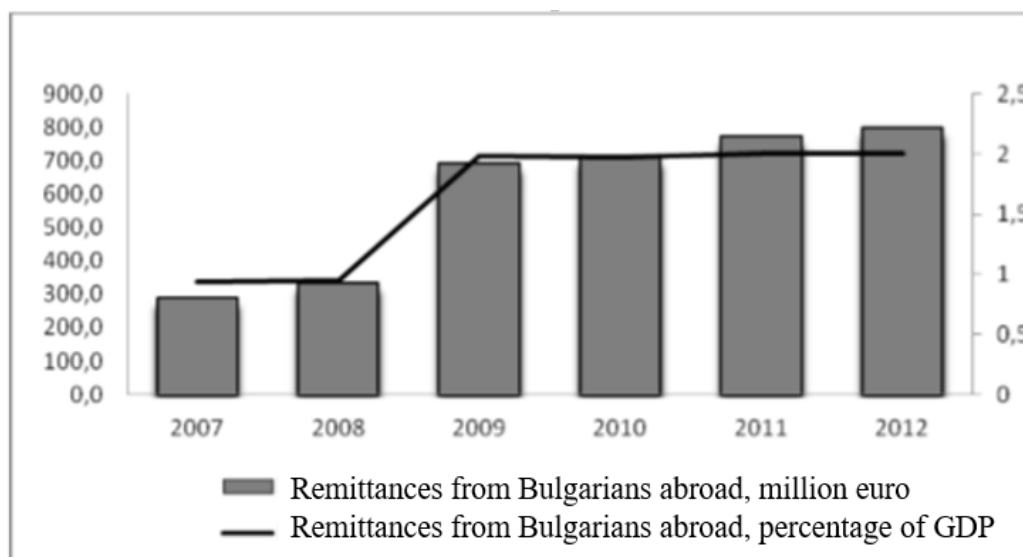
of people who left their home country early in their lives are not always strong enough to be a sufficient reason for them to return (Krastev 2015). For those reasons, the probability of brain gain concerning specifically the education sector and the Ph.D. graduates in Bulgaria is not high.

5.3 The Bulgarian migrants inside the European Union (EU28)

In the past 23 years, more than 3 million Bulgarians had left the country and did not return. The emigrant population increased from around 92 thousand people in 1990 to more than 555 thousand in 2015, from a population of ca. 7 million (Krastev 2015). Glennie and Pennington (2013) argue that the Bulgarian emigrants are young and qualified whereby around the half of them are under 24 years old. Moreover, around two-thirds of the Bulgarian emigrants obtain relatively quickly the certification of their qualification (Glennie and Pennington, 2013; Haller et al. 2018, p. 11). The main destinations of the Bulgarian emigrants in 2015 are Italy, Spain, Germany and the UK (The World Bank 2015; Haller et al. 2018, p.18). For instance, approximately 14.000 Bulgarians entered annually the territory of the UK, especially London and near 90% of Bulgarian emigrants who lived in the UK in 2007 were between 16 and 64 years old. They worked in constructions, real estate, commerce, hotels, and restaurants, in small and medium private companies (Haller et al. 2018, p. 11).

According to the Bulgarian Academy of Sciences, every tenth Bulgarian family has relatives abroad and most of the emigrants sent remittances to the family members in Bulgaria. The remittances are mainly used to cover medical expenses, education and for the purchase of basic necessities. The survey shows that in times of economic recession, transfers from Bulgarian emigrants are of great importance because they have a stabilizing impact on macroeconomics and household budgets in Bulgaria (Dimitrova-Moneva 2014, p. 137). *Figure 2* illustrates the growth of remittances from Bulgarian emigrants in million euro and as a percentage of GDP in the period 2007 – 2012. In 2008 the share of remittances from Bulgarians abroad as a percentage of GDP is around 1%. However, the accession of Bulgaria to the EU has an impact and leads to an increase in the share of emigrant transfers to around 2% in 2011-2012. Consequently, through the free movement of labour, the flexibility of the European labour market can be influenced (Dimitrova-Moneva 2014, p. 138).

Figure 2: Remittances from Bulgarian emigrants



Data source: Dimitrova-Moneva 2014, p. 137

Nevertheless, mass emigration of people mostly aged between 25 and 50 caused a demographic change in Bulgaria (Krastev 2015). The number of Bulgarian emigrants is estimated to more than 5 million in 2050, which is almost two-thirds of the entire Bulgarian population (Haller et al. 2018, p. 11). This tendency is harmful to the Bulgarian economy and political system (Krastev 2015).

6. Counteractions against brain drain

In terms of the question of how the brain drain effect in the developing countries should be tackled, it comes back to other questions if the migration-processes should be limited and if yes in which way? One of the most prominent examples of counteraction against brain drain in Europe is the Berlin Wall, which was built, in order to stop the outflow from East to West Germany (Li and McHale 2006, p. 7). However, from a moral point of view, this is not an appropriate way to tackle brain drain because it limits the freedom of movement⁴. In a democratic society, everybody should be free to make decisions for her own personal development and prosperity. Nevertheless, responsibility and accountability towards the fellow citizens should be expressed as well. In other words, the Bulgarian citizens who decide to leave the country should be aware of their moral duties towards the Bulgarian society. Before they leave they could try to tackle some problems in both healthcare and education sectors that are inherited from the post-communist transition period. That could happen by expressing suggestions for improvement that could be reflected by the media. In this way, the state

⁴ See UN General Assembly 1948, Article 13–1

authorities could get aware of the issues by bottom-up perspective and find better solutions to the problems. By improving the conditions in both the healthcare and education sectors the consequences of the brain drain effect in Bulgaria could be mitigated.

Another possibility to overcome the brain drain issue in Bulgaria could be the transfer and management of remittance revenues. As already mentioned above, the remittances could be regarded as a brain drain mitigating factor that could potentially be exploited in overcoming the brain drain (Dodani and LaPorte 2005). Formalizing the transfer of remittances might permit the generation of revenues that could be invested nationally in the social and economic development of Bulgaria.

Furthermore, introducing particular incentives by the home country is another option for tackling the brain drain. Any particular countermeasures or policies should address particularly the push factors because they are the main causes of the brain drain effect (Roudgar 2014, p. 8-9). Some possible counteractions against the push factors of the brain drain effect concerning the healthcare and the education sectors are discussed.

The Bulgarian brain drain causes serious problems in almost all sectors of the economy. Still, the healthcare sector seems to have been affected even more than most. The push factors could be reduced by providing better working conditions. First, better clinical support to all health professionals. Second, sufficient funded posts which cover the workload without overwhelming individual professional staff should be ensured. Third, a linkage between rural health facilities to central ones could be enabled by using teleconferencing. Fourth, a hospital revitalization program should be implemented so that the facilities could be improved. On the other hand, trying to introduce particular incentive schemes for the medical specialists, including increasing pay to induce professionals to stay in the country or even trying to “buy” professionals back could not be recommended as a brain drain counteraction because the last two strategies would lead to an escalating cost spiral which Bulgaria would not be able to win, with respect to its EU partners (Rowlands 2010).

Similarly to the healthcare sector, the education belongs to the public sector in Bulgaria. For this reason, the brain drain counteractions should go in a similar direction as those ones mentioned above. According to Dimitar Radev, the central bank governor, the demographic problem in Bulgaria, which is closely connected with the brain drain effect, is a “main challenge in the mid to long-term”. Therefore, the government is taking steps in the right direction, making education a clear priority in the 2018 budget (Hope 2018).

7. Conclusion and recommendation for further research

The analysis of the brain drain consequences in socio-economic perspective concerning the post-communist Eastern European country Bulgaria provides several important insights. First, a shift from physical and security needs as push factors for brain drain towards needs of self-achievement and social recognition cannot be observed as push factors for brain drain from the healthcare sector in Bulgaria. In addition, the analysis conducted for the brain drain effect in the Bulgarian education sector does not deliver consistent evidence for the kind of push factors. Second, the analysis shows that since 2007, there is a stronger brain drain effect in Bulgaria. According to an OECD study (OECD 2008) and to the frequency of mentioning the brain drain consequences in other recent surveys and in the media⁵, two of the most affected sectors are the healthcare and the education sector in Bulgaria. Consequently, *Hypothesis 1* can be confirmed.⁶ Third, the remittances of the Bulgarian emigrants inside the European Union can be regarded as a factor that mitigates the consequences of the brain drain effect, leading to macroeconomic stabilization. Another important insight is that there are many possibilities through which brain drain in the Bulgarian health and education sectors could be tackled. In the point of view of the Bulgarian education and science minister Krasimir Valchev, “the industry grows and Bulgaria’s purchasing power converges with the rest of the EU we’ll see a steady reduction in outward migration” (Hope 2018).

The research carried out to date on the brain drain consequences in the Bulgarian healthcare and education sectors could be continued as follows: Other public or private sectors inside Bulgaria can be studied and contrasted. As next step, the reasons, why different sectors are affected differently by the brain drain phenomenon could be studied concerning the differences between the private and the public sector. Furthermore, a qualitative comparative case study could be conducted in order to compare and contrast the socio-economic brain drain consequences in Bulgaria and in other post-communist European or non-European countries using the Most Similar Systems Design (MSSD) or the Most Different Systems Design (MDSD) as a principal method. In order to estimate the average effect of the brain drain consequences considering more countries quantitative analyses could be conducted, whereby the focus may be on all European countries, on the post-communist European countries or on all post-communist countries.

⁵ For the analysis were used primarily Bulgarian media sources.

⁶ See p.5

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Appendix

Figure 3: Number of academics by an academic degree in Bulgaria

Year	2011	2012	2013	2014	2015	2016
Total	64 043	64 091	66 423	63 373	62 718	60 383
Bachelor (Applied Science)	7 555	4 151	3 462	3 156	2 535	2 418
Bachelor of Arts	31 907	33 804	34 841	32 400	31 623	30 895
Master	23 943	25 157	26 918	26 454	27 118	25 606
Ph.D.	638	979	1 202	1 363	1 442	1 464

Data source: Statistical Reference Book of the Republic of Bulgaria (NSI 2017)

Number of characters (including spaces, excluding references or figures): 29 910

Words: 4 712

An asylum for EU negotiations?

A multi-phase solidarity framework as a basis for feasible solutions to the Dublin system reform

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Policy paper

Presented for the 2018 Engelberg Autumn Academy

Last edit on 20 August 2018

Abstract

This policy paper seeks to contribute to the debate on the reform of the Common European Asylum System, which was triggered by the dysfunctions observed during the 2015-6 migration crisis. The added value of this endeavour is of political, practical and humane nature. In light of the reform proposal, the root causes of the current deadlock in the negotiations and the wider political context, the paper sketches out a negotiation framework for politically feasible agreements on the revision of the Dublin regulation, the cornerstone of EU's asylum policy. Based on this negotiation framework, it suggests five measures on the basis of which new solutions can be developed. Their overall purpose is to nuance the proposal and increase the number of negotiation parameters available to the actors, including through mathematical means. An example of solution with several desirable features in light of the political constraints is subsequently put forward. This "Multi-Phase Solidarity Framework" classifies Member States in two pools according to their exposure to 'asylum system pressure' and categorises them in five ascending phases according to the number of refugees they have already accommodated. Within this framework, Member States have different policy instruments at their disposal to uphold the principle of solidarity. The set of solutions suggested in this paper may not be ideal or derive from pre-established theoretical principles but is likely to be acceptable to decision-makers and constitutes an improvement from the status quo for the benefit of the greatest number of actors.

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A Multi-Phase Solidarity Framework as a basis for feasible solutions to the Dublin system reform

Content

1. Purpose of the paper | 2. Focus | 3. Overview of the Dublin system | 4. The Dublin reform – State of play | 5. Negotiation environment | 6. Towards a robust policy framework | 7. Conclusion

1. Purpose of the paper

Asylum seekers are an essential part of current influxes of immigration towards Europe. Within a decade, they have become the object of one of the most salient political issues across the EU. If anything, the tragic sight offered by the **Aquarius controversy** in June 2018 is a prime example of how sensitive the issue remains¹.

This policy paper seeks to contribute to the debate on the **reform of the Common European Asylum System** ("CEAS"), which was triggered by the dysfunctions observed during the 2015-6 migration crisis. In particular, it sketches out a **negotiation framework for politically feasible agreements** on the revision of the Dublin regulation, the cornerstone of EU's asylum policy, the negotiations on which are deadlocked since 2016.

Based on this negotiation framework, an example of solution named the **Multi-Phase Solidarity Framework** is put forward. It classifies Member States in two pools according to their exposure to 'asylum system pressure' and categorises them in five ascending phases according to the number of refugees they have already accommodated. Within this framework, Member States have different policy instruments at their disposal to uphold the principle of solidarity.

The relevance of this paper is of political, practical and humane nature. Its **political relevance** stems from the political challenges brought about by immigration. The EU's failure to act has significantly boosted populists and demagogues, as well as Euroscepticism, throughout the bloc. Furthermore, a long-term lack of agreement on a functioning CEAS is a direct threat to the Schengen regime, an area without internal borders in which the free movement of persons is ensured, considered to be one of the greatest achievements of European integration. As for the **practical relevance** of the paper, it stems from the necessity to resort to negotiation engineering techniques to find politically feasible solutions for the revision of the Dublin regulation, a textbook example of EU-level negotiations in which consensus formation has proven to be extremely challenging. The search for innovative solutions may shed light on how to globally approach politically sensitive EU files with high stakes for the involved actors. Finally, the **humane relevance** of the topic is straightforward: Every day passing without a functioning CEAS increases the human suffering and the death toll among some of the most vulnerable human beings of the planet. The earlier a sustainable solution is found, the lesser the human suffering caused by EU's inaction will be.

¹ The Aquarius is a NGO rescue boat operational since 2016 in the Mediterranean sea, which was denied access to Italian harbours by the new Italian government despite having 629 migrants onboard. The Aquarius remained stuck for seven days at sea between Malta and Italy, both unwilling to grant it entry, before the Spanish government eventually accepted to process the migrants' asylum requests (*The Guardian*, 17.06.2018, <https://bit.ly/2LV9ARc>).

2. Focus

The instability generated by the 2015-6 surges in the number of applications for international protection revealed the failure of the Dublin system, whose purpose is the identification of a single EU member state responsible for processing an asylum application, usually the first Member State in which an asylum seeker enters. Instead, over a million asylum seekers initially arriving in Italy and Greece travelled throughout several countries to reach Member States offering better prospects (both for the acceptance of asylum applications and for economic reasons), such as Sweden or Germany.

As observed in several media outlets, the current controversy on asylum in Europe is no longer rooted in a problem of numbers (if it ever was), but one of politics². Following the 'migration deal' struck with Turkey in the aftermath of the 2015-6 crisis, the numbers of arrivals and asylum applications have decreased by as much as 95%, as illustrated by Figure 1³. On the other hand, the recent electoral successes of anti-immigration political forces across the Union, alongside the simultaneous hardening of right-wing political parties on immigration issues, have kept this issue at the top of the agenda⁴.

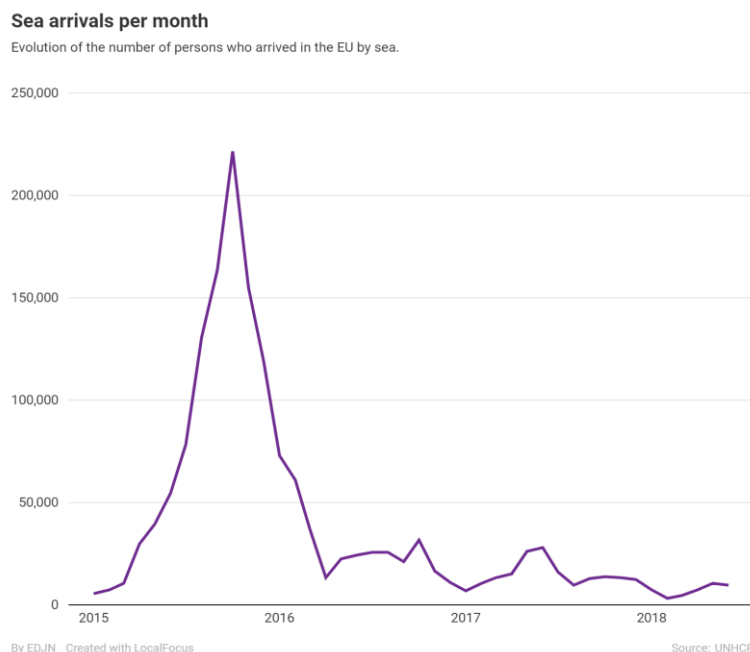


Figure 1 – Evolution of the number of irregular entries in the EU by sea⁵

This new European political landscape has strengthened the consensus among Member States about asylum policy's external dimensions, such as the strengthening of external borders or the curbing of 'illegal immigration' flows towards European shores⁶. On the other hand, stark disagreements remain on the internal dimensions, in particular on how the asylum 'burden' (read: asylum seekers) should be distributed across Member States.

² *Libération* (Jean Quatremer), 02.07.2018, <https://bit.ly/2m1T330>.

³ *EU Observer*, 27.06.2018, <https://bit.ly/2zp61Bh>.

⁴ This is in particular the case in Hungary, Poland, Slovakia and Czech Republic (the 'Visegrád' countries), as well as in Italy (with the new *Five Star Movement-Northern League* coalition), in Austria (alliance of the *People's Party* with the *Freedom Party*) and in Germany (the rise of the *Alternative for Germany* and the radicalisation of the *Bavarian Christian Social Union*).

⁵ *EU Observer*, 27.06.2018, <https://bit.ly/2zp61Bh>.

⁶ Refer to paragraphs 1 to 5 of the 28-29 June 2018 European Council conclusions (European Council, 28.06.2018, <https://bit.ly/2KjJ47w>).

Crucially, no reform of the CEAS can be achieved without a prior agreement on the Dublin system, due to its foundational importance in EU asylum policy⁷. However, despite repeated efforts by the successive Slovakian, Maltese, Estonian and Bulgarian presidencies of the Council of the EU, no consensus has been found so far on a reform of the Dublin system. In the face of deep and enduring divergences among Member States, EU heads of state and government, gathered in the European Council, resolved to find a high-level political agreement on the CEAS reform by June 29 2018.

Instead, the night from June 28 to 29 at the European Council featured an all-time EU classic: desperate night-long negotiations to strike a last-minute deal in the face of an incoming catastrophe with, shortly before dawn, exhausted but proud EU leaders making grand announcements on a hard-fought agreement. If anything, this political spectacle is meant to impress EU citizens and show them how hard their elected leaders work in order to defend their interests. Despite EU leaders' prior commitment to find a comprehensive agreement on asylum by then, closer scrutiny of this late night agreement reveals (once again) more show than substance. A solution has yet to be found regarding internal dimensions of migration policy, in particular the critical revision of the Dublin regulation.

3. Overview of the Dublin system

The Dublin system first came into being in 1990⁸. Since the 2009 Treaty of Lisbon, asylum policy objectives now explicitly appear in the Treaties and are one of EU's shared competences⁹. Article 78(1) TFEU thus states that

"The Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of non-refoulement. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties."

In particular, the necessity of a mechanism for determining the Member State responsible for considering asylum applications (i.e. the Dublin system) is enshrined in the Treaties, along other goals such as a uniform status for asylum applicants, common procedures for the granting and withdrawing of this status, as well as standards concerning the reception conditions for asylum applicants¹⁰. Crucially, Art. 80 TFEU also states that the implementation of EU asylum policy

"[...] shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States [...]"

⁷ *Politico – Brussels Playbook*, 22.06.2018, <https://politi.co/2u5bhFh>.

⁸ It initially took the form of an intergovernmental Convention and was only integrated into the EU legal order by the 1999 Treaty of Amsterdam. That year, the Tampere European Council also set out for the first time to progressively establishing a *Common European Asylum System*.

⁹ In EU law, a 'shared competence' means that "both the EU and its member states may adopt legally binding acts in the area concerned. However, the member states can do so only where the EU has not exercised its competence [...]" (European Commission, <https://bit.ly/2ziDqxz>).

¹⁰ Art. 78(2) TFEU.

Between 1999 and 2005, the foundations of the current CEAS were established, including the Dublin regulation, subsequently revised in 2012 (Dublin III). According to Dublin rules, once a Member State finds that an asylum seeker is eligible or not eligible to international protection, that asylum seeker may not re-apply for asylum in another Member State. An important feature of the Dublin system is the 'first-country-of-entry rule', which states that the first Member State in which an asylum seeker enters shall be responsible for the examination of their application when other criteria for exceptions are not fulfilled (e.g. family relatives already present in another Member State). The Dublin regulation also specifies how state responsibility can cease or be transferred to another state—along corresponding time limits and detailed procedures for 'take-back' or 'take-charge' requests, as well as some guarantees, safeguards and procedures for the processing of asylum applications.

In light of the dysfunctions of the Dublin system revealed by the 2015-6 crisis, the European Commission, politically supported by the European Council¹¹, launched two reform packages in May and July 2016 for a comprehensive overhaul of the CEAS, including the Dublin regulation¹². Appendix A provides an overview of the various legislative proposals included in these packages¹³. This all-encompassing reform has not broken through yet¹⁴. The June 2018 European Council conclusions, mentioned earlier, merely state that a "report on progress" on the revision of the Dublin regulation is expected for the October 2018 European Council¹⁵.

4. The Dublin reform – State of play

The 2016 Commission proposal sought to streamline the complex set of rules and sub-rules established by Dublin III. In particular, it removes all provisions related to the transfer of responsibility from one Member State to another. The determination of responsibility of a Member State for the examination of an application becomes a one-time, irrevocable process. Time limits are significantly shortened. In order to make up for the consequences of this radical simplification, a corrective allocation mechanism of temporary and automatic nature is envisioned for the relocation of applicants from Member States experiencing disproportionate pressure (the Commission sets the threshold at 150% of a Member State's reference number, which is established by a reference key). New rights and obligations are also foreseen for applicants, including sanctions in case of non-compliance, whose purpose is to deter secondary movements¹⁶.

Why is an agreement on Dublin so hard to find? There is little disagreement that 'frontline' Member States such as Greece or Italy have been experiencing disproportionate pressure. But Member States diverge regarding how to deal with this issue. In particular, there is no consensus on how to give effect to the principle of solidarity found in Art. 80 TFEU¹⁷. So far, no common understanding or definition of solidarity could be found. A loose coalition of four

¹¹ European Council, 29.06.2018, <https://bit.ly/2uU6CEP>.

¹² European Commission, 04.05.2016, <https://bit.ly/1W7h0mD>; European Commission, 13.07.2016, <https://bit.ly/2a8Arrm>.

¹³ European Parliament, 20.06.2018, <https://bit.ly/2znX3nV>.

¹⁴ No consensus could have been found on the revision of the Dublin revision and the adoption of an Asylum procedures regulation yet. The five other files of the package are ready to be concluded (European Commission, 06.2018, <https://bit.ly/2KmnwmP>).

¹⁵ European Council, 28.06.2018, <https://bit.ly/2KjJ47w>.

¹⁶ European Commission, 04.05.2016, <https://bit.ly/1SYvB0b>.

¹⁷ For an analysis of this provision, refer to European Parliament, 04.2011, <https://bit.ly/2m6iXCN>.

Central European countries, known as the Visegrád group (V4), is fundamentally opposed to any form of relocation of asylum applicants to their territories, in particular a permanent system with mandatory quotas per Member State¹⁸. On the other hand, they declared to be ready to express solidarity through other means, such as material or financial contributions (solutions known as 'flexible' or 'effective' solidarity)¹⁹. At the complete other side of the political spectrum, countries like Italy and Greece are adamant that the first-country-of-entry rule is structurally unfair and must be replaced by an automatic and permanent relocation system without possibility of opt-outs. They are supported by Germany, which processed most of the asylum applications during the 2015-6 spikes.

