

Steering Labour Migration to the EU – Perspectives

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In July 2008, France will take on the EU Presidency. Insofar as the French government has made its goals for asylum and immigration policy known, the expectation is that it will concentrate on combating irregular immigration. This focus will likely fall short of the imperative set out by the European Union’s heads of state and government for a “comprehensive and coherent” policy. The question of labour migration from outside the Union is in particular danger of being neglected. This topic is a hot potato for all Member States. Many governments are concerned that common European rules will entail a loss of political control over immigration. Yet, it is precisely in this area that Europe-wide approaches could play a most fruitful role. How can a coherent and comprehensive European policy be fashioned that offers all the advantages of common rules without sapping sovereignty?

In December 2005, with their “Global Approach to Migration”, the Member State governments put forth what they understood by a “comprehensive” approach: It would mean not only a reduction of irregular migration, but also the development of sustainable solutions for refugees and the better management of legal migration. The Hague Programme of 2004 completes this picture with its vision of a coherent policy. This tripartite goal consists of: *horizontal coherence*, which reaps synergies from related policy areas—foreign development, social and economic; *vertical coherence*, ensuring close cooperation between different levels of government and governance (including civil society); *internal coherence*,

with the formulation of common goals and their pursuit on the basis of solidarity.

Deficits

The reality of migration cooperation is far removed from these principles—particularly in the area of labour migration. Policies have been uncoordinated, self-contradictory and geared to short-term priorities. The European Commission has frequently pointed out that this kind of policy is scarcely suited to the task of wooing well-qualified immigrants to the EU—and the Member States are in real need of them for economic and demographic reasons. In comparison with the “classic” immigration

countries (United States, Canada and Australia), the proportion of highly qualified and skilled workers amongst the labour flows to the EU is indeed significantly lower.

Comprehensive Management

The comprehensive management of labour-market migration would require a policy differentiated according to the type of worker in question—highly qualified, skilled or low-skilled. In December 2005, the Commission put forward a Strategic Plan for Legal Migration. This has been followed up by proposals for a directive on highly qualified labour and for a framework directive. Three further proposals have been announced—for seasonal workers, for migration within firms and for trainees.

Highly qualified immigrants: The proposed directive for highly qualified immigrants (the “Blue Card”) did not meet with approbation from all Member States. From the German perspective, the criteria for “highly qualified employment” were too low. Its critique rested on a fear that the rules would take too little account of the state of the labour market. This was a concern shared by many Member States.

A solution to this critique might be the reiteration that national competencies allowing the individual governments to decide over access to their labour markets remain unaffected. The labour market for highly qualified workers is, anyway, extremely elastic: From a theoretical perspective at least, there is no limit to the numbers of highly skilled workers that can be accommodated. Preferential rules for national citizens are therefore unnecessary.

A Community points-system with generous quotas and an emphasis on human capital would lend itself to the proper management of this kind of migration. The concrete definition of criteria and quotas would remain a national competence. In all this, the added value of the Blue-Card proposal should be retained. This proposal

gives immigrants the prospect of EU-wide labour-market access. In the context of international competition for highly qualified labour, the EU would thereby improve its allure as a destination.

Skilled immigrants: Complementing this highly qualified immigration, rules for qualified immigration need to be agreed on. Here, preferential rules for citizens cannot be dispensed with: There is a danger that immigrant workers will substitute native workers. All the same, tedious individual tests need not be introduced to ensure preferential treatment. Many Member States have experience of generalised preferential rules that cover whole segments of the labour market. The EU might usefully draw on this experience.

Best practice suggests that processes fathoming the need for immigrant labour must be transparent. Any diagnosis of shortages should rely upon labour-market data from individual sectors, seeking to identify a structural and growing need for labour that cannot be filled by natives. On this basis, quotas for temporary, skilled immigrants would then be agreed on. Individual tests would only be carried out on qualifications prior to the issue of work and residence permits.

Low-skilled workers: In most EU states, there is also a lack of low-skilled workers, for example in agriculture or household services. The Commission will shortly propose a measure on seasonal workers designed to meet this need. The Member States will then have to ascertain whether the procedures suggested are suited to their labour-market needs and transparent. Clarity also needs to be achieved on the question whether preferential rules for citizens can and should be introduced.

Successful national rules, for example the German arrangements for seasonal workers, should also be accommodated within the European framework. This would leave national competencies unaffected but allow the Member States to

reap the benefits of acting in concert with their EU partners.