5. The negotiation environment

This section elaborates on relevant constraints and parameters that must be taken into account for a politically feasible agreement on the revision of the Dublin regulation. To do so, it draws on several negotiation tools, the Commission's initial proposal as well as various actors' positions. As the core disagreement among Member States relates to the solidarity aspects of the reform, the following sections will accordingly focus on these aspects, in particular the fall-back criterion for responsibility assignment (i.e. country-of-first-entry rule).

5.1 Key actors

The revision of the Dublin regulation is governed by the EU's ordinary legislative procedure, which requires the approval of two co-legislating institutions: the **European Parliament** (EP) on the one hand (simple or absolute majority), and the **Council of the EU** (Council) on the other hand (qualified majority). The **European Commission** (Commission) alone can initiate legislative processes. But in the remainder of the process, it mostly plays a supporting role²⁰.

5.2 Political constraints

Two-level game – On paper, the EP and the Council are institutionally conferred the same power. However, by virtue of the two-level nature of the ordinary legislative procedure²¹, the internally weaker actor becomes the externally stronger actor in interinstitutional negotiations. In the context of the Dublin reform, this suggests that negotiations within the Council should be considered in priority²².

¹⁸ *EU Observer*, 07.03.2018, <https://bit.ly/2HpWlQH>.

¹⁹ In that regard, see also Macron's position (*New York Times*, 28.06.2018, <https://nyti.ms/2uhDacf>).

²⁰ Although it has some powers in the decision-making process, it is unlikely the COM would use them when it comes to the revision of the Dublin regulation. In particular, it can withdraw the proposal before the ordinary legislative procedure's first stage (first reading) or subsequently change voting rules for the Council from qualified majority to unanimity. Rationally, it would not make sense for the Commission to use any of these instruments in the context of the Dublin reform. The evolution of the negotiations has rather shown the marginalisation of the Commission vis-à-vis EU governments (*Politico*, 25.06.2018, <https://politi.co/2J9N4SQ>).

²¹ Putnam, R.D. (1988), "Diplomacy and domestic politics: the logic of two-level games", *International organization* 42(3): 427-460.

²² Furthermore, EP's position is the most maximalist position in this legislative process, which also means it is the most revisionist and the farthest from the status quo.

(Rough) consensus – Council decision-making in asylum matters is governed by qualified majority rule. However, the high politicisation of the issue, the Council's political culture of consensus and the very limited success of the temporary relocation scheme exceptionally decided by qualified majority²³ suggest that a successful and effective implementation of Dublin rules requires the reform to be adopted by consensus or at least some 'rough' form of it²⁴.

Actors' red lines – The V4 are opposed to compulsory relocation mechanisms, even if they are temporary, and want to keep the first-country-of-entry rule. They are ready to 'alternative' forms of solidarity, such as financial or material solidarity instead of receiving applicants. The frontline states want a permanent and compulsory relocation mechanism and want to delete the first-country-of-entry rule. They are sceptical of alternative forms of solidarity and want other Member States to take their 'fair share' of applicants. Similarly, Germany does not want to carry the asylum 'burden' alone and seeks a European solution. Germany and most northern Member States want to reduce secondary movements within the Schengen free movement area. Denmark and UK have an opt-out in asylum matters and do not participate in the formal decision-making process. Other Member States have middle range positions, with Member States relatively farther from the frontline states more likely to be reluctant to a European solution (e.g. Finland and the Baltic states). The European Parliament is the most ambitious actor and promotes a permanent and compulsory relocation mechanism with no possibility to express solidarity through financial means. In particular, it is starkly opposed to "putting a price tag on a human life".

BATNAs – The best alternative to a negotiated agreement, or "BATNA", is the status quo, i.e. sticking to Dublin III rules. The V4 have arguably the upper hand in the negotiations as their ideal output is the status quo. On the other hand, Italy and Greece have a weaker position since they are the revisionist actors for whom the status quo is the worst possible outcome.

EU's broader goals – A solution for the Dublin reform is not desirable if it threatens EU's broader goals or risks creating a precedent that could undermine other important dimensions of European integration. For example, some observers of EU politics argue that solutions too heavily relying on forms of "solidarity à la carte" may endanger the application of the principle of solidarity in other policy areas and eventually threaten the bloc's cohesion²⁵.

Values and legality – There is a legal obligation for EU institutions to respect human rights as enshrined in the EU Charter of Fundamental Rights and the European Convention of Human Rights (Art. 6 TEU). All EU legal acts can be subject to the European Court of Justice's judicial review (Art. 263 TFEU).

5.3 Relevant parameters

Drawing on the Commission's initial proposal and the ensuing negotiations, the following parameters are considered for the definition of the negotiation framework.

This list is not necessarily exhaustive but aspires to pinpoint critical parameters to be taken into account in the negotiation process.

²³ European Commission, 14.11.2017, <https://bit.ly/2mEC6yB>.

²⁴ *EU Observer*, 15.12.2017, <https://bit.ly/2k3w8DD>.

²⁵ Végh, Z., 19.12.2016, <https://bit.ly/2zoa5ld>.


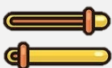
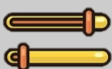



#	Parameters	
#1	 Forms of solidarity Responsibility assignment	<i>Solidarity</i> stage of the process? financial, material or relocation-based? <i>Responsibility</i> choice set depends on chosen forms of solidarity
#2	 Permanent v. Temporary	<i>Temporary</i> trigger? duration? <i>Permanent</i> any conditions?
#3	 Mandatory v. Voluntary	<i>Mandatory</i> exceptions? opt-outs? <i>Voluntary</i> binding? minimum?
#4	 Intergovernmental v. Supranational	<i>Intergovernmental</i> consensus or QMV? mutual recognition of procedures? <i>Supranational</i> Commission? asylum agency? centralised procedures?
#5	 'Asylum system pressure' <i>(reference key)</i>	which methodology? which weights for population and wealth? other criteria, e.g. unemployment rate?
#6	 Time	sunset clauses? transitory regime?

Table 1 – Parameters of interest for the revision of the Dublin negotiation

A first parameter is what type of solidarity mechanisms are envisioned. Is it only relocation, as advocated by frontline Member States, relocation or a significant lump sum, as proposed by the Commission, 'flexible' solidarity with the possibility to provide financial or material support without any obligation of relocation, as proposed by some V4 states²⁶? The type of solidarity mechanisms eventually chosen influences the set of alternatives available for the criteria to assign state responsibility to examine an application for international protection. For example, the Commission proposal to maintain the first-country-of-entry rule whilst removing responsibility shifts to other countries is only practicable because it envisions an automatic relocation system in case of asylum system overload. The number of solidarity mechanisms envisioned can also be discussed: An observation of the latest rounds of negotiation suggests continuous difficulty to agree on a common definition of solidarity²⁷. Can this ambiguity be resolved or should it be embedded into the system?

A second parameter is whether such solidarity mechanisms would be permanent or temporary. If they are permanent, are they permanently triggered or are they some conditions for them to be trigger? If they are temporary, how are they triggered and for how long? Can hybrid systems with both permanent and non-permanent mechanisms be conceived? As mentioned in Section 5.2, Member States' positions can be found on both endpoints of this scale, which makes it a critical parameter.

²⁶ Slovak EU presidency, 11.2016, <https://bit.ly/2ujR0uT>.

²⁷ European Commission, 06.2018, <https://bit.ly/2KmnwmP>.

A third parameter is whether such solidarity mechanisms would be mandatory or voluntary. If they are mandatory, are there alternatives (e.g. financial contribution instead of admissions)? If they are voluntary, how binding are the Member States' pledges? Are there minimal thresholds to be respected? Similarly to the second parameter, Member States' positions can be found on both endpoints of this scale.

A fourth parameter is the desirable level of integration for different stages of the procedure. If some of the envisioned solidarity mechanisms require to be triggered, what EU body would trigger them? Initially, who should examine the applications? Should it be the Member States' asylum authorities, with the principle of mutual recognition of asylum procedure decisions, or should EU-wide centralised procedures be established? Hybrid solutions could also be foreseen. Finally, it must be noted that, while legally possible, differentiated integration solutions seem politically impossible for the Dublin system, considering the issue at stake is solidarity and 'burden-sharing' between Member States. No centripetal effect can be expected from a differentiated integration approach²⁸.

A fifth parameter is the methodology specifications used to produce the reference key. The reference key determines, in percentage points, a fair share of admissions for each Member State, from which the reference numbers derive. In the Commission's proposal, the reference key is based on the criteria of population and wealth, each with an equal weighting of 50%. Following the EP rapporteur's report, other criteria, such as unemployment rate, could be useful to take into account refugees' prospects of integrating on labour markets and constitute a concession towards Southern European countries, including the traditional first-entry countries. The methodology for the reference key has a significant effect on whether a Member State is considered to be under disproportionate 'asylum system pressure' or not.

A sixth and residual parameter that can ease the negotiation process is timely aspects. Beyond creating mechanisms of temporary nature (second parameter), the use of sunset clauses could decrease commitment costs for political actors. In a context of give and take, transitory rules could also facilitate the conclusion of an agreement²⁹. Furthermore, time limits for several asylum procedures are an important aspect of the Dublin regulation and are also open to negotiation, insofar as basic safeguards and fundamental rights are ensured³⁰.

6. Towards a robust negotiation framework

6.1 Five building blocks

In this section, five measures are identified on the basis of the negotiation environment introduced in the last section. Together, these building blocks constitute the negotiation framework in which politically feasible solutions can be found in order to bridge the gap between the minimalist and maximalist positions of the Member States regarding the interpretation of the principle of solidarity.

²⁸ Kölliker, A. (2006), *Flexibility and European unification: the logic of differentiated integration*, Rowman & Littlefield.

²⁹ e.g. temporarily changing computation rules of the reference number in order to take into account the many refugees admitted by some Member States during the 2015-2016 spikes

³⁰ The Commission proposal introduces or revises procedural time limits in the following articles: Art. 6, 8, 14, 19, 24, 25, 26, 27, 28, 36.

The first measure is a distinction between the registration and examination of applications on the one hand, and the admission of individuals who were granted refugee status on the other hand. The current Dublin system assigns responsibility to a given Member State to register and examine applications, with positive applications automatically leading to their admission as refugee in that same Member State. By separating the registration and examination of applications from admission, the EU would (a) delete negative incentives for examining states not to grant refugee status because these refugees would stay in that state³¹ and (b) decrease the burden put on frontline countries. Instead, examination of applications would be conducted by the asylum authorities of a pool of Member States known as 'welcoming states', but without these states *systematically* admitting successful applicants afterwards³². Furthermore, the financial costs of the registration and examination of applications for international protection would be entirely covered by the EU through the Asylum, Migration and Integration Fund.

The second measure is the creation of a reference key determining what Member State's 'fair share' of admissions is. Following the Commission's proposal, this reference key should take into account factors such as population and wealth (GDP) at a minimum. As earlier mentioned, adding factors such as unemployment rate could be a good way of accommodating some Member States. Based on this reference key, a reference number of refugees is computed for each Member State. As in the Commission's proposal, the European Union Asylum Agency (currently European Asylum Support Office) would be responsible for the management of an automated system in which the allocation of refugees for each Member State is recorded. At all times, the number of refugees a Member State has admitted in terms of percentage of its reference number is thus known.

The third measure is the establishment of several thresholds expressed in percentage of the reference number and which qualify different levels of 'burden' or 'pressure'. Unlike the Commission and the EP's proposals, which resort to a single threshold, a multiplicity of thresholds is suggested³³. For example, the solution presented in the next section uses four thresholds set at 50%, 100%, 150% and 200% of reference numbers. These thresholds delimit five phases: the green phase (0%-50%), the yellow phase (50%-100%), the orange phase (100%-150%), the red phase (150%-200%), the black phase (> 200%). All Member States are categorised in one of these phases according to how many refugees they have admitted in the past three years³⁴. For instance, once a Member State has admitted over 50% of the number of refugees indicated by its reference number, it automatically moves from the green to the yellow phase. If this number falls beneath 50%, it moves back to the green phase again. It is important to keep in mind that reference numbers are tailored differently to each Member State according to the reference key³⁵.

³¹ Another advantage of more centralization in the examination of applications would be more consistency in application decisions (instead of the current 'asylum lottery'), which are currently characterized by great variation among Member States and result in more secondary movements (Thomson Reuters, 2018, <https://tmsnrt.rs/2L6WgZK>).

³² In that respect, see the latest discussions at EU level on the idea of 'disembarkation in EU countries' (European Commission, 06.2018, <https://bit.ly/2N1BbS0>) or 'controlled centres' (*EU Observer*, 29.06.2018, <https://bit.ly/2NG66n4>).

³³ This matches more closely recent discussions in the Council (*EU Observer*, 07.03.2018, <https://bit.ly/2HpWlQH>).

³⁴ The choice of the duration can have important effects on the final outcomes. This is therefore a crucial parameter open to negotiation.

³⁵ 5000 refugees admitted in Estonia would not represent the same proportion as 5000 refugees in Italy. In this scenario, Estonia might be placed in the yellow phase while Italy would remain in the green phase.

The fourth measure is the distribution of Member States in two distinct pools according to geographic criteria. The first pool includes welcoming states, *relatively large* Member States *with a high likelihood* of first entry by asylum seekers. The second pool includes supporting states, Member States with a lower likelihood of first entry. Appendix B suggests a distribution of Member States in the two pools. The exact distribution is open to negotiations and can be further adjusted³⁶. The purpose of this distinction is to limit the disproportionate negative effects of the first-country-of-entry rule on a few Member States and to better distribute admission efforts among countries *facing similar asylum situations*. For these countries, relocation mechanisms at the regional level are good risk reduction strategies because they provide the insurance that a sudden spike in asylum system pressure could be co-managed. Such a system constitutes an improvement for frontline states, which do not have a strong BATNA, while ensuring non-frontline states, with stronger BATNAs, not to be put at a vast disadvantage with the new rules. In that respect, it constitutes an improvement from current Dublin rules without going as far as the Commission's proposal.

Finally, a fifth measure is the establishment of various asylum policy instruments, called *solidarity mechanisms*, available to Member States depending on the *phase* they find themselves in and the country *pool* to which they are assigned. Unlike the Commission and the EP's proposals, a multiplicity of solidarity mechanisms is suggested. These instruments are presented in the following paragraphs.

6.2 One application – The Multi-Phase Solidarity Framework

Building on these five measures, one solution based on a certain combination of negotiation parameters is put forward as an example. This solution is coined the Multi-Phased Solidarity Framework (MPSF). Figure 2 summarises the MPSF.

All asylum seekers entering EU territory are sent to asylum centres managed by welcoming states on their territory, where registration, background checks and examination of their applications take place. These centres are fully financed by the EU budget through the Asylum, Migration and Integration Fund (AMIF). Asylum seekers entered in a welcoming state remain in that state for the examination of their application. Asylum seekers entered in a supporting state are sent to an asylum centre of the welcoming state with the smallest percentage on the scale. Transfer costs are covered by the AMIF.

Asylum seekers who are granted a refugee status stay in the welcoming state that processed their application as long as this welcoming state lies in the green or in the yellow phase.

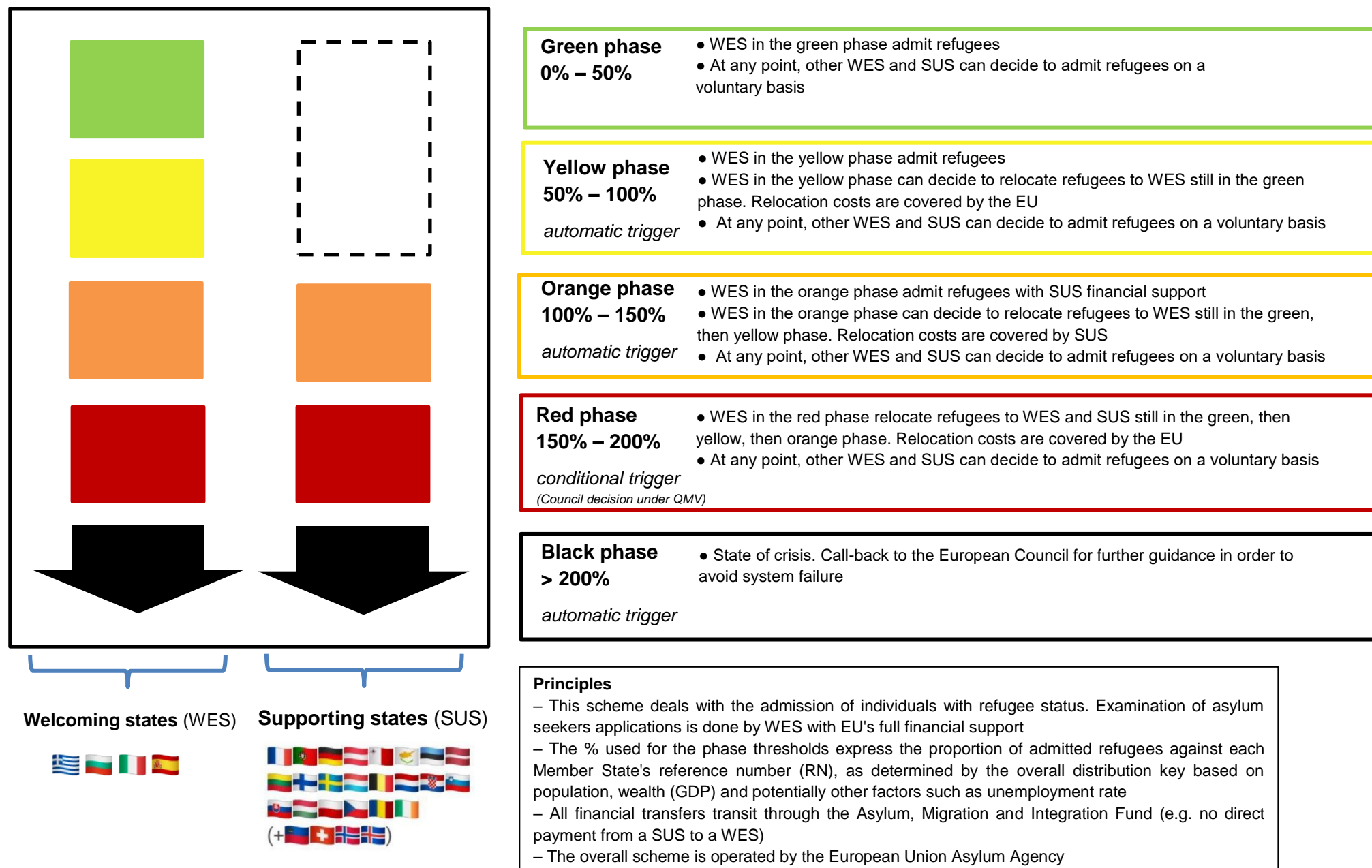
Welcoming states in the yellow phase are entitled to relocate refugees in other welcoming states in the green phase for a fair distribution of asylum efforts across these countries. Transfer costs are covered by the AMIF.

Welcoming states in the orange phase are considered to be under disproportionate pressure. That is why the admission of new refugees comes with financial support from supporting states via the AMIF. Welcoming states in the orange phase are entitled to relocate refugees in other welcoming states in the green, then yellow phase. Transfer costs are covered by the supporting states via the AMIF.

³⁶ From a legal perspective, the categorisation of Member States in the different pools could be the object of an appendix to the regulation, which could be revised and updated through a EU implementing or delegated act.

Figure 2 – Multi-Phase Solidarity Framework

Permanent framework – Temporary phases – Mandatory contributions – Voluntary allocation



Once the number of admissions in a welcoming state exceeds 150% of its reference number, the Council is entitled to adopt a decision by qualified majority to trigger the red phase for that Member State. In the red phase, welcoming states relocate refugees in other Member States in the green, then yellow, then orange phase, regardless of their country pool³⁷. Transfer costs are covered by the AMIF. Welcoming states for which the red phase was not triggered are subject to the orange phase rules.

Finally, any Member State reaching the black phase is considered to be in a situation of crisis. This happens regardless of whether the red phase was triggered or not. As soon as this situation occurs for at least one Member State, the European Council is seized without delay for further political guidance on how to solve the crisis.

Throughout all phases, the Member State of relocation is determined by the automated system managed by the EU Asylum Agency, which keeps track of the number of refugees admitted in each Member State.

Throughout all phases, any welcoming or supporting state can offer, on a voluntary basis, to relocate refugees on its territory from welcoming states.

Such a model has several desirable features in light of the aforementioned political constraints. It is a *permanent* framework but with exceptional phases in which Member States only remain *temporarily*. It foresees *mandatory* contributions but allocation remains *voluntary*³⁸. Overall, It allows to uphold the principle of solidarity among Member States while accommodating several understandings of solidarity. Obviously, the main drawback of such a model is its lack of simplicity. In view of the enduring deadlock in the negotiations, this paper nevertheless argues that complexity alone could potentially lead to a mutually acceptable solution for all actors, because it creates additional negotiation space to accommodate different requirements and because it allows various actors to save face despite previous intangible red lines, if need be.

Finally, a key point of the proposal lies in the importance of mathematics. Depending on the final choices made for (a) the criteria and methodology decided for the calculation of the reference key, (b) the time span covered by the percentages of reference numbers, (c) the thresholds decided for the triggering of each phase or (d) the scope of the financial contributions, the end outcome might substantially vary (e.g. would Italy already be in the red phase today, or in the yellow phase?). All of these are tools at the negotiators' disposal in order to reach a consensual compromise.

7. Conclusion

This paper aims at developing a negotiation framework for politically feasible agreements on the revision of the Dublin regulation, the cornerstone of EU's asylum policy, the negotiations on which are deadlocked since 2016. The added value of this endeavour is of political, practical and humane nature.

³⁷ In practice, this means that most refugees will be relocated to supporting states, which are more likely to be lower in the multi-phase scale than welcoming states.

³⁸ The only exception being a member state being outvoted when adopting a Council decision to trigger the red phase.

Taking stock of the Commission's initial proposal and of Member States' positions in the negotiations, this policy paper suggests five measures on the basis of which new solutions can be developed. Their overall purpose is to nuance the proposal and increase the number of negotiation parameters available to the actors. Instead of a single threshold like in the Commission proposal, the establishment of several thresholds is for example suggested, thus delineating several levels of asylum system pressure.

To exemplify the potential of this framework, a solution named the Multi-Phase Solidarity Framework is presented. It features four thresholds and a two-pool country classification. It keeps the Commission's reference key with at least two criteria but adds new solidarity mechanisms instead of relying on one corrective allocation mechanism which proved to have no support in the Council.

In conclusion, this paper does not claim to devise solutions that can be considered as ideal or that derive from pre-established theoretical principles. The ideas it develops merely aim at identifying a set of solutions acceptable to decision-makers and which constitute an improvement from the status quo for the benefit of the greatest number of actors.

Appendix A – Overview of the CEAS reform packages put forward by the European Commission

Package #	Legislative proposal	Details
May package	1 Proposal for a recast of the Dublin regulation	Rules for the determination of the EU Member state responsible for examining an application for international protection. The revision seeks to establish a relocation mechanism in case of disproportionate migratory pressure, a more efficient system and incentives to discourage secondary movements
	2 Proposal for a recast of the Eurodac regulation	Legal basis for the fingerprinting of applicants for international protection. The revision seeks to extend the scope of the regulation to include irregular migrants in the EU who are not applicants for international protection and to store more personal data
	3 Proposal for a regulation to establish an EU Asylum Agency (replacing the European Asylum Support Office)	Founding act of EASO. The new regulation seeks to replace it by a EU Asylum Agency that builds on EASO and improves its functioning and its capacity to effectively support a sound implementation of the CEAS
July package	4 A proposal for a new regulation to replace the <i>Asylum Procedures Directive</i>	Framework rules for the processes to grant international protection. The revision seeks to establish a single common asylum procedure in the EU to prevent secondary movement and ensure fair treatment
	5 A proposal for a new regulation to replace the <i>Qualification Directive</i>	Criteria for the qualification of third-country nationals as beneficiaries of international protection. The revision seeks to improve the incentive structures through a combination of 'carrots' and 'sticks'
	6 Proposed targeted modifications of the <i>Reception Conditions Directive</i>	Framework rules for reception conditions of beneficiaries of international protection and applicants across the EU. The revision seeks to create harmonised and dignified reception standards throughout the EU, more equal treatment of asylum applicants across the EU and reduction of undue pull factors
Stand-alone	7 Proposal for a Union resettlement framework	New proposal to provide common EU rules on the admission of third-country nationals under a Union-wide resettlement framework.

Appendix B – Country distribution in the two-pool system

Welcoming states	Supporting states	Non-participating states**
Spain Italy Greece Bulgaria	France Germany Portugal Luxembourg Belgium Netherlands Sweden Finland Cyprus Malta Estonia Latvia Lithuania Hungary Poland Slovakia Czech Republic Romania Austria Slovenia Croatia Ireland Norway* Switzerland* Iceland* Liechtenstein*	United Kingdom Denmark

*Four EU non-members participate in EU asylum policy (EFTA states)

** Two EU Member States benefit from a primary-law opt-out in asylum matters

What Drives Support for Border Controls?

Insights from a Representative EU-wide Survey Experiment

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Border controls amongst member states and restrictions to the freedom of movement seemed like a relict from the past during the last two decades of European politics, surely to be dismantled as integration progressed. Yet, the refugee crisis and Brexit have brought the issue to the centre of current debates about European integration. Whilst the number of people migrating from one member state to another grew at a similar pace as in previous years and the number of non-EU citizens entering the EU even declined over the last months, public discourse in many member states seemed more salient and polarised than ever before on this issue. Strikingly, those member states' governments with barely no immigration were amongst the fiercest critics of the current relatively liberal migration policy in the EU. Moreover, research on the British case has shown that Brexiteers regarded disintegration from the EU as a means to “take back control” over borders and labour migration (Goodwin & Milazzo, 2017). At the same time, experimental evidence indicates that certain frames were highly effective in shaping public attitudes during the highly polarised referendum campaign (Goodwin, Hix, & Pickup, 2018). Whereas the United Kingdom is not a member of the Schengen Area¹ and has border controls towards other EU member states (apart from Ireland) in place, most other EU members do not systematically control people entering from other parts of the EU. This leaves us with the question whether a framing contest over migration in other EU member state might tilt the balance towards more or less support for a liberal intra-EU migration regime.

In light of the existing asymmetry between actual migration and public discourse, this paper investigates how various frames affect the evaluation of two of the EU's core migration regimes: the Schengen Area and the Freedom of Movement. This analysis builds on the assumption that the ongoing contestation of the current institutional framework of EU migration can be best understood as a framing contest. Currently

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¹Amongst the current 28 EU members, six of them have not (yet) acquired full membership of the Schengen Area: Bulgaria, Croatia, Cyprus, Ireland, Romania and the United Kingdom.

we have surprisingly little systematic understanding how particular frames affect public attitudes towards highly contested EU institutions. So far, research has mainly focused on the impact of frames on attitudes towards migrants and the specific impact of the asylum crisis in 2015 (Harteveld, Schaper, De Lange, & Van Der Brug, 2018; McLaren, Boomgaarden, & Vliegenthart, 2018). This, however, overlooks the crucial institutional dimension which provides the legal and political framework for intra-EU migration and is subject of this study. Also, a recent systematic literature review of public opinion towards European migration finds that only nine out of 78 studies cover more than two European countries (Eberl et al., 2018, p.213). Therefore this paper responds to the question whether and which particular frames are able to shape public opinion on the Schengen Area and the Freedom of Movement of Workers and to what extent the responsiveness to frames are moderated by Europeans' individual characteristics. The response is based on an analysis of an original survey experiment from December 2017, which provides for population-representative results for the EU as a whole and for each of the six largest EU member states.

Two main findings can be summarised. Both EU member states inside and outside the Schengen Area are internally divided about their border regime towards EU neighbours resulting in a narrow support for the current status. The results from the experimental study about the effectiveness of different negative frames applied to the open border regime are therefore particularly insightful and relevant for policy makers. Europeans are overall responsive to both security- and culture-based frames and their reaction towards these is not primarily determined by moderating factors derived from theory, such as their identification with the nation-state, their income level or educational background. A threat-based framing of integration is therefore likely to tilt the balance of public opinion outside the Schengen Area towards a stronger support of the status-quo, whilst Schengen Insiders become increasingly skeptical when exposed to frames referring to security threats and cultural alienation. The framing contests which took place on the Freedom of Movement appear not as negatively valenced. However, positive frames stressing the efficiency and welfare enhancing effects of liberal labour market regimes are ineffective. By contrast, negative frames stressing the welfare state costs or the increased labour market competition have as in the case of Schengen a highly significant and sizeable impact on public attitudes.

The structure of the paper firstly provides for anecdotal evidence about the actual framing contests about Schengen and Freedom of Movement across various member states. Subsequently, a brief discussion of the socioeconomic dynamics indicates that the political discourse is only partly representative of the facts on the ground. The theoretical debate about the link between public discourse and attitude formation in the European contexts allows to derive and subsequently test hypotheses about the impact of frames on intra-EU migration on attitudinal change.

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Non-compliance in European asylum policy: The strategic role of states and refugees

Summary (prepared for Engelberg Autumn Academy 2018)

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From the wars in the former Yugoslavia in the 1990s to the so-called 2015 ‘refugee crisis’, humanitarian tragedies in Europe’s neighbourhoods have repeatedly sparked political divisions between European states regarding the responsibility of hosting refugees. In an effort to provide humanitarian protection and to improve immigration control, European states communitarised their asylum policies in the Common European Asylum System (CEAS) (Geddes, 2008; Vink, 2013). However, the recent increase in refugee arrivals has highlighted the persistent malfunctioning and shortcomings of European asylum policy (Niemann and Zaun, 2017). The great number of secondary movements of refugees and their ‘waving through’ by states illustrate persistent non-compliance with the rules of the Dublin Regulation, which allocates responsibility for asylum requests primarily to the country of first entry. Despite the dramatic political events during the 2015 ‘refugee crisis’, which resulted in high demands for international coordination and an increased interest in policy reforms from both northern and southern member states, non-coordination and the policy status quo are the main outcomes (Scipioni, 2017).

In this article, we develop a novel theoretical framework that explains why the common European provision of humanitarian protection persistently fails. Building on previous studies, we conceptualise humanitarian protection of refugees as a European public good that requires international coordination in order to overcome collective action problems (Betts, 2009; Suhrke, 1998; Thielemann, 2004; Thielemann and Armstrong, 2013). Refugee protection is the international obligation of states; however, the costs are higher for countries that host more refugees than others. As a result, there are incentives for states to free-ride on the protection efforts of others. We go beyond this literature by incorporating insights from the compliance literature in order to develop a model, in which protection is provided by an interaction between states and

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refugees. We argue that solely analysing public good provision from the narrow perspective of state contributions ignores the strategic choices of refugees and their behaviour toward policy compliance. Our extension of the classic public-good model theorises the private benefits of refugees in addition to the public good. While states are motivated to minimise their burden of refugee admission, refugees are motivated to maximise their life prospects. The analysis substantiates our theoretical model by demonstrating that effective European asylum policy requires mutual contribution to the public good by both its policy target groups. This study contributes to the understanding of the refugee crisis by viewing member states and refugees as strategic actors and analysing their interactions.

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Author: Sean O' Dubhghaill

Title:

Intra-European Migration: The limits of intra-mobility and diasporic expectations from the dual perspectives of the Irish and Rwandan diasporas in Belgium.

Abstract:

The presentation proposed would adopt a qualitative standpoint that approaches the concept-metaphor of intra-European mobility and migration from the perspective of intersubjectivity. The views of constituents from both the Rwandan and Irish diasporas will be compared and contrasted, from the perspective of inter and intra-European migration, in order to compare the experience of the people of a specific Member State and of a Third Country.

This work is ethnographically inspired, based on empirical and in-field interviews, and traces the social contours of these two group's thinking on the topic of the costs/benefits involved in mobility. The advantages and disadvantages involved in intra-European migration tend to be thought of in a manner that is all too economically focussed.

Research among the Irish diaspora took place in Belgium between 2012 and 2014 and comprised 50 unstructured interviews as part of my doctoral training at the Interculturalism, Migration and Minorities Research Centre, KU Leuven Belgium, while research among the Rwandan diaspora took place during 2018, comprised 25 unstructured interviews and was conducted in conjunction with the United Nation's Institution of the Organisation of Migration.

This presentation comprises an attempt to examine the experiences of two diaspora groups in Belgium (the Irish and Rwandan diasporas) with respect to the topic of intra-European mobility. To begin, I attempt to tease out the difficulties in conceptualising unlimited migration (and the philosophical difficulties involved in thinking of limits more generally). I follow this by discussing the imaginary component of migration, community and of identity. This examination leads, finally, to an investigation into the imagined or felt-impediments to development and cooperation of their 'home' country, mobility and to an unfettered migration.

Wittgenstein (1951) claims that to know the limit of something is impossible because it requires thinking both sides of the limit; in other words, in order to know the extent to which we can think of the applicability of any given concept, intra-European migration in this instance, we would have to go beyond the concept itself to see when what is being applied becomes inert or becomes a pointless exercise. The difficulty in an operation of that kind is that we would somehow have to know the limit of something that we do not know has a limit and testing it would only result in the postulation of non-sense.

This is particularly edifying in studies of ritual, as Van Gennep prescribes them, given that liminality derives its etymology from *limen*, which denotes a threshold, within a social structure that is conceived of as being itself limitless. To that end, our initial point of departure involves reorienting ourselves with respect to the notion of an 'unlimited' form of mobility in favour of an examination of the felt (or oftentimes imposed) expectations of diaspora groups.

Defining Diaspora

To that end, it might be fruitful to examine the well-trodden territory of what philosophically comprises a diaspora, such that we might better understand what conditions their relationships with their 'homelands' and how these change in acts of intra-European migration. The sections that follow examine diaspora and attempt to bridge the gap between mobility, community engagement and the faculty of the imagination.

One commonly touted definition of the diaspora is the etymological one, that is from the Greek stems *Dia* (through) and *speirein* (scatter) which combine to form *Diaspeirein* (dispersal). A more concise definition is provided by Cohen and Kennedy:

[Diasporas] are formed by the forcible or voluntary dispersion of peoples to a

number of countries. They constitute a diaspora if they continue to evince a common concern for their 'homeland' (sometimes an imagined homeland) and come to share a common fate with their own people, wherever they happen to be. (Cohen & Kennedy, 2000:32)

What this definition helps us to establish is the constitutive component of belonging as manifested through a common concern. Below we examine how one cannot be considered to be a member of the Rwandan diaspora proper, for instance, if they do not demonstrate any kind of empathy or show any involvement of any sort with their homeland. That involvement need not line up with governmental priorities necessarily, but it is strongly implied as examined below. Ireland's relationship with its diaspora is more predicated on heritage and consumerism and less on skills transfers and remittances.

One important facet of the above definition, and in many other definitions besides, is the imagined component of belonging that allows a person to feel as though they are at home, to seek out connections that close the gap between home and host countries. If we adhere to Anderson's (1983) maxim that communities are imagined entities, diasporic communities are, in a sense, doubly-imagined, given that they are not at home, but a sense of commonality still remains. Communities which are imagined depend largely upon subjects who can, by definition, never be present or fully represented, and we must understand that imagination functions in a manner that can create a 'we-feeling' around remote or proximal fellow-subjects:

It is *imagined* because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion. (Anderson, 1983:6. Emphasis in Original)

Both communities, both home and host, share this imagined quality due to the fact that their composition can never come together in one space and time to form some consensus on a given topic. What this allows us to understand, then, is the heterogeneity of diaspora groups, ones which can even lead to the generation of new identities entirely.

In terms of the possibility of generating new identities, I would like to borrow from the work of Stuart Hall in which he writes:

The diaspora experience as I intend it here is defined, not by essence or purity, but by the recognition of a necessary heterogeneity and diversity; by a conception of 'identity' which lives with and through, not despite, difference;

by hybridity. Diaspora identities are those which are constantly producing and reproducing themselves anew, through transformation and difference. (Hall, 1990: 235, emphasis in original)

Mobility allows for the generation of new identities and leads to the 'unlimited' feeling of intra-European migration. Possibilities abound for diasporic communities, but certain impediments or over-riding expectations remain. The following section examines the Irish diaspora in Belgium, their composition and the challenges they migration-related challenges they face.

The Irish Diaspora in Belgium

According to recent Statbel¹ estimates (as of 1/1/2012) the entire Irish expatriate community in Belgium comprises 3,336 individuals, the majority of which occupy the 18-64 years old age bracket. Other estimates go as high as 10,000 for the turn of the century (Harvey, 1999). A higher figure still is often circulated among the Eurocrats working in the Irish Permanent representation to the European Union and the figure 15,000 is believed to be an accurate estimate which extrapolates upon Harvey's figure.² Immediately we might be stricken by the discrepancy, but these figures pale in comparison to the comparatively preposterous figure put out by the Irish government in 2013, namely of there being 300,000 people of Irish heritage in Belgium.

¹ Statbel stands for: Statistics Belgium.

² This was the explanation I was given when looking for figures in an earlier stage of research and I was invited to submit a more accurate number of Irish Emigrants if I ever came across it.

The Global Irish Community



Figure 1 The Global Irish Community

The release of this figure coincided with an appeal to the Irish diaspora worldwide to visit Ireland in 2013 as part of a year-long series of informally arranged events held throughout Ireland. The event, called 'The Gathering', attracted between €170-€220 million and attracted between 250,000 and 275,000 visitors. This event perfectly captured the value that the diaspora represents, not in terms of skills or remittances (as is the case with their Rwandan counterparts), but by way of diaspora and heritage tourism and parenthetical consumption.

The attention paid to the diaspora has been a relatively recent phenomenon and they took their place in article two of the Irish Constitution, which had to be rewritten in light of the “Good Friday agreement” anyway; the original iteration reads simply: “The national territory consists of the whole island of Ireland, its islands and the territorial seas”. The primacy of the territory in the composition of the citizen is concisely stated and is such that the diaspora can no longer identify closely with a citizenry, the limits of belonging of which do not extend overseas. This was changed in 1998 to acknowledge the special relationship that Ireland has with its overseas diaspora and currently reads:

It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish Nation. That is also the entitlement

of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage. (Articles 2 and 3 of the Irish Constitution, 2002)

The concept of diaspora, as it applies to the manner in which the Irish government has instrumentalised the diaspora and how their special affinity, which might be framed as a 'we-consciousness', stems from inter-ethnic acknowledgment. This inter-ethnic acknowledgment often entails a certain amount of risk though, as the vignette that follows indicates.

I was fortunate enough on one occasion to bear witness to this process as it unfolded; in February, 2014, I was sitting outside of a pub, at which an Irish person worked but which is not generally thought to be Irish, and after I had finished speaking over the phone to a friend in English a stranger tried to spark up a conversation. He had a strong Australian lilt in his accent and began telling me about his girlfriend for whom he was waiting. He then moved on to the topic of my accent and wanted to know, specifically, where I hailed from in Ireland and I obliged. He then told me, proudly, that he was also from Dublin having been born in the Coombe Hospital. As he relayed this story, though, the Irish employee came over, removed some glasses, and proceeded to disagree. He looked at me: "He's not Irish. He's not. Just listen to him." I was caught slightly off guard and my conversation partner had suddenly become sullen and dejected. I remained silent for a moment; "We're always joking like that", he eventually responded in a hushed voice.

Given the ambiguity of the phrase 'special affinity' shared between those born in Ireland and those born abroad, individuals can select the degree to which they will entertain claims of belonging or not. Alternatively, the members of the diaspora can be forgotten entirely, as happens in a poem by Irish poet Eavan Boland.

Like oil lamps we put them out the back,
of our houses, of our minds. We had lights
better than, newer than and then
a time came, this time and now
we need them. (Boland, 2012)



Figure 2 The Gathering advertisements at Dublin Airport in 2013. Author's photo.

One difference between the Irish and Rwandan diaspora here can be discovered in the fact that one diaspora is expected to maintain a relationship concerned with development, while the other is not. The expectation that travelling abroad also guarantees, in some sense, the acquisition of a new skill set or necessitates some change in status is not the case for many in the Irish diaspora as they become involved in intra-European mobility. The reason for this is examined in the following paragraph.

For the Irish diaspora, intra-European mobility is the condition of possibility of Europeanness at all. The reason being that mobility is the lynchpin to the process of Europeanisation which is one that proscribes a sameness and a difference to the fledgling European community, something recognised within the EU's motto 'Unity within Diversity' (MacDonald, 1993)

...[C]itizenship rights in the Union are primarily activated through practices of free movement, rendering the mobility of citizens central to the effective institution of European Citizenship. European citizenship, it would seem, is marked by a deep-rooted tension between nationality and free movement. (Aradau et al. 2010: 946)

However, the activation of citizenship rights is no guarantee of a kind of experiential change or life-altering event, as testified by an Irish informant:

I have often heard from among my informants a disavowal of this tacit agreement phrased in the following way:

I mean you see I feel like I am an exile here. My college requires that I go abroad for three months only to go back. I don't really know why either. I think they think that they're giving me something that I am not getting here... I won't be returning a different man. (M., 31, Student).

This is indicative of the fact that the Irish in Belgium can be characterised, in many respects, as a cocoon community. Taking FC Irlande (a Belgium-based Irish football team as their example), Nagy, Maclean and O' Sullivan write:

[T]he club features an "imagined" community since what brings it together is an imagined Irishness. But the practices around this Irishness are very real, and here we do not only refer to football; the carcass of a "traditional" Irish community has been adapted to the reality of today's Brussels and has taken the shape of a Cocoon Community. For many of the club's members, Brussels

in general and FC Irlande remain the places that most closely resemble the possibility of a community. (Nagy, Maclean & O' Sullivan, 2013)

This is due in part to the population of Ireland's reliance upon English as their primary language of contact, a topic to which the following section is dedicated.

Europeanness and language competence

Not many people in Ireland speak the Irish language; around 77,000 people in Ireland use it daily (CSO, 2011:40) in a context outside of the classroom, in which it is a mandatory language of study until the student graduates high-school. The revulsion of the Irish language (or of a particularly bad teacher in school) is an oft-cited reason for speaking English exclusively and English's global domination is cited as a reason as not needing to learn another language. As many informants told me, or variations hereof, 'I can make myself understood in English anywhere I go.' While half of all students in the EU study two or more languages, among Irish students that figure is closer to 8%.

The lack of knowledge of French or Dutch is a huge impediment certainly and leads to self-sustaining cocoon communities in which the main venue or meeting point of Irish diaspora communities are Irish pubs, of which there are many in Belgium. This feature, coupled with something of a lax attitude or expectation of emigrés and diaspora members, is a concern for the Irish diaspora in Belgium and shapes the contours of their experience of intra-European mobility and migration profoundly.

The Rwandan diaspora in Belgium

With almost 12 million people, Rwanda is the most densely populated country in Africa. While its history is chequered with events that lead to massive bloodshed, its economy's meteoric rise and the ambitious goals that it has set for itself make it a country apart in East Africa.

Rwanda scores the highest of any African country in the Country Policy and Institutional Assessment score.³ Rwanda is singled out in this work for their low debt-to-GDP rate (World Bank, 2016:17), recent success in making the top 100 countries in the 2017 'Doing Business exercise for Trading Across Borders' index (ibid:20) and, finally, in the index that gauges how effectively public expenditure and revenue collection is addressed to the amelioration of poverty and to other economic priorities identified in strategic governmental reports.

The definition of the diaspora, one slightly different from the one examined above, can be found in the Republic of Rwanda's Ministry of Foreign Affairs and Cooperation's 'Rwandan Diaspora Policy'; this document also provides a distinction between temporary and permanent diaspora members.

For purposes of this policy paper, the following working definition of “diaspora” will be used: individuals originating from one country, living outside that country, irrespective of their citizenship or nationality, who, individually or collectively, are or could be willing to contribute to the development of their country. Descendants of these individuals are also included in this definition... In the Rwandan context, Rwandan Diaspora refers in general to all Rwandans who left their country voluntarily or were forced to live in other countries of the world and are willing to contribute to the development of Rwanda. (2009:6)

The expectations placed on the diaspora, or rather their willingness to assist, is a relatively new feature of the Rwandan government's planning. In their Vision 2020 document (MINECOFIN, 2000)⁴ the diaspora are traced through different historical epochs. It has been reproduced below, but what I wish to underscore is the rather modest role that the diaspora was expected to play in the post-genocide period; theirs will involve a participatory approach that is coupled with a general consultancy position.

The role of the state	Pre-colonial era	Colonial Era	From independence up to 1994	Post-genocide period
Diaspora	-limited	-exacerbation of waves of emigrants running away from the colonial yoke	-negative role of the State in the forced emigration, -destabilization of the Diaspora	-double citizenship, -efforts towards good relations and contact, -easy entry and

³ The CPIA consists of 16 criteria grouped in four equally weighted clusters: Economic Management, Structural Policies, Policies for Social Inclusion and Equity, and Public Sector Management and Institutions

⁴ The document can be found here: <https://www.sida.se/globalassets/global/countries-and-regions/africa/rwanda/d402331a.pdf>

		and ruthless rule, -close monitoring of indigenous administration.	in host countries	exit, -participatory approach and generalized consultation.
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A little less than a decade later, the necessity of the diaspora to assist in the development of Rwanda is clear and was codified as the Third developmental pillar of their Diaspora policy document. The expectations to and from are presented below:

Figure 3 Contributions to, and the benefits thereof, to the Rwandan diaspora

<i>Contributions to the Rwandan Diaspora</i>	<i>The possible benefits of these contributions</i>
Desire to foster exchange and to collaborate;	Discover and come into contact with members of the Rwandan Diaspora who have acquired a rare skill base;
Examine methods by which the transferring of money is more easily achievable;	Encourage those with skills that are in high-demand to consider putting their knowledge in the service of the development of their homeland;
Design incentives programmes that appeal to the Diaspora's business interests specifically;	Study excursions to witness Diasporic communities at work to observe best practices at work;
Work closely with organisations whose specific focal areas include migration;	Rwandan Diasporic business community becomes mobilised through thematic events that target them specifically;
Encourage the Rwandan Diaspora to branch out into different professional forums.	Engage Diaspora viewpoints among companies in which Rwanda is a partner with a view to enhance international opportunities for Rwandans to become Diaspora members.

Contributions from the diaspora have also been lauded in policy documents as helping to avoid national crises. This is outlined in the EDPRS (Economic Development and Poverty Reduction Strategy) in which the contributions of the diaspora are pointed to specifically as

having given rise to a boom in the construction sector, even during an economic down-period.