Coherent Management

In these efforts, the three forms of coherence called for at the Hague should serve as a guide.

Horizontal coherence: The management of immigration for labour-market purposes does not occur in a vacuum cut off from other policy areas. Indeed, the fight against unemployment is a central political issue for all Member States and inextricably linked to the question of immigration. Public acceptance for labour migration can only be expected if efforts are made to exploit the full potential of domestic labour. This might include training and adjustment for the unemployed and for older workers, shorter apprenticeships, fuller labour-market participation by women, and a rise in the pensionable age.

All the same, prognoses suggest that the demographic need for workers cannot be met by such alterations either in the medium- or the long term. Even at the end of the transitional period on labour-market access for workers from the EU's new Central and Eastern members, this situation is unlikely to change: The so-called push factors for emigration from the "EU-10" are already falling away as the economies of the Ten develop.

Policymakers with aspirations to create a coherent migration policy must already ask themselves about future sources of migrant labour. Here, a number of factors must be taken into consideration. If the EU is to attract immigrants from other regions of the world, and the sending countries are to gain as well, complex agreements must be forged. For this purpose, the mobility partnerships as proposed by the European Commission foresee the creation of special migration relationships. These possibilities need to be further probed, and the current pilot projects with Cape Verde and Moldova extended.

The Member States also need to avoid attracting those skilled workers needed in their native countries ("brain drain"). Indeed, if the sending countries are to gain, the transmission of remittances needs to be facilitated, since there is evidence that these have a development effect. Moreover, diaspora communities in the EU might usefully be drawn into development-policy goals and the return of migrants facilitated. Some Member States have considerable experience with return programmes, and lessons could be learnt for future European programmes to facilitate immigrants' re-integration in their countries and regions of origin. Finally, training programmes in the EU aimed at ensuring that immigrant workers do not do work that they are over-qualified for would not only help the EU to get the full potential from these workers, but also facilitate "brain gain" should these workers return to their countries of origin.

Vertical coherence: Local, regional and non-governmental actors need to be involved in all stages of EU migration policy-making. In the question of immigrant integration, this is a particular imperative, since most integration processes occur at a local level.

These actors are already busy drawing European lessons from the integration problems faced by second- and third-generation immigrants: In the early phase of guest-worker programmes in the 1950s, most countries decided to do without integration measures. We are today living with the negative effects of such decisions.

Yet, even if the EU really has developed the methods necessary to ensure that temporary migrants return home this time round, how can "integration" programmes be tailored to the demands of temporary labour? There are currently no real concepts on the market.

Internal coherence: Internal coherence involves the agreement of common goals and their pursuit on the basis of solidarity. Three aspects are important:

Firstly, a common approach to the transitional rules for workers from the EU-10

needs to be found. The Member States that opened their labour markets appear to have gained; yet, progress towards the harmonisation of EU labour markets has suffered.

The stock of potential migrants in the EU-10 is hard to define. All the same, we can safely assume that this potential stock has shrunk since the respective EU-enlargements of 2004 and 2007. If the positive experiences reported by the governments that have fully opened their labour markets are anything to go by, the other members should do away with their restrictions, and instead focus on measures to combat wage-dumping and irregular immigration.

Secondly, a common approach, based on solidarity, needs to be taken if the EU is to achieve horizontal coherence between asylum and immigration policies.

Two questions must be answered in this respect: How can the EU offer meaningful refugee protection in the future, and how should immigration policy be re-calibrated to take account of this aim? At present, the EU has comparatively robust standards for international protection; yet, it offers few channels for asylum-seekers to reach its territory and take advantage of them. It justifies this reduced access by reference to the high incidence of asylum abuse by economic migrants. Suggestions for alleviating this unhappy situation via the introduction of quotas for immigrants merit serious attention. The expected dip in irregular immigration and asylum abuse resulting from such a system would allow the Member States to offer better access to the EU for those genuinely in need of protection.

Efforts to search out such synergies between asylum and immigration policies require the participation of all Member States: Small quotas introduced by just a handful of members are unlikely to have measurable consequences.

Thirdly, common goals can only be formulated and implemented if the interests of all the EU partners—including the smallest members—are given proper weighting in negotiations. The larger EU states should

resist the temptation to resort to channels like the G6 meetings in order to set the EU's political agenda. Nor should the speed of negotiations set by the Presidency in Council be too high, since small members will struggle to formulate their positions in time, and their reservations may make themselves felt at the implementation stage.

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