The industrial sector grew at an average rate of 9.8% per year during EDPRS 1, driven by a rapid expansion of construction, which grew at 15.0% annually. The industrial sector produced 15.4% of national output between 2008 and 2012. Investment flows for construction from the Diaspora have been an important contributor. The rapid growth was achieved despite the sector, in particular construction, being hit hard by the global downturn in 2009. Industrial growth contributed 20% of total growth during EDPRS 1. (MINECOFIN, 2013:5)

There are diasporic splits though, whether in terms of disagreements related to the genocide or with Paul Kagamé's leadership. This topic of differing Diasporic communities came up frequently in fieldwork and is a topic that Simon Turner examines in his work entitled *Staging the Rwandan Diaspora: The Politics of Performance* (2013). The thrust of the article concerns the distinction between the post-1959 and post-1994 diasporas, Rwanda's successful self-marketing initiatives and how this is capitalised upon in how both the diaspora and the state are 'staged' in the global arena. Of particular interest to the author is a notion he encountered during interviews conducted in Kigali between 2009 and 2011 in which he came to discover the attitudinal distinctions that were present among different Rwandan Diapsoras:

Staging the diaspora as progressive and as contributing to national unity becomes part of a larger nation-building project that is about 'staging or 'performing' Rwanda as a show-case of national unity. The audience here is not only the diaspora, but also Rwandans inside Rwanda as well as the international community. In the meanwhile, the diaspora is categorised by the state into three categories: a positive diaspora that supports the state, a sceptical diaspora whose members may be converted and finally a hostile diaspora beyond reach. (Turner 2013:266)

Positive diaspora members, sceptical ones and those who are actively hostile to contributing to their homelands well-being are thought to comprise the diaspora experience and efforts have been made within this diaspora mapping project to include a cross-section from all three. What has complicated this matter somewhat is that these kinds of terminologies are not included in official governmental texts, for rather apparent reasons.

Exact statistics too are somewhat difficult to come by as the data provided by the Belgian government does not disaggregate information between the DRC Congo, Burundi and Rwanda. The most robust statistic I have received to date is 19,711, which includes 1st and 2nd generation Belgo-Rwandan citizens (given that the government of Rwandan permits dual citizenship). The diaspora is spread out more or less equally between Wallonia (in the

Francophone south of Belgium), Brussels Capital and in Flanders (the Dutch-speaking region north of Belgium).

At this juncture it might serve interesting to contrast the Irish and Rwandan diaspora in terms of their linguistic competences. Many members of the Rwandan diaspora speak English, French and Dutch. Fewer will speak Kinyrwanda, but this depends. What is clear though, is that there are few linguistic barriers for access and leads to far fewer cocoon communities and integration seems a more widely available feature of their daily life.

Members of the diaspora express concerns about their government's acute interest in their remittance payments, in their skillsets and education level. In interviews I have been told of the felt-necessity to send remittances through informal channels (even incurring extra fees to do so) or in cash, in order to avoid the scrutiny of the government. Others actively avoid the Embassy and its associated social diaspora associations, electing to apply for the passports online rather than setting foot in the Embassy. These groups are what Turner, above, would refer to as sceptical diaspora groups certainly.

Given that we turned our attention to the generation of new identities above, I wish now to point out one prominent feature of the Rwandan diaspora in Belgium in contrast to their Rwandan-based counterparts, namely, their entrepreneurial know-how. The engagement of young people in enterprise is cited as a concern to the Rwandan government:

The attitude of young people is also a driver of their productivity. Many Rwandan youth lack a culture of Entrepreneurship while some youth perceive a certain kind of jobs as jobs for second zone citizens. This further translates into a negative attitude towards learning skills related to those perceived blue-collar jobs. (Ibid, 2013)

This experience could not be further from the experience of the Rwandan diaspora in Belgium. Each interviewee (of 12 since March 2018) has drawn my attention to their startup, website, hub or other service activity. Most work more than one job, in some instances two, while also maintaining an online presence or attempting to grow their brand in other ways. I have attended a broad swathe of events in Brussels and Flanders arranged by, and oftentimes with a view to attracting financing from, the Rwandan diasporas throughout Europe.

In sum, in spite of the weight of expectation placed upon them by their home government, the Rwandan diaspora seem to cleverly find workarounds and thrive. This is enabled by networking possibilities that simply do not exist in Rwanda, the linguistic skillset

they possess and the freedom to steer clear of official diaspora associations, even at the risk of being labelled as a hostile member of the diaspora.

Overview

This paper has aimed to examine the experience of intra-European migration from the perspective of two diaspora groups. I opened by attempting to unpack the impossibility of understanding unlimited migration, turning instead to differing constraints, imaginings or expectations from their home governments.

The Irish diaspora in Belgium, as I have shown, remain relatively unconstrained by the Irish government, who permit a kind of unregulated inter-ethnic identification process (which can incur dejection). Moreover, the limited language skills of Irish diaspora members, by and large and including their national language, is a clear impediment to viewing oneself as 'properly' having migrated, instead occupying a kind of temporary stasis. Cocoon communities foster and facilitate feelings of sameness and comfort, but limit one's migratory possibilities.

The Rwandan diaspora in Belgium are slightly more incumbered by the yoke of expectation by their government, to such an extent that the groups become trifurcated, according to their willingness to contribute to Rwanda's development. Having a broad language base seems to allow for workarounds and for a greater exercise of individual volition. Politics looms large though and championing the diaspora's contribution to date has the adverse effect of placing an inordinate amount of pressure on the diaspora, sometimes bringing into existence a felt necessity to find alternative solutions and pathways.

**You, her, us and them: The linguistic construction of the Muslim woman by representatives of
David Cameron-led British governments**

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May 2018

(originally written September 2016)

The construction of the Muslim woman in Western cultural discourse has always been distorted by disempowering stereotypes; a fantasy figure whose allure lies in a supposedly submissive nature, the causal culture of which Western society has a duty to free her from. Sariya Contractor notes that historically, the Muslim woman has represented “the backwardness of Islamic society” (1) to Western society, with the view that “emancipation was essential.” A critical discourse analysis of examples of various political genres, all of which were given or authored by representatives of governments led by David Cameron in the years 2010 to 2016, indicates that twenty-first century British politicians offer little change to this traditional image. Focusing mainly on a newspaper article by the former Prime Minister, as well as his subsequent radio interview and speeches by former Home Secretary Theresa May and Director General of the Casey Review Team, Dame Louise Casey, the politolinguistic analysis of these texts follows the method of Martin Reisigl and Ruth Wodak, who use heuristic devices such as the identification of nomination and predication to analyse “political realities”. These devices are deemed to be particularly suitable for “national(ist), racist, anti-Semitic, sexist and populist rhetoric” (Reisigl 99). However, this study does not claim that any of the texts referred to are national(ist), racist, anti-Semitic, sexist or populist, but rather aims to highlight that the “normalization of racism in political discourse” (Wodak 293) of recent years justifies this type of critical analysis of any contemporary political discourse. This politolinguistic method is also described by Wodak as “relevant for theoretical and methodological approaches to inclusion/exclusion from a discourse-historical perspective” (Wodak 301), which given the issues of inclusion and exclusion inherent to this topic make it particularly relevant.

Martin A. Schain highlights the fact that despite a history of implementing public policies designed to support multiculturalism, Britain, and I infer, therefore also its politicians, has in recent years felt the need to highlight its individuality as a nation and “assert the limits of multiculturalism” (213). Yet public concern about the potentially detrimental effects of overly-high migration was present long before this shift in political perspective. As noted by the Migration Observatory at the University of Oxford:

Rising concern about 'New Commonwealth' immigration prompted the British Election Study (BES) to begin asking the public about immigration as far back as 1964, although in those early years it did not ask the question to 'coloured' respondents. Throughout this period, the overwhelming majority of people in Britain have agreed that there are too many immigrants in the UK. (“UK Public Opinion Toward Immigration”)

Rafaela M. Dancygier and Michael J. Donnelly highlight the fact that periods of economic instability put governments under pressure to impose restrictions on immigration (20). The UK economy was

still recovering from a recession when the onus to reduce the number of migrants entering the country was intensified by the European migrant crisis in 2015. It is worth noting that most migrants coming to Europe are from Syria, Afghanistan and Iraq (“Migrant Crisis”), where the major religion is Islam. Muslims or people from Muslim backgrounds are therefore often those who are subject to what Wodak refers to as ‘new racism’, a more subtle form of racism than the overtly appearance-based discrimination of the past which is nonetheless pervasive in both political and media discourse:

There is widespread agreement that racism in Europe is on the increase and that its main feature is hostility to immigrants, refugees and asylum-seekers, who are often the new “Others”. In this respect the new European racism is characterized by a focus of hostility that is not exclusively defined by the traditional terms of colour and race that were typical of “biological” racism in the industrial and colonial period. (Wodak 292)

I will examine the evidence of new racism in the following linguistic analysis, as part of an argument that representatives of the two British governments led by David Cameron constructed an image of the Muslim woman as disempowered and vulnerable by linguistically excluding and passivising her within their discourse.

Reisigl and Wodak’s selection of van Leeuwen’s analytical categories are those which best describe “some of the more subtle forms of discriminatorily, as well as positive-representatively, constructing, or hiding social actors” (Reisigl & Wodak 46), and a number of these can be used effectively to show the exclusion of Muslim women through nomination within British political discourse. The category through which social actors were most commonly nominated in these political texts is assimilation, i.e. “reference to social actors as groups, realised by plurality” (Reisigl & Wodak 53). Assimilation is further broken down to collectivisation, i.e. “reference to social actors as group entities, but without quantifying them, for example by means of deictics like ‘we’ or of collectives like ‘family’, ‘group’, ‘team’” and aggregation, which “designates quantification of groups of participants, means linguistic treatment of persons as numbers and statistics by means of definite or indefinite quantifiers” (53). The identification of assimilation, in particular the analysis of collectivisation, allows the identification of what Wodak calls the “discursive construction of US and THEM” (Wodak 294), a problematic form of nomination which she correctly identifies as, “the foundation of prejudiced and racist perceptions and discourses” (295). The danger of creating a discursive ‘us’ and ‘them’ is that it may begin, as Wodak identifies, “with the labelling of social actors, proceeds to the generalization of negative attributions and then elaborates arguments to justify the exclusion of many and inclusion of some” (295). While the texts examined in this paper do not all necessarily complete this process, they add to the exclusionary discourse in which the Muslim women is clearly constructed as one of ‘them’ rather than ‘us’.

Cameron's use of collectivisation isolates Muslim women by only addressing them indirectly, and his co-workers show no signs of a more personal approach. In January 2016 Cameron published an opinion piece entitled "We Won't Let Women Be Second-Class Citizens" in *The Times* newspaper, followed by an interview on BBC Radio 4's 'Today' programme, outlining the view that community-enforced gender inequality was an issue for many Muslim women. He proposed that all migrants, although focusing in particular on Muslim women, should have to prove their ability to speak the English language, and face having to leave the UK if their language skills did not improve to meet the required standard. In both of Cameron's texts, the Muslim woman, as the example which he most often refers to of a migrant who needs English lessons, is indirectly nominated in a generic second person plural which Cameron uses to refer to all potential non English-speaking migrants, e.g. "if you don't improve your fluency, that could affect your ability to stay in the UK" (*Today*). In response to a question about the hypothetical situation of a Muslim woman, he replied that "You can't guarantee you'll be able to stay if you're not improving your language". This use of 'you' is not directed at the non-English speaking Muslim women in question, unlike the question directed at *The Times* newspaper reader at the beginning of his article, "Where do you think" but rather used to speak about migrants and detail their apparent need for English language skills, thus excluding the subjects from the discourse instead of inviting them to participate in it. Casey, in contrast to Cameron, uses the second person most often to refer to the audience attending her speech at the Local Government Association conference 2016, stating that "You are the civic leaders that can help deliver what the country now needs." She makes it clear that the "civic leaders" included in this nomination most likely do not include Muslim women by asking "And can you imagine what it must have felt like being a Muslim woman wearing a head scarf walking into the town centre suffering abuse and harassment?" when making reference to Islamophobic incidents in the wake of the Rotherham child abuse scandal. In asking if they could even imagine the situation of being a Muslim woman who is subject to Islamophobic abuse in public, Casey indicates that her audience is unlikely to include Muslim women. Although both Cameron and Casey recognise Muslim women as a social group through collectivisation, neither go so far as to include them in the discourse by addressing them directly.

The use of the first person plural, described by Gerlinde Mautner as the "construction of a 'we' group built on the commonality of interest and solidarity that exists between author and reader" (43), is a powerful and often-used force in political rhetoric, a form of collectivisation employed by politicians to create a sense of social solidarity, i.e. the idea of an 'us' which will always require a 'them' as its counterpart. This tactic is therefore not only, as David Machin and Andrea Mayr point out, in order to ensure that those listening to a political speech or reading a politician's press release or editorial are persuaded to support or oppose certain ideas but also so that those producing a text can "evoke their own ideas as being our ideas and create a collective 'other' that is in opposition to these shared ideas" (84). It is therefore of no surprise that the powerful pronouns 'we', 'us' and 'ourselves',

along with the related determiners 'our' and 'ours', appear far more often in the Conservative political rhetoric examined than the first person singular 'I' or second person singular or plural 'you'. Machin and Mayr acknowledge Norman Fairclough's assertion that the concept of 'we' is not well-defined, and can therefore be abused by those producing a text, e.g. politicians, who may utilise it to "make vague statements and conceal power relations. 'We' can mean 'the political party', whereas in the next sentence it can mean 'the people of Britain', and further down an unspecified group of nations" (84). Such deliberate ambiguity is employed throughout Cameron's article, in which he begins with a broad concept of 'we' that appears to refer to wider British society, referring to "our country", "our society" and "our values", but then later switches to a 'we' with the British government as its referent, stating that "we will review the role of religious councils" and "We'll also fund a dramatic improvement in the way we provide English language services for women". Cameron's fluid switching of referents avoids directly attributing responsibility to one of these two groups of social actors, as the promises of the article title "We Won't Let Women Be Second-Class Citizens" and reminders of civic duty cannot be definitively attributed as being either a commitment by the British government or instruction to its public. While it may be utilised to create a sense of inclusion, the first person plural is just as effective in excluding those who are not incorporated into the 'we'.

Muslim women in particular are even more pointedly excluded from Cameron's idea of 'we'. The use of the word 'our' in his recounting of a group of Muslim women telling him about "so many women who are flourishing in our country" could be viewed as inclusive, but the women being spoken about are another step removed from the Prime Minister and unlikely to be included in the pronoun. This indication of an exclusion of Muslim women from the British societal 'we', even if Cameron makes two references to the "British Muslim woman" or "British Muslim women", is confirmed when he clearly separates the vulnerable Muslim woman from the 'we' group which is obliged to help her. "But these problems are being consistently brought to our attention by Muslim women, and we have a duty to them to speak out — and to act". Muslim women are thus identified as 'them' in the problematic construction of 'us and them'. However, there is more than one 'them' in this text. The other social actors who Cameron nominates using the second person plural is a general grouping of all women and girls in Britain, "In this country, women and girls are free to choose how they live, how they dress and who they love" and migrants who come to Britain, "Yes, we have responsibilities to migrants, but they have responsibilities too." It is notable that Muslim women will always fall into one, and often both, of these additional 'them' groups. Cameron's depiction of Muslim women may vary from being inspiring and forthcoming to powerless and silent, but their exclusion from the British societal 'we' remains constant.

Cameron's colleagues also vary the collectivised group of the second person plural, creating an 'us' and 'them' division of British society in which 'us' may refer to the government, "our new strategy" (May), or the very broad spectrum of those who respect British values, "the values that unite us" (May). 'They' are defined by May as immigrants coming to Britain and people living in other

countries. “We choose to live here, immigrants come to live here, and many millions of people around the world dream of building a life here”. It is also made clear that not even British citizenship guarantees acceptance into May’s ‘us’ group, as “a small but significant number of people living in Britain – almost all of whom are British citizens – reject our values.” Muslim women receive far less direct or presumed nomination than in Cameron’s text, but a more general Muslim ‘them’, although not overtly nominated, is expected to adapt to the British ‘us’ as May maintains that “Islam is entirely compatible with British values and our way of life”. Casey also shares the conflation of the ‘we’ of British society with a governmental referent, using it to collectivise either local government representatives or British society. Like Cameron and May, she outlines responsibilities without specifying which group of social actors is responsible, e.g. when she asks “How do we promote our common values of liberalism, fairness, democracy, tolerance, equality and kindness for all?”. One unique aspect of her collectivisation is in her extending of ‘us’ to a third group which is included under ‘them’ by Cameron; women. “We’re living in a country where despite the fact women are the ‘majority’ population numerically we remain a ‘minority cause’ that needs special help.” Casey’s gender allows her to make a reference to women as a first person plural group where Cameron cannot, but the Muslim woman, who exists within the group of social actors that is women, is excluded by Casey from being a potential member of the ‘you’, and therefore also the ‘we’ of local government representatives. Despite the flexibility of the collectivised ‘us’, Muslim women remain firmly assigned to the ‘them’ group.

When not expressed through collectivisation, assimilation is also often present in political rhetoric in the equally influential form of aggregation, a tactic which Cameron employs to dramatise the quantity of non-English speaking Muslim women in the UK. Reisigl and Wodak define assimilation as the “linguistic treatment of persons as numbers and statistics by means of definite or indefinite quantifiers” (53), while Machin and Mayr point out the purpose of this numerical nomination as examined by Teun A. Van Dijk, noting that these types of statistics are often implemented “to give the impression of objective research and scientific credibility, when in fact we are not given specific figures” (84). In Cameron’s case, aggregation is present in both his *Times* article and radio interview, and it deals both times with Muslim women, who are presented in the depersonalised statistical terms of their apparent English language knowledge. Cameron maintains that English language learning “is at the heart of solving this” (*The Times*). It could be assumed that “this” refers to the range of issues he has outlined in his article, but he then follows up this statement with statistics that refer only to British Muslim women, not to Muslim men or migrants more generally. He writes that:

190,000 British Muslim women — or 22 per cent — speak little or no English despite many having lived here for decades. 40,000 of these women speak no English at all. So it's no surprise that 60 per cent of women of a Pakistani or Bangladeshi heritage are economically inactive.

The use of such statistics lends a sense of credibility to the construction of the Muslim woman as someone who suffers “forced gender segregation, discrimination and social isolation from mainstream British life” (*The Times*), while the “brilliant Muslim women role models” mentioned at the start of the article fade out of focus.

May and Casey employ aggregation to emphasise a sense of unity, and even trepidation, among British citizens. May first uses it to indicate that most British people hold British values, “These values – such as regard for the rule of law, participation in and acceptance of democracy, equality, free speech and respect for minorities – are supported by the overwhelming majority of British people”. While there is no indication of whether the “overwhelming majority” is closer to one hundred or fifty-one per cent, it is implied through their absence that it is the migrant minority who threaten these values. Yet these values are also listed as an alluring factor for the would-be migrant population of the UK, which is dramatised with impossible figures, as May also claims that “many millions of people around the world dream of building a life here precisely because we have a free society, diverse communities and pluralistic values.” Although without referring to a single specific figure or statistic, May uses aggregation to create an image of multitudes of potential migrants with values presumably not compatible in British society, who given the chance would move to Britain. Casey also makes use of aggregation, firstly to position herself as a feminist by stating that women “remain a ‘minority cause’” despite constituting the majority of the population. She neither elaborates on this apparent fact nor nominates anyone as responsible for it, but uses the power of the majority/minority dichotomy to make a vague yet dramatic statement. Her further uses of aggregation are based on the same dichotomy, stating that the “hate mongers who want to drive us apart, whether that is the extreme Far Right or extremist Islamism” are a minority against “we all of us”. Both Casey and May’s use of aggregation are powerful additions to the idea of a united British society versus an innumerable, foreign Other.

Having identified the nomination of social actors, the subsequent step in Reisigl and Wodak’s method is to analyse their predication, which is realised through strategies including “stereotypical, evaluative attributions of negative and positive traits in the linguistic form of implicit or explicit predicates” (45) and is a useful tool for examining self- and other-presentation, as well as the presence of new racism, in political discourse. Reisigl and Wodak highlight how predication has the potential to allow speakers involved in race, nation or ethnicity-related discourse to clearly give a positive or negative connotation to the social actors they refer to, usually resulting in “positive or negative self-presentation and negative or positive other-presentation” (58), the most predictable of which in a political context would be positive self-presentation and negative other presentation. They list the common predications which serve this purpose as being:

singularity / uniqueness / distinctiveness or individuality, or identity or similarity, of collectivity, of difference, of autonomy / independence / autarchy, of dependency / heteronomy, of continuity, of discontinuity, of (social) inclusion, of integration, of union or unity, of (social) cohesion, of (social) exclusion, of fragmentarisation, of multiplicity and dissolution. (58)

These features are strikingly reminiscent of the political rhetoric in the texts examined in this paper, in which all three authors highlight the uniqueness of British society and the uniting element of its apparently shared values, as well as underline the importance of unity and social inclusion versus the dangers of fragmentation and social exclusion. This rhetoric is undoubtedly intertwined with that of new racism, the main justifications for which are “social characteristics (e.g. protecting jobs, concern about welfare benefits) or cultural incompatibilities (immigrants lack “cultural competence”, they are not “tolerant”)”. This ostensibly patriotic narrative is enhanced by the exploitation of “xenophobic frames (fear of the “other””, ethnocentrism, masculinities, and “ordinary” prejudice in subtle ways and often, too, in ways that are subconscious or routinized” (Wodak 293). The subtlety of new racist discourse means that its presence can easily be overlooked, but an analysis of predication soon uncovers the elements hidden in recent political discourse.

One of the ways of in which the idea of British unity is promoted in these texts is through the emphasis on the importance of Muslim women or migrants being able to speak the English language, and the dangers related to them not being able to do so. This is also an element which is complicit with new racism, as it justifies a negative portrayal of migrants by highlighting “cultural incompatibilities” (293), in this case using predication to indicate a lack of English language and communication skills. Not only is Cameron’s ideal of “One Nation” (*The Times*) threatened when the country is not united by one language, but he and May further conform to Wodak’s definition of new racism by exploiting the “xenophobic frame” (Wodak 293) that is the fear of the other in drawing an association between Islamic extremism and a lack of English language skills. May lists government initiatives designed to make more migrants learn the English language in the same paragraph which she opens by stating the Government’s need to “build up the capacity of civil society to identify, confront and defeat extremism wherever we find it”, thus creating a clear correlation between a lack of English skills among immigrants and the existence of extremism, while Cameron tells the story of a boy whose Pakistani mother’s lack of English skills are a central factor in his turning to extremism. The story is presented as a poignant tale of one immigrant family’s struggle in British society, yet it essentially lays the blame for extremism among second generation young Muslim men in Britain on their mothers, presumably also Muslim, who have failed to develop a cultural competence to pass on to their sons. The press release which followed the article warns that: “issues like gender segregation and discrimination and the isolation of some women in society could help lead to a slide towards radicalisation and extremism”. Muslim women are presented as helpless and submissive, being subjected to gender segregation, discrimination and isolation by men, and yet dangerous, as they are

simultaneously identified as being both the cause of young Muslim men being radicalised and turning to extremism, as well as being the victims of these men's actions. Neither party is viewed as capable or willing to break this cycle, and so it is up to British society, from which those implicated in the cycle of extremism are excluded, to intervene. The question of language skills is thus subtly used to indicate that the submissive, socially marginalised Muslim woman, as a potential parent of extremist Muslim men, may be a threat to the idea of British unity.

One of the other "cultural incompatibilities" (Wodak 293) which regularly features in these texts is the presumed lack of an imagined set of British values among non-British citizens. This point can be assumed from the regular instances of Cameron, May and Casey not only praising British citizens for cherishing British values, with Cameron stating in his interview that "We should be very proud of our values" and May recommending their "proud promotion", therefore creating the implicit meaning that non-British citizens hold other, or no such values, but also providing definitive lists of the qualities which constitute these values, e.g. Casey's list of "liberalism, fairness, democracy, tolerance, equality and kindness for all". Since British values are presented as being inherent to British citizens, it can be assumed that these definitions are for the benefit of non-British citizens who need to learn, or at least accept, these values if they are to become 'culturally compatible' in British society. The assumption that a generic set of values exists for any society is extremely reductive, and I maintain that the same argument can be made for the idea of British values as is made by Machin and Mayr (154) for the idea of essentialised British culture, i.e. that it is a concept which can hardly ever be realised in real life, but is often used, especially by right-wing media outlets, to create an imagined 'us' (British citizens) and 'them' (immigrants), resulting in a clear sense of inclusion and exclusion for the groups involved. The powerful concept of endangered British values is not limited to the extreme right-wing however, and is also a staple of centre-right Conservative discourse.

Muslim women, already excluded from the presupposed ideal, moral British society, are further isolated by their predication as being both disempowered and vulnerable. Although Cameron begins with attributes describing Muslim women as "role models" and "flourishing", he soon switches to less empowered depictions. There is an emphasis on the fact that it is "young", i.e. more vulnerable women who are "only allowed to leave their house in the company of a male relative". Apart from the initial "role models" reference, the only times he uses the full phrase "Muslim women" or "Muslim woman" is after listing the struggles that British Muslim women are said to encounter, i.e. segregation, discrimination and social isolation, where he also states how these problems are "consistently brought to our attention by Muslim women", and in the statistics detailing how many Muslim women in Britain speak English. The Muslim woman is presented as a dependent, vulnerable foreigner, unable to deal with the problems she faces and both requesting and in need of the assistance of British society and its superior set of values. Cameron places particular focus on the trials these women face, using dramatic adjectives such as "disgraceful" and "threatening" to indicate that they fear being attacked in the street, as well as confirming that they should be afraid because such actions

are “widespread”. In describing these actions as “completely disempowering for women”, Cameron himself further disempowers the women he describes. In his BBC interview he presents Muslim women as passive figures whose lives are determined by men, who “in their own home aren’t encouraged to learn English, aren’t encouraged to go out”. The individual Muslim woman’s agency is not considered in *The Times* article, instead there is further predication of women as vulnerable social actors who are passively subjected to the actions of Muslim men, “who [...] exert such damaging control over their wives, sisters and daughters” and “stop their partners from integrating”. May adds to Cameron’s image of the defenceless Muslim woman by referring to these women only to say that Sharia law is used to discriminate against them, and that Islamic extremism leads to discrimination and women’s rights being “eroded”. Casey mentions women “from some minority backgrounds who have been held back by a lack of opportunity, a lack of English language skills and yes, in some cases, persistent patriarchal or misogynistic attitudes”, and in the intertextual context of her speech, which was made almost six months after Cameron described the lives of Muslim women in similar terms in his article, this can be interpreted as referring to Muslim women. She also describes Muslim women in Rotherham as passive victims, “walking into the town centre suffering abuse and harassment”, and emphasises her personal reaction to their situation with a heart metaphor, thus enhancing their difficulties by using a figure of speech associated with sympathy, “My heart went and still does go out to those women.” All three of these political representatives add to the age-old Western image of the Muslim woman as disempowered and vulnerable, with British society as her moral emancipator.

In all of these texts, the representatives of Cameron’s governments speak about the Muslim woman without ever speaking to her. Despite the concerns these politicians express about such apparently vulnerable individuals being trapped in a patriarchal society, their own depictions of and discussions about Muslim women are in themselves disempowering, and only serve to exclude her further from the supposedly morally superior British society.

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Can family reunification improve migrants' outcomes on the labour market? A study of post-2004 Polish migrants in Norway, Sweden, and the UK¹

Oleksandr Ryndyk²

Abstract

This paper investigates the relationship between family reunification and labour market integration among Polish migrants who have settled in other EU/EEA member states after the EU enlargement in 2004. The analyses presented in this paper draw on data from a large online survey conducted in 2017 among Polish migrants in Norway, Sweden, and the UK. Migrants whose spouse/partner was reported to reside in the same country as them seem more likely to have experienced fewer incidents of unemployment and tend to be in a permanent employment more often compared to migrants whose partner resided in another country.

Keywords

Family reunification, labour market integration, European Economic Area, Polish migrants

Extended summary

1. Background

The successive EU enlargements in 2004, 2007 and 2013 resulted in a community of 28 member states with differences in the levels of economic development even larger than before. Notable disparities in jobs availability, wages and costs of living across the member states, combined with the EU freedom of movement, are believed to have contributed to an increased labour migration within the EU/EEA. With over 2.5 million Polish nationals residing elsewhere in the EU/EEA in 2017 (Eurostat 2017), Poland represented the second largest country of origin of the intra-European migrants in the EU/EEA. Between 2004 and 2017, the Polish-born population in the three countries of study increased manifold: from 75 thousand to 908 thousand in the UK (ONS 2017), from 7 thousand to 97 thousand in Norway (SSB 2018), and from 42 thousand to 89 thousand in Sweden (SCB 2017). Coming from different parts of Poland and distributed across all of Norway, Sweden, and the UK's regions, Polish migrants represent a highly heterogeneous population, show different levels of educational attainment and work in a variety of different professions. Increasingly more and more Polish migrants have been settling in these countries together with their families, either by

¹ This paper originates from a research project entitled "Doing Family across Borders: A Comparative Study of Work, Family and Welfare Strategies among Polish Migrants in Norway, Sweden, and the UK" led by the Centre for Intercultural Communication (SIK) in Stavanger, Norway, and funded by the Norwegian Research Council.

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emigrating together or through family reunification (White 2017). Focusing on Polish migrants living in three different immigration European contexts, this paper aims at answering the question of whether family reunification entails a better labour market integration of the post-2004 European migrants.

2. Concepts

Article 2.2 of the EU Directive 2004/38/EC recognizes the following ‘family members’ of Union citizens: (a) the spouse, (b) the partner with whom the Union citizen has contracted a registered partnership, (c) the direct descendants who are under the age of 21 or are dependants of the spouse or partner as defined in point (b), and (d) the dependant direct relatives in the ascending line of the spouse or partner as defined in point (b). For operationalization purposes of and due to the data availability in this study, **family reunification** is understood in this paper as the reunification with one’s spouse or partner in the country of immigration. Due to space limitations, only two indicators of **labour market integration** are presented in this paper: the incidence of unemployment and the type of contract migrants held. The incidence of unemployment serves as an indication of the experienced vulnerability on the jobs market and the fragmentation of migrants’ career path since their immigration, whereas the type of contract (permanent, temporary, or no contract) is used as a proxy for the security of migrants’ current employment.

3. Data

In April-May 2017, a comprehensive web survey³ was conducted among Polish migrants living in Norway, Sweden, and the UK. The study, which received ethical approval by the Norwegian Centre for Research Data, used mixed methods for participant recruitment, among which a sponsored Facebook advertisement and recruitment via advertisement in boarding cards with a low-cost airline. The survey itself comprised 12 sections with different types of questions, starting with participants’ sociodemographic data and personal migration history, labour market and family situation, and ending with lifestyle and plans for the future. The survey collected 5,639 full and partial responses during the combined period of 50 days in April-May 2017. The final sample used for the analysis in this paper consisted of 1,280 Polish-born respondents (266 females and 1014 males), aged 20 years and above with up to 13 years of residence in Norway, Sweden, and the UK as of April-May 2017 and who at the time of the survey said they were either married to or in a civil co-habitation with another person from Poland.

4. Results

³ Detailed description and discussion of the methods for participant recruitment to this survey can be found in Ryndyk (2018, in review).

In this paper, the relationship between the place of residence of respondents' partner and respondents' social-economic characteristics was modelled as a logistic regression. The dependent binary variable denoted the place of partner's residence (PartnRes) and had two outcomes: 1 = partner living in the same country as the respondent, 0 = partner living in another country. Independent variables in this model were respondent's age (Age), gender (Gender), length of residence (ResLeng), incidents of unemployment (UnempTim), and type of contract (Contract).

Overall, three logit models (see Annexes 1-3) run in this study confirmed that, besides age, gender, and the length of residence, also the type of contract migrants held and the number of times they had experienced unemployment in the immigration country were significant predictors of the place of residence of the respondents' spouse/partner. Thus, migrants who had been unemployed three or more times since the immigration were less likely than those with up to two incidents of unemployment to have their partner living with them in the immigration country. This relationship holds true for both men and women and across different lengths of residence in the immigration country. Controlled for other variables, migrants with a temporary job contract or no contract at all were less likely than migrants with a permanent contract to have their spouse/partner living in the immigration country. However, as the model 3 has shown, when both the incidence of unemployment and the type of contract are included in the logit model, the effect of the contract type becomes insignificant. It may be argued that migrants' frequent transitions into unemployment can hinder them from securing a permanent job; thus, a certain correlation is likely to exist between the incidence of unemployment and the type of contract one holds. Since the predictive power of Model 3 (McFadden's pseudo $R^2 = 0.50$) does not seem to greatly outperform that of the Model 2 (McFadden's pseudo $R^2 = 0.49$), Model 2 is preferred as more parsimonious.

5. Conclusions and policy implications

In this study on family reunification among Polish migrants in Norway, Sweden, and the UK, the degree to which migrants are integrated in the labour market, operationalized in this paper by the incidence of unemployment and the type of contract migrants held, seem to be significantly associated with the place where migrants' spouse or partner lives. Thus, it appears that migrants whose spouse/partner resides in the same country are less likely to have experienced frequent incidents of unemployment than migrants whose partner lives in another country. Similarly, they are also more likely than non-reunited migrants to be in a permanent employment. As expected, both older age and being male are associated with a lower probability of the migrant to be reunited with his/her spouse or partner. On the contrary, longer residence in the immigration country is more likely to result in the family reunification. One clear shortcoming of the modelling done in this paper is that the family reunification status of this study's respondents is treated exclusively as a function of the

characteristics of the migrants themselves, and not those of their partners/spouses. This is due to the availability of collected data, as the survey did not aim at collecting information about the age, education level, profession of the spouses/partners, which could have otherwise been included in the analysis.

Migrants' decision to bring one's family to the country of immigration is likely to increase their costs of living, which, in the short run, can strain the material resources available to them. Before taking such a decision, migrants may wish to first secure oneself a safe employment and a stable income, which is confirmed by modelling done in this paper. Obviously, losing work and becoming unemployed may postpone eventual decision about family reunification. Previously conducted qualitative research among Polish migrant men in Norway (see Ryndyk, 2016) suggests that a possible strategy migrants may employ to cover higher costs associated with the family reunification is to work temporally overtime in order to meet the new economic demands. Over time, adding another source of household income when the spouse/partner eventually starts working is likely to relieve this pressure. It may therefore be reasonable to speculate that the relationship between the family reunification and migrants' labour integration works in both directions. In the short run, migrants who for one or another reason are less likely to retain employment and, thus, more often become unemployed, are also less likely to bring their family. In the long run, however, family reunification may have a positive effect on the incidence of unemployment as it creates stimuli for migrants to remain employed in order to meet the reunited family's needs. Immigration policy makers should take this finding into consideration when designing policies which may affect migrants' opportunities to reunite with their families in the host country.

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Annexes

Annex 1

```
Call:
glm(formula = PartnRes ~ Age + Gender + ResLeng + UnempTim, family = binomial(link = "logit"),
    data = FAMAC_df)

Deviance Residuals:
    Min       1Q   Median       3Q      Max
-2.3721  -0.9906   0.5808   0.8165   2.7427

Coefficients:
                Estimate Std. Error z value Pr(>|z|)
(Intercept)         0.3432    0.4483   0.766 0.443947
Age[30,40]        -0.4630    0.3227  -1.435 0.151383
Age[40,50]        -1.2399    0.3314  -3.741 0.000183 ***
Age[50,60]        -2.0227    0.3681  -5.494 3.92e-08 ***
Age[60,70]        -2.1050    0.5210  -4.040 5.34e-05 ***
Gendermale        -0.9655    0.2253  -4.284 1.83e-05 ***
ResLengfrom 1 to 5 years  1.5497    0.3765   4.116 3.85e-05 ***
ResLengfrom 5 to 9 years  2.2845    0.3936   5.805 6.46e-09 ***
ResLengfrom 9 to 13 years 3.3739    0.3954   8.532 < 2e-16 ***
UnempTim3 or more times -1.0928    0.2642  -4.137 3.52e-05 ***
---
Signif. codes:  0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1

(Dispersion parameter for binomial family taken to be 1)

    Null deviance: 1166.61  on 933  degrees of freedom
Residual deviance:  979.39  on 924  degrees of freedom
(346 observations deleted due to missingness)
AIC: 999.39

Number of Fisher Scoring iterations: 4
```

Model 1. Logistic regression model with partner's residence (PartnRes) as dependent variable and respondents' age (factor Age with five levels), gender (male/female), length of residence (factor ResLeng with four levels), and times of unemployment (factor UnempTim with two levels) as independent variables. The model's McFadden pseudo R² = 0.37.

Annex 2

```
Call:
glm(formula = PartnRes ~ Age + Gender + ResLeng + Contract, family = binomial(link = "logit"),
    data = FAMAC_df)

Deviance Residuals:
    Min       1Q   Median       3Q      Max
-2.4557  -0.9996   0.5373   0.7276   2.4774

Coefficients:
              Estimate Std. Error z value Pr(>|z|)
(Intercept)    0.8437    0.5081   1.660 0.096831 .
Age[30,40)   -0.6623    0.3667  -1.806 0.070916 .
Age[40,50)   -1.4074    0.3715  -3.789 0.000151 ***
Age[50,60)   -1.9281    0.4209  -4.581 4.62e-06 ***
Age[60,70]   -2.4950    0.6013  -4.150 3.33e-05 ***
Gendermale   -0.9050    0.2489  -3.636 0.000277 ***
ResLengfrom 1 to 5 years  1.2551    0.4175   3.006 0.002643 **
ResLengfrom 5 to 9 years  1.9239    0.4381   4.392 1.12e-05 ***
ResLengfrom 9 to 13 years 2.7835    0.4369   6.370 1.88e-10 ***
Contract2    -0.6152    0.2930  -2.100 0.035718 *
Contract3    -1.0318    0.4977  -2.073 0.038155 *
---
Signif. codes:  0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1

(Dispersion parameter for binomial family taken to be 1)

    Null deviance: 925.62  on 746  degrees of freedom
Residual deviance: 801.26  on 736  degrees of freedom
(533 observations deleted due to missingness)
AIC: 823.26

Number of Fisher Scoring iterations: 4
```

Model 2. Logistic regression model with partner's residence (PartnRes) as dependent variable and respondents' age (factor Age with five levels), gender (male/female), length of residence (factor ResLeng with four levels), and type of contract (factor Contract with three levels: Contract1 – permanent, Contract2 – temporary, Contract 3 – no contract) as independent variables. The model's McFadden pseudo R² = 0.49.

Annex 3

```
Call:
glm(formula = PartnRes ~ Age + Gender + ResLeng + UnempTim +
    Contract, family = binomial(link = "logit"), data = FAMAC_df)

Deviance Residuals:
    Min       1Q   Median       3Q      Max
-2.4091  -0.9208   0.5579   0.7729   2.8272

Coefficients:
              Estimate Std. Error z value Pr(>|z|)
(Intercept)    0.6810    0.5122   1.330 0.183657
Age[30,40)   -0.6587    0.3726  -1.768 0.077079 .
Age[40,50)   -1.4573    0.3787  -3.848 0.000119 ***
Age[50,60)   -1.9110    0.4276  -4.469 7.86e-06 ***
Age[60,70]   -2.5850    0.6077  -4.254 2.10e-05 ***
Gendermale   -0.8471    0.2503  -3.384 0.000715 ***
ResLengfrom 1 to 5 years  1.4227    0.4247   3.350 0.000808 ***
ResLengfrom 5 to 9 years  2.1180    0.4475   4.733 2.21e-06 ***
ResLengfrom 9 to 13 years 3.0116    0.4469   6.738 1.60e-11 ***
UnempTim3 or more times -1.1449    0.3355  -3.413 0.000643 ***
Contract2    -0.3191    0.3126  -1.021 0.307344
Contract3    -0.7561    0.4996  -1.514 0.130138
---
Signif. codes:  0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1

(Dispersion parameter for binomial family taken to be 1)

    Null deviance: 921.05  on 742  degrees of freedom
Residual deviance: 783.49  on 731  degrees of freedom
(537 observations deleted due to missingness)
AIC: 807.49

Number of Fisher Scoring iterations: 4
```

Model 3. Logistic regression model with partner's residence (PartnRes) as dependent variable and respondents' age (factor Age with five levels), gender (male/female), length of residence (factor ResLeng with four levels), times of unemployment (factor UnempTim with two levels), and type of contract (factor Contract with three levels: Contract1 – permanent, Contract2 – temporary, Contract 3 – no contract) as independent variables. The model's McFadden pseudo R² = 0.50.

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„European Union in the era of diseased borders. Has the European Union failed in supporting 'transit' countries?“

Abstract

The wave of immigrants from the Middle East and Africa left thousands of people within Europe's borders, causing a variety of consequences for intra-European migration.

In this paper, the author analyzes the causes and consequences of the unwillingness of the European Union (EU) to provide a unique response to the migrant crisis. The aim of this paper is to examine the cracks in the "common voice" of the EU on the occasion of this crisis and their impact on the behavior of the 'transit' countries.

Based on the content analysis, comparative-historical analysis and using available statistical data, author researches the impact of the migrant crisis on different responses of the „transit“ countries caused by weakness of the EU to respond to this crisis with common solutions. On the theoretical level, the author deals with the implications of this crisis on the emergence of „democracy of the wall“, the crisis of common values of the EU and almost only the „financial model“ of the response to the crisis.

Based on historical analysis, the author argues the EU's failure in a way that its members (Hungary, Croatia and the Czech Republic) respond to the migration crisis by raising the walls and refusing to accept a part of the refugees within the quotas proposed by the EU. These are the same countries that experienced massive emigration during the 20th century (eg migrations caused by the crisis in relations between Hungary and the Soviet Union in 1956).

Furthermore, the author uses the available data on the EU's extensive financial support and concludes that such a policy has attempted to replace the vacuum in non-unification within the EU itself. The EU has set up an 'only' financial model as a response to the migration crisis, and only in 2015 resources have risen to 9.5 billion euros for this purpose. In that year, 'transit' countries outside the EU, Serbia, and Macedonia received 17 million euros from EU, but this amount allocated for Serbia increase to 50 million by 2017. On the other hand, little has been done to encourage sustainable legal solutions in these countries, which would protect human rights of migrants. In this paper, the author also analyzes public policies and available reports in Serbia and concludes that out of the currently 4100 migrants, only 427 have sought asylum in Serbia. Due to the lack of legal solutions and insufficient pressure for their improvement from the EU, thousands of migrants live in Serbia in the status of illegal immigrants and without any legal rights.

In addition, the author argues the consequences of the crisis for common European values, such as solidarity, its impact on the free movement of people and ideas, the rise of xenophobia and the failure to respect the human rights of migrants.

Based on analysis of public policy discourse and on the basis of relevant policy analysis, the author proposes certain solutions for the EU response in order to provide clear, sustainable and high-quality assistance to 'transit' countries.

Key words: *European Union, the Balkans, intra-European migrations, immigrants, refugee crisis, transit countries.*

Introduction

The wave of immigrants from the Middle East and Africa left thousands of people within Europe's borders, causing a variety of consequences for intra-European migration.

Europe is faced with the greatest migration crisis since World War II. Thousands of migrants are forced to wait in transit countries while trying to reach the target. That target is very clear, to reach the economically and democratically developed countries of the European Union (EU), mainly Western European countries. Although Europe could learn a lot from its past, on the basis of which it built the entire human rights protection system, an ambivalent attitude towards the refugee crisis seems to be increasingly in force today, without the common response of all member states.

In this paper, we will have several foci. In a geographical sense, we will focus on the EU and transit countries, predominantly the Balkan states. The second focus is political, where we will analyze the causes and consequences of EU policies during the refugee crisis, and in addition, how and with what goals were the transit countries affected during the crisis. We will also analyze the attitude of the EU and the transit Balkan states in the light of this crisis.

The key objective is to examine whether the EU with a faster, more concrete and more uniform response to the refugee crisis could have influenced the causes of problems for intra-European migration since the vast majority of migrants see themselves as future workers within the EU?

The second goal, which complements the previous analysis, is to observe the processes of intra-European migrations and the refugee crisis in parallel and to try to analyze the impact of the refugee crisis on intra-European migrations as the cause of possible problems within Europe in the further perspective of the development of these events.

Finally, combining methods of content analysis, comparative historical analysis, and analysis of public policies, we will try to give an answer on how the refugee crisis shapes today's Europe and what are the possible consequences for intra-European migrations.

Did Europe learn anything from the past?

In this part of the paper, we will outline certain historical facts about migration processes and how it influenced the formation of Europe. Our goal is to show that European countries have a long experience in this field and that from these experiences, they could draw energy to create modern, comprehensive and joint solutions to the nowadays refugee crisis.

A large number of factors have influenced the movement of people in and out of Europe over the past several decades. The commonly known fact is that under the pressure of poor living conditions, poverty, unemployment, and wars many Europeans have built their future in the United States. „Traditionally, migrations in and out of Europe have shaped the Continent. Merchants, artists, and intellectuals moved between European countries to practice their trade. British, Dutch, Germans and Swedes also immigrated to the United States, while Spaniards and Italians sought South America.“¹ In the middle of the 20th century, Europe was crying for new workforce, and at that time it had inherited a policy of open doors for migrants. In addition, the catastrophic consequences of the World War II, which have influenced such movements of the population, should be taken as an important factor. This has also affected the then intra-European migrations. A large number of ethnic Germans were displaced by the division of Germany after the World War II. Also, due to poverty and unemployment, a large number of people from Southern Europe emigrated to Northern Europe or to the United States.²

On the other hand, residents of some of the countries of Central and Eastern Europe (CEE), who today do not support the EU's quota policy, have been migrants in the last century. Let's just mention that, not so long ago, a large number of Hungarians emigrated, during a deep crisis in relations with the Union of Socialist Soviet Republics (USSR). In this period over 20,000 ethnic Hungarians have passed through Yugoslavia.³ According to Simeunovic, this is a kind of "historical anomaly"⁴, where countries, whose inhabitants were once refugees, have a one-sided policy towards today's refugee crisis, enforcing the "democracy of the wall" before strengthening the EU's common response to the crisis.

In order to create an unbiased picture, we must also mention that the countries of CEE were faced with the influx of large numbers of migrants after the fall of the Berlin Wall and the disintegration of the USSR. Namely, immigrants from the countries of the former Eastern bloc saw the opportunity for a better life in the fast developing countries of CEE. Additionally, it was easier for them to decide to go to those countries because of the closer culture, language, and way of life. „This is why in the early 1990s, tens of thousands of Bulgarians, Romanians, Ukrainians and other CEE nationals opted for migration to other

¹ „The refugee crisis: What Europe Can Learn from the Past?“, Stratfor Worldview, available on: <https://worldview.stratfor.com/article/refugee-crisis-what-europe-can-learn-past>, accessed on May 15, 6 pm;

² *Ibid*;

³ Simeunović, Dragan, *Migracije kao uzrok političkih anomalija u Evropi*, Fakultet političkih nauka, Univerzitet u Beogradu, 2015, *original scientific paper* UDK: 314.15.045(4-672EU) 325.252(4) 323.1::28(4-672EU), p. 3;

⁴ *Ibid*, p. 3;

former communist countries, notably to the Czech Republic, Hungary and Poland, instead of following in the footsteps of their fellow countrymen who (in much smaller numbers than expected) headed for the West.”⁵

When we talk about the Balkan countries and more geographically speaking about those countries that EU officials call the Western Balkans or Southeast Europe, almost all of these countries have experienced migration processes in a more difficult way, whether emigration, immigration or refugee reception. For this historical part of the paper, we will show the figures for Serbia and Montenegro, because they are the most obvious example of the impact of these social phenomena on one country. After the outbreak of the civil war in the former Yugoslavia, refugees from Slovenia and Croatia are coming to Montenegro. Already after the start of the war in Bosnia and Herzegovina, the number of refugees has increased multiple times. Until 1993, there were 68,500 refugees in Montenegro, which at that time accounted for 10.5% of the total population in Montenegro.⁶ Also, the fact that in Serbia and Montenegro, which today are transit countries for migrants, there were 626,000 migrants by 2000, of which three quarters were refugees⁷, shows the experience in the acceptance of migrants on the one hand, while on the other hand it speaks about the lack of the EU's institutional support for these countries to overcome them.

When we talk about intra-European migrations, the residents of the Balkan countries have been traveling extensively to the countries of Western Europe in the last 30 years. The key factor of the 1990s emigration was war in the former Yugoslavia, where the first country of admission was Germany, where the number of migrants from the Balkans reached 394,000 in 1993. In the last 15 years, migration flows towards Southern Europe are conditioned primarily by family mergers and migration of labor.⁸

As a conclusion of this section, we must emphasize that the issue of migration is a par excellence political issue. It was political when, half a century ago, Europe embraced workers that it missed, secretly wishing for them to return home one day. They stayed and brought their families into the countries of admission. It is a political decision about the enlargement of the EU that influences the opening of the borders for the movement of people within the EU members states. Today, it is further a matter of political agreement to seek an answer to the chaotic events of the migrant crisis and to offer sustainable solutions to countries on the external borders of Europe, which are not ready to cope with the constant wave of migrants.

⁵ Okolski, Marek, *Introduction*, in Okolski, Marek (ed.), *European Immigrations. Trends, Structures and Policy Implications*, Amsterdam University Press, 2012, p. 7;

⁶ Remiković, Snežana, *Demografske karakteristike izbjeglica u Crnoj Gori prema rezultatima Popisa stanovništva, domaćinstava i stanova iz 2003*. u Penev, Goran (ur.), *Migracije, krize i ratni sukobi na Balkanu s kraja 20. vijeka*, Društvo demografa Srbije, DemoBalk, 2011, p. 121;

⁷ Bonifazi, Corrado, *Međunarodne migracije na Balkanu od kraja Hladnog rata: Opšti pregled*, u Penev, Goran (ur.), *Migracije, krize i ratni sukobi na Balkanu s kraja 20. vijeka*, Društvo demografa Srbije, DemoBalk, 2011, p. 9;

⁸ *Ibid*, p. 10;

Why migrant crisis and intra-European migrations should be viewed as causal processes?

As Castels pointed out, the vast majority of people remain in the countries in which they were born, while „migration is the exception, not the rule“⁹. We add that migrations within countries are more frequent than international migration. Although over the past two decades, the level of international migrants has been stable and always around 3% of the world's population, changes are already being perceived. It is projected that by 2030 the number of international migrants will be over 300 million, which means that the expected number of 214 million will be exceeded¹⁰.

Figures are a sufficient indicator that leads us to the analysis of this issue. Almost 75% of international migrants want to go to the developed countries of Europe, where the leading EU countries are the primary choice. This, in the last decade, has led to the fact that "new migrants" account for 70% of the labor force increase in Europe. Although open borders and the possibility of internal mobility are always on the priority list for the new EU member states, the share of intra-European migrations in migration flows is at the level of 2.5% of the total EU population (data for EU 27), while the share of international migrants is at the level of 4.1%.¹¹

One of the key issues that bring us closer to completing our analysis is the one that asks what is the current situation in Europe? By answering this question, we can analyze more easily the EU's responses to the refugee crisis. First of all, what can migrants expect in so much desired EU countries? According to available data, not a very good picture. Namely, the unemployment rate in most of the EU countries is greatest among migrants who have come outside of Europe. „For example, a recent report by Germany's Interior Ministry shows that the unemployment rate among workers with an immigrant background is almost twice as high as that among the non-immigrant population“.¹²

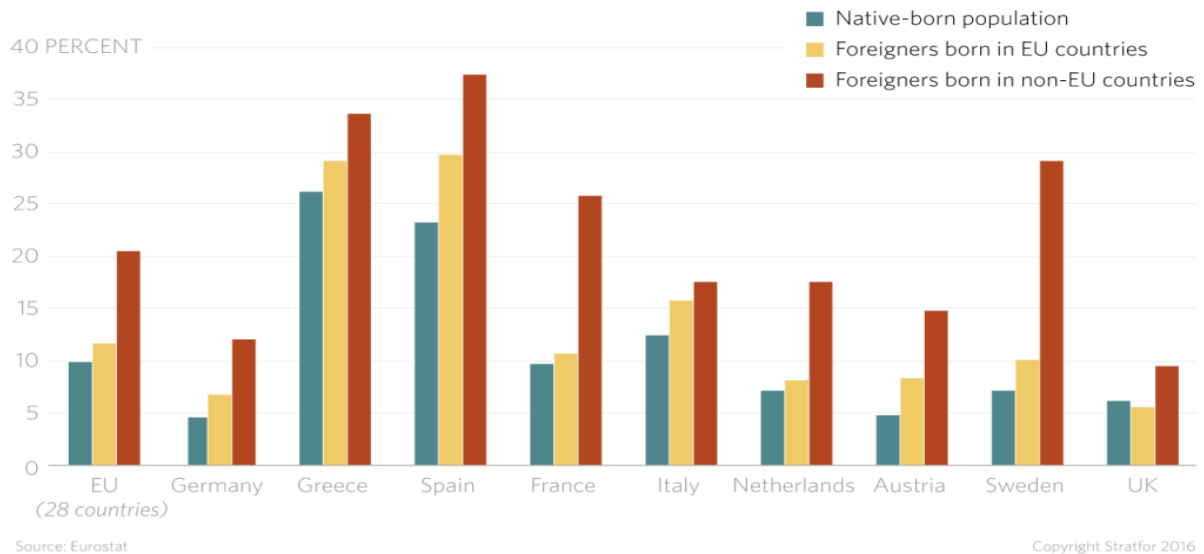
⁹ Kobzar, Svitlana et. al, *Evolving patterns and impacts of migration Global societal trends to 2030: Thematic report 4*, RAND Corporation, 2015, p. 13;

¹⁰ *Ibid*, p. 13;

¹¹ *Ibid*, p. 15;

¹² „The refugee crisis: What Europe Can Learn from the Past?“, Stratfor Worldview, *op.cit.*;

EU Unemployment Rate by Place of Birth



Graphic 1: *EU Unemployment Rate by Place of Birth*, source: <https://worldview.stratfor.com/article/refugee-crisis-what-europe-can-learn-past>

We believe that it is realistic to expect that due to this situation a large number of international migrants will:

- Try to find additional jobs, mostly illegal ones;
- Influence the movement of migrants within Europe itself, due to the dissatisfaction of life conditions, unemployment, etc.
- Eventually, they will create additional demands on the system of employment, education system and social security system.

On the other hand, Europe has been in a constant political crisis in recent years. First of all, the United Kingdom "left" the EU (and this concerned mostly intra-EU migration), a country that was generous towards migrants (an example of a large number of Poles in UK in the 2000s), showing serious cracks in maintaining a common European identity and common European values. Furthermore, a number of governments in the EU countries are either led by right-wing parties or coalitions formed with right-wing and populist parties, and this process continues (the last example of the Northern League in Italy). In such a situation, it is not surprising that the right-wing parties and extreme right organizations are emphasizing that mixing with immigrants jeopardizes the identity of a country, and that the Islamization of Europe must be stopped. „One of the collateral damages of post-truth politics is that not only the present gets distorted – the past gets rewritten as well. Racist videos online depict fantasies of Europe “before” and “after” migration. “Before” is depicted with orderly scenes of 1950s streets, shops and parks

where an all-white population strolls or plays happily. "After" is groups of dark-faced men attacking women, rioting against the police, shouting "Allahu Akbar".¹³

The EU, facing itself and trying to resolve its own problems, has brought hasty decisions to resolve the refugee crisis. Firstly, huge sums of money have been set aside for transit countries with the plan that financial assistance will solve the issue that is more a matter of politics and institutional capacities. If this action is reasonable for transit countries that are already EU member states it doesn't seem to be so for the transit countries that are in the accession negotiations process with the EU. The EU has set up an „only“ financial model as a response to the migration crisis, and resources for this purpose have risen to 9.5 billion euros only in 2015. In that year, 'transit' countries outside the EU, Serbia, and Macedonia received 17 million euros from EU, but this amount allocated for Serbia increased to 50 million by 2017.¹⁴ On the other hand, little has been done to encourage sustainable legal solutions in these countries, which would protect human rights of migrants. According to available reports in Serbia out of the currently 4100 migrants, only 427 have sought asylum in Serbia.¹⁵ Due to the lack of legal solutions and insufficient pressure for their improvement from the EU, thousands of migrants live in Serbia in the status of illegal immigrants and without any legal rights.¹⁶ Another important consequence of the "alienation" of Europe from countries on its external borders is the recent example of Montenegro. Although rich in experience over the past several decades, Montenegro is increasingly closer to deciding on the installation of a barbed fence to protect against illegal migrations. This will be solved through a donation of the Government of Hungary through a program of cooperation between the Ministries of the Interior of the two countries.¹⁷ This example speaks enough about the current situation.

„The EU provided the Western Balkans with neither integrated long-term projects aimed to secure its borders nor a shared value system to aspire to, which would presumably have improved domestic border management practices. Instead, the EU's policy on the Western Balkans was ambivalent and sometimes even contradictory, at one moment offering assistance and at another tightening control.“¹⁸

¹³ Nougayrede, Natalie, *Refugees aren't the problem. Europe identity crisis is*, The Guardian, 2016, available on: <https://www.theguardian.com/commentisfree/2016/oct/31/refugees-problem-europe-identity-crisis-migration>, accessed on May 16, 6 pm;

¹⁴ Simeunović, *op. cit.* p. 5, 6;

¹⁵ *Izbeglička situacija u Srbiji u januaru 2018. godine*, available on: <http://azil.rs/izbeglicka-situacija-u-srbiji-u-januaru-2018-godine/>, accessed on February 20, 10am;

¹⁶ *Migration, Social Services, Integration*, policy paper, Public, Most, YUCOM, available on: <http://en.yucom.org.rs/migration-social-services-integration/>, accessed on February 20, 3 pm;

¹⁷ Kajošević, Samir, *Orban šalje bodljikavu žicu Crnoj Gori za doček migranata*, Vijesti online, available on: http://www.vijesti.me/vijesti/orban-salje-bodljikavu-zicu-crnoj-gori-za-docek-migranata-986295?utm_campaign=Echobox&utm_medium=Social&utm_source=Facebook#link_time=1524943759, accessed on May 23, 7 pm;

¹⁸ Cocco, Emilio, *Where is the European frontier? The Balkan migration crisis and its impact on relations between the EU and the Western Balkans*, European View, Volume 16, December 2017, available on: <https://link.springer.com/article/10.1007/s12290-017-0471-5>, accessed on May 28, 11am;

Why should these two processes be considered within the same analysis and with emphasis on entities such as the EU and the Balkans countries? Firstly, because of the historical connection between the EU and the Balkan countries, specifically through migration processes in the past. Today, for example, Germany faces another wave of migrants, similar in numbers to those from the 1990s from the Balkans. Viable solution is still missing. It is a paradox that German Chancellor Angela Merkel predicted that the refugee crisis will have a much more impact on the EU than the financial one, and yet there are many more financial responses to the crisis than political ones. Secondly, on the basis of all the mentioned possible consequences from the moment of entry of new migrants to the EU territory, it was expected that the EU addresses the root of the problem and preclude the consequences for future intra-European migrations in that way. Secondly, effective EU support for strengthening institutional capacity and enforcing laws in transit countries that want to be part of the EU family would mean creating conditions for the resettlement of a certain proportion of immigrants in those countries. The assumption is that it would be relief for the EU to a certain level if the conditions for staying and starting a new life were better in these transit countries. Last but not least, this would be the way for the EU to express willingness to continue to count on these countries as equal partners, additionally if we bear in mind that the fatigue of the negotiations is evident, and that certain actors in international relations have strong interests in these countries. So, with this attitude the EU could strengthen its status in the Balkans.

It is important to note how little we rely on science in order to make sustainable solutions. Namely, in a demographic sense, Europe is getting older, and that could be one of the more important reasons for accepting immigrants. On the other hand, strengthening of a common European identity is, as it turned out, a process that must be continued. The fact is that „countries in Central and Eastern Europe, which in the coming decades will face serious problems because of low fertility rates and high levels of emigration, were critical of the EU plan to relocate migrants. These are relatively homogeneous societies where many locals feel that a spike in immigration would threaten their national identity.“¹⁹

Where to seek for sustainable solutions?

At the beginning of this section, we will outline some of the guidelines that serve as a basis for recommendations and conclusions. First of all, as a basis for all the conclusions and analyzes outlined in this paper, we consider that migrations are a natural recurring historical process. This process is influenced by a number of factors, globalization, wars, free movement of people, the establishment of a wider community of states, etc. If this is understood in this way, sustainable solutions and policies based on previous experiences can be made for different migration processes. Secondly, we believe that empowering reasoned public debates can largely shape public attitudes about migration processes,

¹⁹ „The refugee crisis: What Europe Can Learn from the Past?“, Stratfor Worldview, *op.cit.*;

both immigration and intra-EU migrations. Also, the current moment in the development of the refugee crisis can be used to launch more contentious and more concrete debates on the problems of migration within Europe. Lastly, we are confident that creating a broad partnership can contribute to the strengthening of common, uniform policies to address these problems.

It is necessary to *enrich the public debate* both on immigration and intra-EU migrations with data on positive impacts on the economy, the labor market and public finance, and thus form a public opinion with clear and unambiguous information. „The most important thing to highlight on this point is that, despite the fear of the negative impact of the entry of migrant and refugee workers to the labour market, numerous studies have shown the economic benefits of migrants for host countries. In a study on the impacts of immigration in Europe, various authors point out that, contrary to popular beliefs, the effects on average salaries are positive and wage inequality among native workers is reduced.“²⁰

- Some of the Eastern European countries, such as Hungary, the Czech Republic, Slovakia, Poland, emphasize the advantage of non-Muslim immigrants when they enter their countries.²¹ Regardless of the need for open borders within the EU, common policies for free movement of people etc. we raised a question what kind of message these countries send to Muslim workers which are already within the EU, and additionally, how these attitudes contribute unification in diversity? This is a key reason for establishing an *integrated and comprehensive policy* with a basis for a common European policy, which will be binding on all member states, and additionally be another requirement for countries outside the EU, which are in different stages of EU accession negotiations. „An improved Common European Refugee Policy is essential for providing border control, security and harmonized management of refugees, which member states otherwise cannot effectively provide.“²²
- Enhance integration policies based on partnerships with various stakeholders in countries that have good experience with integration policies. This will directly influence the strengthening of debate and solve the problem of intra-EU migrations. Also, the process should be comprehensive and include the Balkan countries. This would encourage even closer ties with these countries, which would strengthen the position of the EU in the Western Balkans. A clear perspective for these countries is crucial for regulating and managing integration policies in the future, thereby affecting possible problems at the very root of their emergence.
- In order to influence the root of the problem and reduce the pressure on intra-EU migrations, the EU should encourage the strengthening of the application of

²⁰ Bacaria, Jordi, *Pressure and Opportunity in the Labour Markets*, in Morilas, Pol (ed.) et. al. *Europe and the Refugee Crisis. 10 side-effects*, CIDOB, Barcelona, 2015, p. 14;

²¹ Cocco, Emilio, *op.cit*;

²² Batsaikhan, Uuriintuya, Darvas, Zsolt, Raposo, Inês Gonçalves, *People on the move: migration and mobility in the European Union*, Bruegel Blueprint Series, Volume XXVIII, 2018, p. 168;

existing legislation in the Western Balkan countries in order to strengthen the social integration of immigrants, the accessibility of labor market, the strengthening of human capacities dealing with these problems and ultimately providing clear and purposeful financial assistance.

Conclusions

In the near future, it is justified to expect a constant influx of migrants into Europe, which will further impact the internal mobility in Europe. In line with the current migration trends, it can be assumed that most of those seeking a better life in Europe will have an immigrant past.

To explore the processes of intra-EU migrations from a country that has not yet experienced the benefits and obstacles of mobility within the EU's borders has meant trying to tackle this issue through analyzing the wider scale issues that specifically affect the Western Balkan region.

In this paper, we tried to combine different methods to link immigration processes and intra-EU migrations, as those that should be considered causally. To this end, the historical method has marked the basis according to which we have emphasized the importance of relying on previous experiences that could help overcome today's problems and make a clear and comprehensive strategy.

By combining various available data, we have created a picture of today's situation, as well as the behavior of the EU and the Western Balkan countries. We tried to present the current consequences of ununified politics and how such an approach dividing the common values of the European space.

An analysis of the current solutions and the diversity of voices within Europe itself has encouraged us to think about possible solutions. By unpretentious approach to public policies we have defined certain recommendations that are broad enough, but also sufficiently clear to encourage further solutions.

At the very end, we have shown that the approach to solving the refugee crisis is actually beginning of prevention future consequences within Europe. At least four important benefits of this approach are:

- solving problems at the root of its creation,
- encouraging a comprehensive strategy based on a common European policy,
- strengthening the capacities of the Balkan countries,
- strengthening the foreign policy position of the EU in the Western Balkans region.

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Free Movement of Persons – is regulation possible?

Michael Ambühl/Daniela S. Scherer

Table of Contents

I.	Introduction	97
II.	Solution Concept Developed at ETH Zurich	99
	1. Background	99
	2. General Concept	100
	3. Formal Model	102
	a) Threshold	102
	aa) Mean Value of the Relative Net Migration	103
	bb) Excessiveness	103
	cc) Time Interval	104
	dd) Extensions	105
	b) Measures	107
III.	The Model's Application to the United Kingdom Case	107
	1. Switzerland and the United Kingdom: Parallels and Differences	107
	2. Assumptions	108
	3. Calculations for a One-year Period (2015)	108
	4. Calculations for a Three-year Period (2013-2015)	110
	5. Discussion	111
IV.	Summary and Conclusion	112

I. Introduction

Recent political efforts to regulate legal net immigration in terms of numbers or to physically build a border wall show migration as a relevant topic of worldwide public attention. This is especially the case in the United Kingdom, where in 2016 a slight majority of the electorate voted in favor of leaving the European Union (EU) as migration is a key topic in the realization of

this so-called Brexit.¹ In the aftermath of the 2016 referendum, the two-year process of the United Kingdom's separation from the EU was initiated on 29 March 2017. Now the political representatives of the United Kingdom and the EU have to find and negotiate a solution.

Among others, the British economic welfare depends on its access to the European Single Market, which in turn is based on the so-called four freedoms: four types of free movement – of goods, services, capital, and labor – across borders. Post-referendum analyses have shown migration's key influence on the outcome of the referendum; therefore, a domestically acceptable solution regulating the free movement of persons is of eminent necessity.² The EU has publicly expressed its position to keep the four freedoms inviolable.³ The challenge is therefore to find common ground in negotiations. That is to say, a solution that does not abandon the principle of free movement but still allows for the regulation of net migration.

Here, we present a possible solution concept that, in our opinion, would satisfy these two conditions. We propose a formal model, which retains the free movement of persons generally but includes a safeguard clause, which allows for regulatory measures if statistically exceptionally high net migration numbers are encountered. Such a formal concept allows political representatives to turn the sometimes emotional or qualitative discussion into a sensible, quantitative negotiation.

¹ E.g. CLEGG NICK, Five steps for Theresa May's salvation, *Financial Times* of 11 June 2017, p. 9.

² Cf. RACHMAN GIDEON, I do not believe that Brexit will happen, *Financial Times* of 28 June 2016, p. 11.

³ Informal meeting of the 27 heads of state or government, Brussels, 29 June 2016, Statement available at <<http://www.consilium.europa.eu/en/press/press-releases/2016/06/29-tusk-remarks-informal-meeting-27/>>. STONE J., Economic woes trump mass migration fears, poll finds. *The Independent*, 9 July 2016, p. 7.

II. Solution Concept Developed at ETH Zurich

We use the “negotiation engineering” method⁴ that divides a complex negotiation problem into scientifically solvable sub-problems. This specific solution concept has been developed for a similar case in Switzerland, where the adoption of the “Mass Immigration Initiative” in February 2014 has challenged an existing agreement with the EU on the bilateral free movement of persons.⁵ As we will discuss later, the solution concept could be principally applicable to all EU member states and therefore in particular also to the United Kingdom. The content of this chapter builds on earlier work about this issue.⁶

1. Background

Even though scientific research shows migration’s many positive economic and social effects, migration that is perceived as excessive will no longer be supported by some segments of the population.⁷ The votes on the “Mass Immigration” initiative in Switzerland and on Brexit in the United Kingdom reflect this current fear (whether real or perceived) of being overwhelmed by immigrants.

Switzerland has a relatively high total share of foreigners, reaching 24% in 2015 (cf. table 1). Through the initiative, the Swiss constitution has been amended to limit the stay of immigrants through ceilings and quotas⁸ while refugees are not affected. Any treaty in contradiction to this new article has

⁴ Developed at ETH, see LANGENEGGER TOBIAS W./AMBÜHL MICHAEL, Negotiation Engineering: A Quantitative Problem-Solving Approach to Negotiation, ETH Zurich: Negotiation and Conflict Management Research Paper No. 15-01 2016, available at SSRN: <<https://ssrn.com/abstract=2685871>>.

⁵ AMBÜHL MICHAEL/ZÜRCHER SIBYLLE, Immigration and Swiss-EU free movement of persons: Question of a safeguard clause, Swiss Political Science Review 2015, Vol. 21, iss. 1, pp. 76-98.

⁶ Ibid.

⁷ Cf. OKKERSE LIESBET, How to measure labour market effects of immigration: A review, Journal of Economic Surveys 2008, Vol. 22, iss. 1, pp. 1-30.

⁸ Swiss Constitution, Art. 121 and Art. 121a (new); Art. 197(9) (new).

to be renegotiated within a three-year period.⁹ This means that the current bilateral agreement with the EU on the free movement of persons, which in its current form does not allow for quotas, will therefore have to be renegotiated. Since the EU has publicly expressed its unwillingness to negotiate modifications that include quotas, a solution for discussion should uphold the principle of free movement of persons and allow for a certain regulation of migration at the same time.¹⁰

	Total share of foreigners (2015)	Gross migration per year from EU/EFTA (2015)	Net migration per year from EU/EFTA (2015)
Switzerland	24%	1.10%	0.40%
Austria	13%	0.80%	0.50%
Belgium	11%	0.60%	0.20%
Germany	9%	0.60%	0.40%
UK	8%	0.40%	0.30%
Sweden	8%	0.30%	0.20%
Italy	8%	0.10%	0.10%
France	7%	0.40%	0.10%
Netherlands	5%	0.60%	0.20%

Table 1. Situation of migration in Switzerland in 2015 compared with other EU and European Free Trade Association (EFTA) member states. Data from Eurostat.

2. General Concept

Our proposed model aims to allow some flexibility in the practical implementation of the principle of free movement of persons while leaving the general concept intact. Thereby, the key tool is a safeguard clause that can be understood as an emergency brake in the event of serious economic or social

⁹ Ibid.

¹⁰ Informal meeting of the 27 heads of state or government, Brussels, 29 June 2016, Statement available at: <<http://www.consilium.europa.eu/en/press/press-releases/2016/06/29-tusk-remarks-informal-meeting-27/>>. STONE (footnote 3), p. 7.

difficulties. The exact circumstances in which this safeguard clause would become effective, as well as the appropriate measures, depend on the migration situation of the corresponding country relative to the rest of the EU member states.

This idea of a safeguard clause is not unprecedented; neither is the use of mathematical formulas in the EU agreements.¹¹ Our model is built on the existing safeguard clause [Art. 12(4)] in the bilateral agreement between Switzerland and the EU.^{12,13} The abstract phrases “serious economic or so-

¹¹ Examples of safeguard clauses: cf. Art. 10 of the Swiss-EU Agreement on Agriculture of 21 June 1999; Art. 7(5a) of the Swiss-EU Schengen Association Agreement of 26 October 2004; Art. 10(4) of the Swiss-EU Agreement on the Free Movement of Persons of 21 June 1999; Art. 112 of the EEA Agreement of 2 February 1992. Examples of formulas: cf. Regulation (EU) No. 253/2014 of the European Parliament and of the Council of 26 February 2014; Commission Delegated Regulation (EU) No. 134/2014 of 16 December 2014; Proposal for a Regulation concerning a Distribution Key for Refugees of 9 September 2015; Commission Implementing Regulation (EU) No. 602/2014 of 4 June 2014.

¹² Agreement on the Free Movement of Persons Art. 14(2): “In the event of serious economic or social difficulties, the Joint Committee shall meet, at the request of either Contracting Party, to examine appropriate measures to remedy the situation. The Joint Committee may decide what measures to take within 60 days of the date of the request. This period may be extended by the Joint Committee. The scope and duration of such measures shall not exceed that which is strictly necessary to remedy the situation. Preference shall be given to measures that least disrupt the working of this Agreement.”

¹³ For the time being, Switzerland applies another safeguard clause in the form of Art. 10 (Transitional provisions and development of the Agreement) to limit the flow of Romanian and Bulgarian workers to Switzerland. The relevant paragraph of this article is Art. 10(4): “Notwithstanding the provisions of paragraph 3, the Contracting Parties have agreed on the following arrangements: if, after five years and up to 12 years after the entry into force of the Agreement, the number of new residence permits of either of the categories referred to in paragraph 1 issued to employed and self-employed persons of the European Community in a given year exceeds the average for the three preceding years by more than 10%, Switzerland may, for the following year, unilaterally limit the number of new residence permits of that category for employed and self-employed persons of the European Community to the average of the three preceding years plus 5%. The following year, the number may be limited to the same level.”

See also SHIELDS MICHAEL/LAWSON HUGH, Swiss to limit Romanian, Bulgarian workers to stem migrant flow, Thomson Reuters of 10 May 2017, available at

cial difficulties” and “appropriate measures” are transformed into concrete terms in our model.

In other words, the safeguard clause would only be effective if the migration in a state is exceptionally high relative to the other EU member states. In this sense, it is a concept that builds on solidarity; each state makes its contribution to the European Single Market. However, this contribution is not unlimited. The specific difference between the migration in the corresponding state and those of the rest of the member states could depend on the current immigrant population, macroeconomic parameters of the job market, or other relevant factors that would have to be specified in a negotiation. Our model provides a quantitative, statistical framework, which serves as a negotiation basis in order to discuss what is considered excessive migration.

3. Formal Model

According to the above-mentioned general concept, we now define the abstract phrases “serious economic or social difficulties” and “appropriate measures” in terms of the threshold (a) and the measures (b).

a) *Threshold*

We define threshold d as the relative (i.e., per permanent resident) net migration, where a state is allowed to take measures to limit migration. This threshold depends on the mean value of the relative net migration of EU citizens to the other EU member states, denoted by m during a specific time interval τ (e.g., a specific year or a three-year series). Only if the net migration in the corresponding state is higher than $s = n\sigma$, which equals a multiple of standard deviation σ , can the safeguard clause become effective. Therefore, the underlying formula is

<www.reuters.com/article/us-swiss-eu-east-idUSKBN1861RI>, and Rundschreiben Staatssekretariat für Migration SEM, Anrufung der Ventilklausel durch den Bundesrat im Rahmen der Personenfreizügigkeit. Wiedereinführung von Kontingenten bei den Aufenthaltsbewilligungen B EU/EFTA gegenüber Staatsangehörigen aus Bulgarien und Rumänien (EU-2) per 1. Juni 2017 of 10 May 2017, available at <www.sem.admin.ch/dam/data/sem/rechtsgrundlagen/weisungen/fza/20170510-rs-bulgarien-rumaenien-d.pdf>.

$$d = m + s.$$

aa) Mean Value of the Relative Net Migration

The mean value of the relative net migration is defined as

$$m = \frac{1}{r} \sum_{i=1}^r \frac{I_i}{P_i},$$

where r denotes the number of states in reference area, I_i represents the absolute balance of the migration of citizens of the reference area to state i (excluding the reporting state), and P_i refers to the permanent resident population of state i —both I_i and P_i refer to a specific time interval τ . This definition as an unweighted mean is in accordance with the principle of sovereign equality since each state has the same weight, *independent* of its size or population.

Concerning the reference area, there are different options to define it, such as the following three:

- $r = 32$ if the reference area is the entire EU/European Free Trade Association (EFTA) area,
- $r = 28$ if the reference area is the entire EU, or
- $r = 25$ if the reference area is the EU without small states (less than one million residents).

We discuss these three options in Section III.2. for the case of the United Kingdom.

bb) Excessiveness

When is the net migration in one state considered excessive? We propose using a common mathematical measure known as the standard deviation, as follows:

$$\sigma = \sqrt{\frac{1}{r} \sum_{i=1}^r \left(\frac{I_i}{P_i} - m \right)^2},$$

which describes the spread of a distribution. In a perfect Gaussian or normal distribution, 15.9% of the cases lie above $m + 1\sigma$ (the mean value plus one standard deviation), and 2.3% lie above $m + 2\sigma$. Only 0.1% of the cases lie above $m + 3\sigma$. If we restrict our calculation to integer multiples, we propose working with the twofold standard deviation (i.e., $n = 2$) since the top 15.9% (onefold deviation) and the 0.1% (threefold deviation) seem neither exceptional enough nor too strong of a barrier to have any practical relevance (i.e., too unlikely). However, this choice could very well be part of the negotiation and purely technically, does not need to be restricted to integer multiples.

cc) Time Interval

Threshold d relates to a certain time interval τ . For example, it relates to a specific year. Alternatively, it would also be possible to calculate the threshold of several consecutive years and work with their average. Consider the case of a sudden, relatively large increase in migration numbers in one state (but not the other member states) from one year to the next. If the threshold is calculated based on one year only, then the safeguard clause comes into effect, and the state is allowed to impose regulating measures in the following year. If this sudden influx of migrants is an anomaly, then the introduction of regulating measures does not make sense since the migration numbers normalize in the following year.

If the threshold is calculated based on a three-year average, then the influence of this anomaly will be less but will last for three years. Therefore, only longer lasting trends will have a sustainable impact on the threshold. This approach has the advantage of smoothing out sudden fluctuations, as well as providing a more stable and predictable situation for all involved parties.

dd) Extensions

So far, threshold d depends only on the relative net migration and the standard deviation. Extensions that fine-tune the determination of the threshold could include factors relevant to the corresponding state i , such as:

- the current immigrant population of the reference states, α_i ,
- the current immigrant population of third countries (countries other than the states in the reference area), β_i , and
- the macroeconomic parameters of the job market, γ_i .

These factors can be included in the current formula as coefficients, which decrease threshold d as follows:

$$d_i = m + \alpha_i \beta_i \gamma_i s$$

where $\alpha_i, \beta_i, \gamma_i \leq 1$.¹⁴ Notably, threshold d in its original form ($d = m + s$) is independent of the specific state i ; in other words, it is the same for all states. As soon as further factors such as the three mentioned above are taken into account, threshold d_i will be different for the member states.

The idea behind the three coefficients is again similar to the overall idea of the model. We propose comparing the conditions in the corresponding state with the (unweighted) average of the conditions in all reference states.

For the first factor, the *current immigrant population of the reference states*, this means that we compare the unweighted average of the relative (i.e., per permanent resident) number of citizens of the reference states \bar{a} to the current relative number of citizens of reference states in state i , a_i :

$$\alpha_i = \frac{\bar{a}}{a_i}, \text{ if } a_i > \bar{a}$$

$$\alpha_i = 1 \text{ otherwise.}$$

In other words, state i , which already has a high proportion of immigrants, should have a lower threshold than state j , which has the same immigration flux but a smaller current immigrant population. To ensure that states with

¹⁴ We discuss these constraints in the individual paragraphs about each factor.

fewer immigrants will not be at a disadvantage, the coefficient remains capped at 1.¹⁵

For the second factor, *the current immigrant population of third countries*, this means that we compare the unweighted average of the relative (i.e., per permanent resident) number of third-country immigrants, \bar{b} , to the current relative number of third-country immigrants in state i , b_i :

$$\beta_i = \frac{\bar{b}}{b_i}, \text{ if } b_i > \bar{b}$$
$$\beta_i = 1 \text{ otherwise.}$$

The idea behind this is again the same as for α_i . To ensure that states with fewer third-country immigrants will not be at a disadvantage, the coefficient also remains capped at 1.¹⁶

For the third factor, *the macroeconomic parameters of the job market*, this means that we calculate the difference between the current unemployment in state i , denoted as u_i , and the normal (long-term) unemployment in state i , denoted as $u_{l,i}$. This difference is then compared with the unweighted average of the cyclical unemployment in all reference states, \bar{u}_k :

$$\gamma_i = \frac{1}{1+(u_{k,i}-\bar{u}_k)}, \text{ if } u_{k,i} > \bar{u}_k$$
$$\gamma_i = 1 \text{ otherwise,}$$

where $u_{k,i} = u_i - u_{l,i}$, and $\bar{u}_k = \frac{1}{r} \sum_{i=1}^r u_{k,i}$. As with the other two factors, we propose capping the coefficient to 1 in order to avoid putting states with low cyclical unemployment at a disadvantage.

¹⁵ The comparability of the number of immigrants might be difficult due to different naturalization rules. In this context, it might be advisable to consider not the formal criteria of citizenship but a common threshold of years of residence in the host country (e.g., seven years).

¹⁶ Ibid.

b) Measures

We have defined a framework that allows quantifying a concrete threshold for each member state whose migration can be considered exceptionally high and therefore excessive.

If the net migration in a corresponding member state exceeds the threshold, this state will be allowed to adopt measures in order to:

- temporarily limit immigration, and/or
- reduce the incentives of immigration (e.g., limit the access to social security systems as already agreed between the EU and the United Kingdom on 19 February 2016).

The presented concept merely provides a framework, which defines the exact conditions that should be met to activate the safeguard clause. Naturally, the corresponding state is *free to abstain* from adopting measures to limit migration.

III. The Model's Application to the United Kingdom Case

In this section, we apply the previously introduced model to the current case of the United Kingdom. We discuss the model's applicability and the necessary assumptions. Finally, we show the specific calculations for the United Kingdom at two time intervals. If certain conditions would be met, then this model might very well be applicable to the future bilateral relations between the United Kingdom and the EU.

1. Switzerland and the United Kingdom: Parallels and Differences

In the United Kingdom, the electorate indirectly voted in favor of immigration regulation, thus assigning to their political representatives the challenge to find and negotiate a solution with the EU. We argue that the model, which was initially developed as a possible solution for the negotiations between Switzerland and the EU, is also applicable to the case of the United Kingdom. Even though the two countries differ in obvious aspects, such as size,

history, and current status of integration, they have three key elements in common. First, both countries value their *sovereignty reflex*, which they have shown not only with the latest votes but also historically. Second, both economies rely on a free-trade spirit but would struggle if their access to the European Single Market was not ensured. This leads to the third point; both countries are interested in a good, constructive cooperation with their main partner, the EU.

2. Assumptions

Our choice for the reference area [cf. Section II.3.a)aa)] in the case of the United Kingdom encompasses the 25 EU member states with more than one million residents each. We limit the reference area to these 25 states for two reasons. First, the United Kingdom should primarily find a solution regarding the way forward with the EU; therefore, the EFTA area is not a priority at this point. Second, in our model, the mean relative net migration is not weighted; in other words, all states contribute equally. Therefore, we exclude EU member states with less than one million residents.

The raw data is obtained from Eurostat, the statistical office of the EU. The latest data available is from 2015. We assume that this data set is coherent for the purpose of our model. The following calculations are merely illustrations and are not intended as immutable solutions.

We extend the formula to include coefficient α_i , which corresponds to the current immigrant population of the 25 EU states, as well as coefficient β_i , which corresponds to the current immigrant population of third countries. Due to data constraints, we exclude the coefficient related to the job market situation. For the calculations to determine the threshold for the United Kingdom, we work with the twofold standard deviation (i.e., in $s = n\sigma$, $n = 2$).

3. Calculations for a One-year Period (2015)

We apply the formal model presented in Section II.3 to the case of the United Kingdom, with the assumptions mentioned in the previous section and the following formula for the threshold value:

$$d_{UK} = m + \alpha_{UK}\beta_{UK} \cdot 2 \cdot \sigma.$$

We create a histogram of the net migration in the 25 EU member states, as shown in Figure 1, to determine the relevant coefficients, m , α_{UK} , β_{UK} , and σ . Table 2 presents the resulting values of the relevant parameters.

What do the results mean for the United Kingdom? In 2015, the absolute net migration in the United Kingdom amounted to 183'618 persons, corresponding to the relative net migration of 2.83. We calculated the threshold to be 2.33 for the United Kingdom's relative net migration, considering the current immigrant population of the 25 EU states and third countries. This results in the absolute threshold of 151'129 persons for the net migration.

These findings mean that with the application of this framework, the safeguard clause would become effective. Consequently, the United Kingdom would have had the opportunity to limit its net migration in 2016 to 151'129 persons. The difference between the threshold and the net migration amounts to 32'489 persons, approximately 17.7%.

Net migration per 1'000 inhabitants in the United Kingdom	2.83
Mean value of the relative net migration (25 EU states), m	1.02
Standard deviation, σ	1.27
Current immigrant population of 25 EU states, α_{UK}	0.52
Current immigrant population of third countries, β_{UK}	1 ¹⁷
Threshold for the United Kingdom, d_{UK}	2.33

Table 2. Results for the relevant parameters of the model, with data from 2015.

Notably, in 2015, the immigrant population of third countries in the United Kingdom was lower than the average of the immigrant population of third countries in the 25 EU states. This means that the respective coefficient, β_{UK} , was set to 1 to avoid increasing the threshold. At the same time, the immigrant population of the 25 EU states was about twice as high as the EU average. Obviously, this contributed significantly to a lower threshold.

¹⁷ Here, the capping of the coefficient becomes effective.

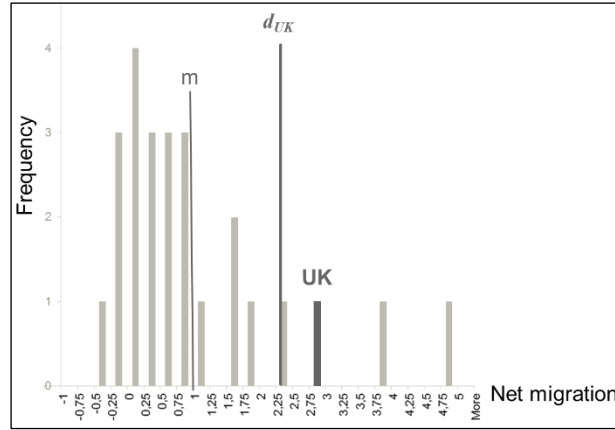


Figure 1. Histogram of net migration in the 25 EU member states per 1'000 inhabitants (2015). The mean value, m , and the resulting threshold, d_{UK} , are highlighted. The entry for the United Kingdom is shown in dark gray.

4. Calculations for a Three-year Period (2013-2015)

As mentioned in Section II.3.a)cc), fluctuations can be smoothed if we take the average of the threshold over a three-year period. This means that we calculate the threshold relating to 2015, not only with the data from that year but also with those from 2013 and 2014, and take the average. The approach for 2013 and 2014 is identical to the one discussed in the previous section for 2015.

Figure 2 shows the three-year period histogram, and Table 3 lists the calculated values. The average absolute net migration for the three-year period amounts to 160'421 persons, corresponding to a net migration of 2.49 per 1'000 inhabitants. With a threshold value of 2.31, the threshold in absolute numbers for the United Kingdom in the three-year period would have been 148'735 persons.

	2013	2014	2015	\emptyset
Net migration per 1'000 inhabitants in the United Kingdom	1.93	2.71	2.83	2.49
Mean value of the relative net migration (25 EU states), m	0.78	0.93	1.02	0.91
Standard deviation, σ	1.26	1.31	1.27	1.28
Current immigrant population of 25 EU states, α_{UK}	0.57	0.55	0.52	0.55
Current immigrant population of third countries, β_{UK}	0.99	1 ¹⁸	1 ¹⁹	1
Threshold for the United Kingdom, d_{UK}	2.22	2.38	2.33	2.31
Absolute threshold for the United Kingdom	141'773	153'303	151'129	148'735

Table 3. Results for the relevant parameters of the model with data from 2013 to 2015. The corresponding three-year averages are listed under the last column.

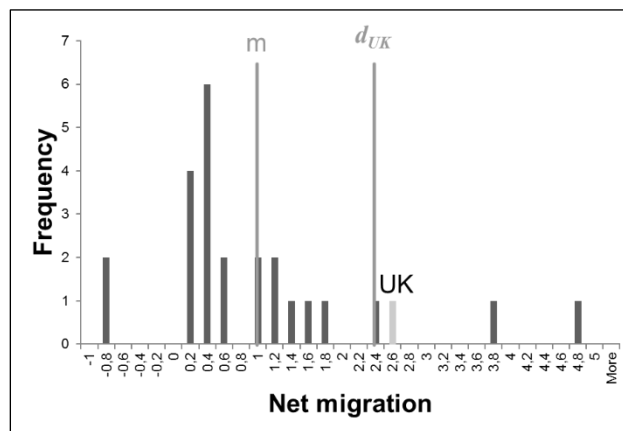


Figure 2. Histogram of net migration of the 25 EU member states per 1000 inhabitants (2013-2015). The mean value, m , and the resulting threshold, d_{UK} , are highlighted. The entry for the United Kingdom is shown in light gray.

¹⁸ Here, the capping of the coefficient becomes effective.

¹⁹ Ibid.

5. Discussion

The calculations show that the United Kingdom had a relatively high net migration over the three-year period (2013-2015). Based on 2014 and 2015, the safeguard clause could have been applied (in the following year), and the United Kingdom could have taken measures to regulate migration. However, in 2013, the net migration in the United Kingdom was significantly lower than in the following years, and a regulation of the migration was not indicated. This result also influenced the three-year average calculated for 2015 based on the years 2013, 2014, and 2015. The threshold slightly decreased (compared to the calculations of the one-year period) due to the substantially lower migration numbers in 2013. This specific example demonstrates the smoothing effect of a three-year average. The lower migration numbers in 2013 decreased the three-year average and therefore smoothed out the sudden increase in migration numbers from 2013 to 2014.

IV. Summary and Conclusion

We have developed a solution framework to apply regulations in case of exceptional net migration without abandoning the concept of free movement of persons. Our approach is inspired by existing safeguard clauses and formulas that can be found in EU regulations. It builds on solidarity in the sense that every state contributes to the functioning of the Single Market up to a certain limit when migration becomes excessive.

With the framework at hand, a negotiation is reduced to well-defined quantitative factors; at the same time, the model leaves an ample score for the negotiating parties. Particularly, the design of additional factors, such as the job market situation or the current immigrant population as described in Section II.3.a.dd, contributes to this advantage. In fact, the model is not limited to the three factors presented in this paper. Any other quantifiable factors could be added in the same manner, which makes the model versatile and flexibly adjustable to specific circumstances.

We have shown that our solution framework can be applied to the case of the United Kingdom when negotiating their future relationship with the EU concerning one of the four freedoms, the free movement of persons. With the

chosen parameters (i.e., averaged over a three-year period from 2013 to 2015), we have found that the United Kingdom would have been allowed to reduce its net migration to 148'735 persons in 2016. Its three-year average net migration in absolute numbers amounted to 160'421 persons.

Thereby, we have considered the immigrant population of the reference states in 2015 (the 25 EU member states with more than one million residents), as well as the immigrant population of third countries and have compared these numbers to the rest of the 25 EU member states. The immigrant population of the 25 EU member states in 2015 had the greatest influence on the threshold. It was approximately twice as high as the average of the 25 EU member states. However, the immigrant population of third countries had no effect on the threshold since it was not higher than the average of the 25 EU member states. Our calculations show the United Kingdom's comparatively high average relative net migration from 2013 to 2015. However, it is not an exceptional one: Austria and Germany have had a substantially higher relative net migration over the same period.

In conclusion, we believe that the subtle nuances that define the threshold of excessive migration in our formal model allow the negotiating parties to find a *modus vivendi* where both parties accommodate each other. Contrary to the somewhat emotional discourse or the debate on principles that often prevails in the current political discussion, our framework allows for a sensible discussion of quantitative measures. This aspect could make it a promising candidate for future application in negotiations, especially in the current case of the United Kingdom and the EU.

The Effect of Intra-European Migration on Women

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July, 2018

Abstract

Based on European integration theory which assumes that intra-European migration is first and foremost a great economic opportunity for countries and migrants rather than a challenge, potential obstacles for intra-European migrant women have been overlooked. On one hand, the victimization of the international migrant woman has led to the stereotype of the unskilled domestic- and sex-worker, ignoring high-skilled women migrants as such. The fact that the focus on high-skilled migration has been on transnational corporations which remain highly male-dominated, has further increased the invisibility of the female migrant worker. On the other hand, problems of women that *do* work in the domestic- and sex-sector have been overlooked because of the assumption that problems of vulnerability are non-existent in intra-European migration. Women remain the main care-givers for their families and migration adds more dimensions to the challenge. Gender-inequality does not disappear with intra-European migration, it rather adds gender-based discrimination problems of the host country to gender-based issues that women bring along.

Table of Contents

<i>The Effect of Intra-European Migration on Women</i>	<i>1</i>
The Effect of Intra-European Migration on Women.....	3
A Gendered Lens on Migration Studies and Intra-European Migration: Previous Research..	4
<i>Women and Global Migration.....</i>	<i>4</i>
<i>Intra-European Migration in General.....</i>	<i>5</i>
<i>Women in Intra-European Migration.....</i>	<i>6</i>
High-Qualified Intra-European Migrant Women.....	7
<i>Stereotyping the Migrant Women: How Problems of Highly-Qualified Intra-European Migrant Women Are Being Ignored</i>	<i>8</i>
<i>Highly-Qualified Stay-At-Home Mum?</i>	<i>9</i>
Intra-European Migrant Women in the Health and Care Sector	10
<i>The Dilemma of the “Bad Mother”</i>	<i>11</i>
<i>Domestic Violence</i>	<i>12</i>
Intra-European Migrant Women Movers in Prostitution	12
Conclusion	13
Literature	15

The Effect of Intra-European Migration on Women

The free movement of people¹ across national borders is at the core of European integration (Baldoni, 2003). This unique opportunity for every EU citizen to live and work in any member state of the European Union (EU) has created an exceptional research laboratory on legal and unrestricted transnational migration (Koikkalanien, 2011). Intra-European migration² is mostly considered to be an economic opportunity for both, the receiving countries and the migrants, rather than a challenge. Therefore, research on the topic has largely been focusing on its positive economic impact (Galgoczi et al., 2009). Because of the lack of usual migration barriers such as the need of a work permit³, it is often assumed that all EU citizens are equally affected by migration. However, gender inequality is persistent in all EU countries, and therefore migration should be expected to have a differentiated impact on men than on women.

The question on how migrant women are affected by intra-European migration has become of particular interest in recent years, where women have become the majority of migrants worldwide and exactly half of the intra-European movers are female (Fries-Tersch et al., 2017). Overall, women are increasingly migrating on their own without husbands or their family. Migration can help women improve their economic situation, become economically independent, escape abusive relationships or support their families and therefore improve their status within their home and communities (De Leon, 2013). On the other hand, women are more likely than men to be exposed to bad working conditions (such as being overqualified for their work or lacking recognition), abusive dependencies or health and security risks. In certain

¹ The principle of free movement of workers is enshrined in Article 45 of the Treaty on the Functioning of the European Union (TFEU). With the Maastricht Treaty in 1993, Article 20 implemented EU citizenship and Article 21 all EU citizens and their family members the right to move and reside freely within the EU (these provisions must be viewed in the context of the general principle of non-discrimination based on nationality enshrined in Article 18 of the TFEU and in Article 21(2) of the Charter of Fundamental Rights of the European Union). More detailed rules to regulate free movement was set through Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. The specific rights concerning free movement of workers and their family members are provided in Regulation (EU) No 492/2011. Accordingly, all Union citizens and their family members have the right to move and reside freely within the territory of the Member States. Inactive EU citizens have the right to reside in another Member State for more than three months if they have sufficient resources and comprehensive sickness insurance cover. The free movement of persons also applies to countries which are part of EFTA, and the Agreement on the Free Movement of Persons (AFMP) with the Swiss Federation (Fries-Tersch et al.: 19 ff).

² In the following intra-European migration and intra-EU migration as well as intra-European migrant, intra-EU migrant and EU migrant are used as interchangeable terms, meaning people from the areas described in footnote 1.

³ The need of a work-permit is still necessary for countries of the EU that do not belong to the Schengen-Area.

cases, female migration also means leaving children, family or parents behind, which can cause social and psychological tensions (Kawar).

What impact does intra-EU migration exactly have on female migrants? Can intra-European migration of women bring empowerment and create more gender equality? Or does it create new inequalities, and if yes, which ones? To answer these questions, I first look at previous research on the topics of women and migration, intra-European migration and women in intra-European migration. I find that, whereas there is an increasing amount of research in the field of female migration, little research has been done in the field of women in intra-European migration. In a second part, I therefore look at the reasons why female intra-European migration has been ignored and find that the victimization of migrant women has created the assumption that female migrants are predominantly working in the domestic sector and sex industry, while high-qualified migrant women have been overlooked. Furthermore, the European labour market remains gendered. Women tend to work in sectors such as education, health and social services. The research focus of highly-skilled migration, however, has been on transnational corporations, which remain highly male-dominated. As for research on challenges for women in low-skilled jobs in the domestic sector and in sex-work, I argue that research has been overlooked in the intra-European context because of the assumption that intra-European migration is per se an economic opportunity.

A Gendered Lens on Migration Studies and Intra-European Migration: Previous Research

Women and Global Migration

The various national and international comparative literatures on multiple migratory phenomena are enormous (King and Zontini, 2000: 36). However, they have almost always constructed the term of migrant around a male worker seeking employment to support his family, despite the fact that migration statistics suggest otherwise: In 1960, women already made up nearly 47% of all international migrants (Morris, 2015: 640; UNDP, 2009: 25). This “gender blindness” only started to be corrected in the late 1980s by Phizacklea (1983) and Morokvasic (1984) when it became obvious that the assumptions of gender-neutrality on migration issues were problematic. It is at around the same time that an increasing number of women started moving on their own to take up jobs in other countries, becoming the main

economic providers for their families (De Leon Siantz et al.: 12). This “feminization of migration” has been identified as one of the new dynamics of the current migration wave (Caritas, 2012).

In general, migration patterns have changed in the last decades. Countries of origin, the types of migration or the duration of stays have become more diverse. Migrants have entered countries with permanent or non-permanent work permits, as part of family reunion, as students or as refugees. The majority of women still enter countries as part of family reunion, however; many of them take up jobs later (Kofman & Raghuram, 2009). Factors that contribute to the decision of women to migrate include poverty and the need to support the family, increasing labour demand on the service market in countries of destination, unemployment, low wages, limited social and economic opportunities and the desire to expand their horizons. Furthermore, employment discrimination in their country of origin or patriarchal traditions, getting out of an abusive relationship, fleeing from domestic violence, or the desire for equal opportunities can drive women to look for better living conditions elsewhere (Caritas, 2012; De Leon Siantz, 2013). As Peleah (2007) remarks, migration is perceived as a potentially empowering experience for women because it gives them the opportunity to have a greater role in family decision making. However, given persisting gender inequality in destination countries and the increased vulnerability of their status as migrants migrant women workers face a double vulnerability (Kawar; Morris, 2015: 641).

Intra-European Migration in General

Research in general has given more attention to international migration than intra-European migration. According to Castro-Martin and Cortina (2015: 117) this lack of interest could be due to the political context and the fact that a large number of studies in the migration literature have taken an integration perspective on intra-European migration. Hence, mobility within the EU has been actively supported and is perceived to be a positive aspect of European integration by the European Commission (European Commission, 2014). Studying the European migrant might thus not seem like a pressing policy issue, since barriers are perceived as being limited and migration a positive experience for migrants (Castro-Martin & Cortina, 2015: 117). This view is also reflected in Braun and Recchi (2008: 162) who assume that since the Maastricht agreements, new migrants within the EU are so-called “free-movers” (Favell, 2004, 2008; King 2002). They distinguish three main types: High-qualified workers, pensioners and students.

The abolishment of frontiers between European Union member states has blurred the distinction between international and internal migration (King 2002; King & Skeldon, 2010). Destinations have diversified, and migration projects have become more individualized. The locations of migrants within the European Community too are becoming more fluid, with families being increasingly likely to inhabit more than one place of residence (Moskal, 2011: 30). As Recchi (2008) points out, EU migrants of Western European origin tend to be young and highly educated, and their migration decisions driven by ambitions regarding career development. For some, family, relationship and lifestyle considerations are also relevant motives (Gilmartin and Migge, 2013; Santacreu et al., 2009; Verwiebe, 2014). In contrast, the majority of EU migrants from Eastern European countries moving to Western Europe have medium level education and tend to be employed in low-skilled jobs below their qualifications and on temporary contracts (Kahanec, 2013). The motives of their decision to migrate and their work trajectories upon migration resemble the traditional labour market migration flows of the 1950s and 1960s from Southern Europe to Western Europe (Castro-Martin & Cortina, 2015: 116-117).

Women in Intra-European Migration

Whether or not migration effectively reduces inequality, and with it gender inequality, has been increasingly researched by scholars with regard to migrant women on the international level (Kofman, 2000; Zegers de Beijl, 2000). However, the demographic features and implications of intra-EU mobility are still under-researched (Castro-Martin & Cortina, 2015: 117). This is particularly true for the role of women in intra-European migration: It is not before 2017 that, for the first time, the *2017 Annual Report on intra-EU Labour Mobility* by the European Commission has separated its statistics by gender, to allow analysis on how intra-EU mobility affects men and women differently. As Kofman (2000: 56) remarks, “[m]aking women visible in European migratory spaces is not simply a matter of enumerating them”. Moreover, it enriches a number of key aspects of contemporary processes of international migration. It looks at the gendered nature of the international division of labour, and therefore broadens the considerations we have on international migration dynamics, while influencing traditional social theories and changing social structures (Portes, 1997; Kofman, 1999). Furthermore, it helps to deepen our knowledge of the impact of state policies and the role of professional agencies for skilled migrants in a period of increasing European integration (Kofman, 2000: 56).

According to Morris (2014: 641) scholars have moved from an examination of the “feminization of migration” (Castles and Miller, 1998) to a more holistic examination of the gendered nature of the entire migration process (Lutz, 2010). In her article, Lutz (2010) proposes a gendered approach to migration of four separate but related angles to the migratory process: feminized and masculinized labour markets, care practices, shifting discourses and practices on gender orders in receiving countries, and discourses and practices on gender in sending countries (2010: 1651). Morris (2014: 641) emphasises the importance of the gendered labour markets in receiving states because it underscores that female migrants often work in “feminised domains” such as domestic and care work, catering services, agriculture, entertainment, and sex work. These domains are often the ones that are underregulated, low-status, and generally marked by low wages and insecure work (Lutz, 2010). Furthermore, many of these jobs fall within the “private sphere” and are therefore without union protection or regulation (Lutz, 2010: 1652). As Morris underlines, males and females do not react to situations and structures in host countries in similar ways (2014: 641) and there are considerable differences between them in terms of education, employment or integration opportunities in receiving countries.

Taking into consideration the four angles proposed by Lutz (2010), I will address different issues that are central to gender equality when it comes to intra-European migration in the next section: the migrant woman stereotype, obstacles that migrant women face in the labour market, specifically in the health sector which is of considerable importance for the EU and for female migration, the case of sex work in intra-EU migration and in a last section, problems that women face back home because of gender stereotype.

High-Qualified Intra-European Migrant Women

With the free movement of people within the EU, the EEA and Switzerland, obstacles that otherwise occur in international migration do not apply in the intra-European context. These obstacles can for example be the implementation of quotas that only apply for specific, mostly gendered jobs (e.g. in construction or engineering), or the necessity of gaining a certain salary in order to get a visa (Morris, 2014: 642). This is per se discriminating, considering that women worldwide earn an average of 16% less than men.⁴ However, gender differences in intra-EU

⁴ For a list of obstacles in international migration, see Kofman & Raghuram, 2009.

migration become obvious when looking at the statistics and at different aspects of the labour market. Because work within the EU and its labour market is still very gendered, men and women migrants find jobs in different sectors. Often female migrants find fewer types of work open to them and are paid less than their male counterparts when they arrive in their host countries (EWL, 2004; 2010).

Stereotyping the Migrant Women: How Problems of Highly-Qualified Intra-European Migrant Women Are Being Ignored

The victimization of migrant women and the subsequent assumption that they are predominantly unskilled and work in the domestic and sex industry, has for a long time overlooked the increasing amount of highly-qualified migrant women in the international context (Kofman & Raghuram, 2009). In her study, Kofman (2000) finds that one reason why skilled migrant women have been ignored is the fact that the emphasis of skilled migrants has generally been on transnational corporations which, especially in high-level positions, remain male-dominated. Meanwhile, women tend to work in the welfare sector such as in education, health and social services. However, why has the welfare sector been ignored in studies of intra-European migration so far? One explanation could be that these jobs are actually more protected than typical male jobs and that migrant women have more difficulty to access these jobs. The *2017 annual report on intra-EU labour mobility* confirms that restricted rights to work through legal and administrative barriers seem to be a bigger obstacle for intra-EU migrant women than language barriers, while language barriers were the main obstacle for intra-EU migrant men (Fries-Tersch: 82).

Research on skilled international migrant women has furthermore suggested that migrant women whose husbands or partners worked high-quality jobs were less likely to find a job than women with partners and husbands that were unemployed or low-skilled (Ballarino and Panichella, 2018: 138). Here again, the fact that jobs remain gendered in the European job-market could explain this phenomenon; it is more likely that within bi-sexual couples of high-qualified migrants the man will work for a transnational firm while the woman will seek work in the welfare sector. Ballarino and Panichella (2018: 138) confirm that women face a migration occupational penalty.

However, recent data shows that active female intra-European movers are actually better educated than male movers (Fries-Tersch, 2017: 55). At the same time, they are more often over-qualified for their jobs and overrepresented in low-skilled occupations (Ibid: 79 ff.). This

is also reflected in the subjective views expressed by female EU movers: the share of women who felt over-qualified for their jobs was consistently higher than men (Ibid: 81). The same applies to migrant women from outside Europe: a 2008 analysis prepared for the European Commission by RAND Europe demonstrates that even when highly skilled migrant women enter jobs that require more expertise, there is a widespread problem of “de-skilling” or the under-utilization of skills and training (Rubin et al., 2008). Deskilling can further lead to a loss of confidence and autonomy.

As a report by the *European Women’s Lobby* points out, many migrant women express frustration at the lack of assistance they receive in host societies, particularly in learning the language of their host communities (EWL, 2010). De Leon-Siantz (2013: 13) confirms that women migrants usually receive less assistance with job-related and personal problems than men do, which causes high levels of stress.

Highly-Qualified Stay-At-Home Mum?

Family migration is usually seen as a social issue, not an economic one. And women who make out the majority of family immigration are usually not seen as potential participants in the workforce (Kofman & Raghuram, 2009). This is also reflected in the *2017 Annual Report on Intra-EU Labour Mobility*: whereas 50% of all movers were active, only 45% of the active movers were female. In 2016, the activity rate was considerably lower among female than male movers. However, unemployment among female movers was only slightly higher than among male, suggesting that they have almost equally high chances on the labour market when seeking a job, but also that women are more likely not to work, even if they could (Fries-Tersch et al., 2017: 15). When it comes to decisions among couples, women often sacrifice their own careers in order to migrate and improve their husbands’ careers (Catarino & Morokvasic, 2005): “migration would appear to be rational from the standpoint of the family as a whole. . . . [Furthermore,] many married women may willingly sacrifice their careers provided that migration improves the economic well-being of the family” (Lichter, 1983: 600). Since men are not affected by the gender pay-gap and women are more at risk for facing an occupational penalty, this is indeed the rational choice. A study of international migrant women in Switzerland showed that women who immigrated as spouses of well-salaried Swiss citizens and then had children found fewer opportunities for further education and work than women who entered as refugees, became single mothers, and had low incomes. This is due to the fact that childcare facilities in Switzerland are designated for women who *must* work, financial

resources of binational families are more often invested in the education of the Swiss husband, and marriage migrants, unlike refugees, are not encouraged by immigration policies to play an economic role in society (Riano & Baghdadi, 2009: 181).

In her study, Ackers (1996) points out that the presence and number of children affect the activity of intra-European migrant women in the labour market. Migrant women have little or no child-care support from their families, especially from grand-parents (Meltzer, 1995). If childcare is expensive, women tend to withdraw from the labour market or decide to work in part-time occupations. This can make them dependent on their bread-winner husbands and threaten their autonomy (Ackers, 1996: 325 ff.; Man, 1995). In regard to the education of children in a foreign country, Castro-Martin and Cortina (2015: 121) mention that parents face challenges of an educational system with which they are not familiar. Since it is predominantly the mothers that are in charge of childcare, it is them that are left dealing with a foreign educational system.

Intra-European Migrant Women in the Health and Care Sector

Healthcare is one of the largest sectors in the EU, providing 8% of all jobs, and it is steadily growing (Buchan & Glinos, 2014: 9). It also plays a key role in intra-EU labour mobility, providing 7.3% of employment for movers (Fries-Tersch, 2017: 112).

The increasing need of care for an aging European population and inadequate state provision in a context of unequal gender relations have promoted the development of different care markets across Europe (Simonazzi, 2009). Women are highly overrepresented in the lower-skilled domains of healthcare such as personal care workers (91%), nurses (87%) and health associate professionals. The share of women is lower among high-skilled occupations of health professionals (64%) and doctors (51%), however, it is still higher (Fries-Tersch, 2017: 119 ff.). Overqualification of personal care workers is wide-spread: 20% received higher education than necessary for their job and 42% feel over-qualified, an overwhelming number in comparison to other mobile workers (Fries-Tersch, 2017: 17).

In Switzerland, a mostly informal market in personal care has been established in recent years. Female migrants, predominantly from central and east Europe, use the high salary difference to their advantage. On the other hand, they provide a relatively cheap service compared with Swiss market prices. However, these arrangements often take place in a legal grey-zone and

the wage difference usually pushes migrant women to accept critical working conditions (Holten et al., 2013: 44). Lots of these women leave children and family behind and move between their own country and their country of destination on a regular basis. Only a few intend to move to Switzerland permanently; most of them want to increase their own or their family's living conditions and later move back (Ibid: 40). Thus, as an expert points out, most of the working arrangements are relationships of exploitation. Since the place of living is usually connected to the place of work, migrant women are even more dependent on their employers. Usually, this means uncontrolled working hours, the demand of an all-round presence, an unclear arrangement of working and free time, short periods of notice, and a lack of personal safety (Ibid: 46). Domestic work tends to be quite well paid. However, considering the demands of the job, the salary is not high (Filippo, 1994).

The Dilemma of the “Bad Mother”

Laws assuming that economic gain is the only motivation of migrant women do not fully address the concerns and decisions that female migrants must face (Morris, 2009: 1). Rather, it is family concerns and the desire to allow their children to have a better future that are central for women's motivation to move. When women have to leave their children behind, the prospect of a future reunification under better economic circumstances is a strong motivator (Morris 2014). Migrant women often remain close to their family members and are more likely to retain responsibility of care for family members in other ways, even from a distance (Morokvasic, 2004).

Public opinion in most Eastern European countries of origin has been particularly critical of migrant mothers for “orphaning” their children (see Lutz 2016). However, new technology has enabled migrants to “care at a distance” (Baldassar et al, 2007) by maintaining transnational ties through regular and affordable communication (Wilding, 2006). This emotional support and advice from relatives back in the home country also benefits the migrant women (Moskal, 2011: 40). Moskal (2011: 41) further assumes that children of transnational parents are not abandoned, since parents continue to provide emotional support through regular phone calls, letters, parcels and remittance. Furthermore, the children have their extended family to care for them: “Parents who ‘left children behind’ are worried about them, but by working and sending money home they can provide for their children and offer possibilities for their future. Her view seems rather optimistic. As Castro-Martin & Cortina (2015: 121) point out, the effect separation might have on the well-being of both parents and children on the European level has

yet to be addressed. As Lutz (2015: 354) remarks in the international context, mothers struggle to reconcile separation from their children and their elderly parents with ideals of good motherhood still expected by their societies. “Despite their best intentions and all efforts to balance mothering and working, these mothers perceive ‘mothering from a distance’ as a second-best solution that is forced upon them by migration and poor substitute for physical closeness” (Lutz, 2015: 354). She continues that these struggles are made worse by state practices and public opinion. This view underlines the problematic of judgement and stereotyping with which women are confronted. On one hand, society urges women to earn their own living, but at the same time, still sees them as the main carers of their families: “[E]xpecting women to be ‘good mothers’ and at the same time ‘ideal workers’ increasingly seems to be a dilemma that resembles the squaring of the circle (Lutz, 2015: 354)”. This dilemma is even amplified by the fact that becoming a mother is no longer perceived as a matter of choice, but a fulfilment of a woman’s desire, meaning that she is expected to provide both, economically and emotionally for the child at the same time. (Lutz, 2015: 354 ff.).

Domestic Violence

According to new research, putting women in the role of the main breadwinner can make them more vulnerable to domestic violence. Contrary to previous assumption that the person with the highest status in the family is usually the abuser, the research suggests that it the abused partner that is predominately the person with the higher degree. This applies to both, men and women. The research was conducted in Norway and not in regard to migrant women specifically. However, since migrant women from Eastern Europe earn a significant higher income than their husbands if they are the only one migrating, there is a high risk that the findings could apply for them as well (Wreden Kass, 2014).

Intra-European Migrant Women Movers in Prostitution

While the victimization of female migrants has resulted in literature overlooking highly-qualified female workers within the labour market, the assumption that all intra-EU mobilization consists of “free movers” tends to ignore the fact that migrant women who work in sex-work and prostitution in European countries are predominantly EU citizens. Since the 1990s, the share of women coming from Eastern and Southern Europe has increased and mostly replaced Latin American and Asian women. These women face the same obstacles as other sex workers, even if they can legally move from one country to another (Kofman & Raghuram, 2009). Theories that promote sex work and its legalization tend to put forward the importance

of economic emancipation of these women (Andrijasevic, 2010). It is usually assumed that prostitution pays well and gives women the opportunity to earn a higher salary without the necessary skills such as language or training. However, as a recent interview with women working in the sector showed, wages nowadays are very low, prostitutes very young, and most of these women would like to stop, but are under pressure; either because they have to provide for their families, or because they are in a situation of dominance by their controllers. Because of a lack of other opportunities for women migrants within the foreign labour market, these women usually have no possibility of changing the sector (Wüst, 2018).

Conclusion

Based on European integration theory which assumes that intra-European migration is first and foremost a great economic opportunity for countries and migrants rather than a challenge, potential obstacles for intra-European migrant women have been overlooked. On one hand, the victimization of the international migrant woman has led to the stereotype of the unskilled domestic- and sex-worker, ignoring high-skilled women migrants as such. The fact that the focus on high-skilled migration has been on transnational corporations which remain highly male-dominated, has further increased the invisibility of the female migrant worker. On the other hand, problems of women that *do* work in the domestic- and sex-sector have been overlooked because of the assumption that problems of vulnerability are non-existent in intra-European migration.

It is certainly true that intra-EU migration has brought new economic opportunities for EU citizens which benefit women and men similarly. However, employment does not always imply the empowerment of women as independent actors in the migration process. On the contrary, it rather reflects their growing “marketability” on the global labour market and their “cynical manipulation by a variety of essentially patriarchal structures (King & Zontini, 2000: 37)”.

In most cases, women remain the main care-giver for their families. In general, motherhood has become more demanding in recent years and the problem of combining work and family obligations has increased (Miller, 2018). Migrating adds more dimensions to the challenge. Women who travel as part of family migration lose their social circle and are left without support of grandparents or family members to take care of their children. Language barriers,

that are especially dominant in intra-European migration, make it difficult to rebuild a social network and adapt to the new educational system of their children. The lack of social control also makes all migrant women more vulnerable to abusive treatment from society at large.

Whereas women already face more difficulties to enter traditional male jobs in their country of origin, being a migrant and facing potential language barriers makes them come behind male migrants and women citizens in the line when it comes to find a job. Whereas most European countries invest in integration for refugees, little or no effort is made for integrating intra-European migrants in their host country. Contrary to female refugees that lack a work permit and are not faced with the double burden of work and family, intra-European migrant women do have the permission to work, but are also expected to do so.

If we focus on economic resources, intra-European migration is an opportunity for women workers too. However, gender-inequality does not disappear with intra-European migration. It rather adds gender-based discrimination problems of the host country to gender-based issues that women bring along. As Lutz (2015: 355) remarks, there is still a lack of debate on new masculinities and reorganization of the labour market in order to attain gender equality. “[T]he hegemonic norm of masculinity was never attached to bodily practices like changing the diapers of children or old parents. Another velvet revolution is probably needed to achieve this goal (Lutz, 2015: 355)”. The same is true for women in intra-European migration.

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