



## EUROPEAN MIGRATION POLICY AND THE LABOUR MARKET – THINKING OUTSIDE THE SQUARE

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This policy paper concentrates on one of the most important current challenges for European migration policy, namely the need to manage effectively economic migration through legal channels while effectively combating irregular migration.

### ADDRESSING THE NEEDS OF THE LABOUR MARKET

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The segmented structure of domestic labour markets and the demographic deficit of Europe are leading to an increasing demand for a migrant labour force. This demand is concentrated in specific sectors such as cleaning, catering and caring jobs for women, and construction, agricultural work and semi-skilled jobs in manufacturing for men. There is a more limited need for high skill professionals (in the medical and IT sectors in particular) in selected EU member states. Since 1999 or 2000, several EU countries (e.g. Britain and Ireland) have adopted, albeit tacitly, pro-migration policies encouraging legal migration for selected categories of low-skilled and high-skilled people in response to the needs of their domestic labour markets. Other EU countries (Greece, Italy, Spain, Portugal) have tacitly tolerated different forms of irregular migration.

These contradictions in member states' policies and views on economic migration have been reflected in the development of an EU immigration policy. The area in which the EU has had the most difficulty in legislating has been the admission of third country nationals (TCN) for the purposes of paid employment and independent economic activity. In 2004, the European Commission had to abandon a proposal for two directives on this matter since member states widely disagreed on the content and scope of these directives.

The European Commission has sought a way out of the impasse by discussing several initiatives targeting specific modes of migration (the Blue Card scheme, circular and temporary mobility, seasonal migration) which are believed to suit the fluctuating needs of EU labour markets. It is questionable whether a piecemeal approach can address the needs of member states' labour markets through legal migration channels. The EU needs a comprehensive albeit differentiated approach that takes into account the complexity of labour-force supply and demand as well as the motivations and pathways of different types of migration from different source countries.



## THE NEXUS BETWEEN LEGAL AND IRREGULAR MIGRATION

EU immigration policy in the field of combating irregular migration has enjoyed wide support and has developed fast. However, despite the political will to combat irregular migration and the resources in money, personnel, and high-technology equipment devoted to the task, results are not satisfactory, at least compared to the volume of resources and intensity of efforts. The challenge of effectively discouraging irregular migration and diverting it to legal channels remains.

It is increasingly complicated in the European Union to distinguish between legal and irregular migration. During the last decades, the dividing line between regular and irregular migrants has become increasingly blurred as people may shift from illegal to legal status (through regularisation programmes of different types) but also fall back into illegality (because of failure to comply with stringent work and stay rules). Also people may enter a country legally as tourists, economically independent persons or asylum seekers and then engage in paid employment without appropriate authorisation. This uncertain and variable nature of immigration is characteristic of late industrial societies and their labour markets, and cannot be changed or made to disappear through control policies only.

It is questionable whether employer sanctions (a draft directive is currently under discussion) can effectively combat irregular migration. Studies on similar efforts in the USA in the 1990s have shown the limits of this approach. Imposing tough sanctions on employers who knowingly hire irregular migrants raises several questions.

- Do employers have the knowledge and means to effectively check whether the migrants' documents are valid?

- Will this lead to discrimination (as it did in the USA) towards foreign looking people or people who do not speak the language fluently, regardless of their migration status?

In the USA, employer sanctions made employers reluctant to hire "foreign-looking" people or people who did not speak perfect English from fear that these people did not have their documents in order. This indeed led to an increase in discrimination against citizens and permanent residents of Hispanic origin in several states of the USA. This risk is tangible in many European countries with long established migrant populations who have naturalized or received indefinite stay: these people run the risk of further discrimination in the labour market because they look "foreign" or "irregular"; and informal employment may not be effectively reduced.

## UNAUTHORISED ENTRIES

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Print and electronic media across Europe often report that floods of migration are unstoppable despite sophisticated border control equipment and trained personnel. But hard facts do not confirm this view. The reality is that total numbers of unauthorised entries are low in both absolute and relative terms:

- In 2005 there were less than 30,000 irregular immigrants arriving through the EU's southern sea borders.

- In 2006, the number of interceptions at the southern sea borders of the EU increased to 50,000 approximately. This represents a 70% increase but still a rather small number compared to a total immigrant population of more than 8 million in the southern European countries and a total resident population of 110 million.

- Regarding land borders, during 2007 Greece has apparently experienced a migration crisis with increasing number of irregular aliens attempting to enter the country; indeed police authorities have apprehended about 43,000 people attempting to cross the Greek land borders illegally. That is 10,000 less than the previous year (2006) and 5,000 more than in 2005.

- The joint FRONTEX sea border control operations HERA I and HERA II over the summer and autumn of 2006 had a total cost of 3.5 million euro and succeeded in intercepting about 4,000 irregular migrants near the African coast at the beginning of their journey towards the Canary Islands. Border controls risk being economically irrational and politically inefficient in the absence of a diversified and targeted approach to specific types of irregular migration.

What these numbers say is not that irregular migration is not an important social issue but that the majority of irregular migrants enter the EU legally – they have little to do with dilapidated dinghies at the sea borders of the EU and more to do with EU labour markets.

## APPROACH THE PROSPECTIVE MIGRANTS NOT THEIR GOVERNMENTS

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Tackling irregular migration is inextricably linked with an appropriate management of legal opportunities for migration and employment in the EU. Action should mainly target migrants themselves, not only their governments.

There is a need to develop more effective information campaigns in both transit countries and countries of origin of legal and irregular migrants.



We need to provide information in the languages of the countries of origin/transit. Such information should be provided through the channels of informal networks rather than through official channels of communication by public entities, immigration services, or the police. In many of the countries of origin/transit, governments are authoritarian and mistrusted by citizens.

Prospective migrants and their informal networks in the countries of origin/transit can be reached in the following ways:

- Short TV or radio spots with migrant celebrities (e.g. athletes or artists who are famous in the countries of origin/transit and/or in the countries of settlement – to take advantage of transnational networks of artistic expression).

- Financing of information campaigns by NGOs and other informal local networks (including village/tribal leaders where applicable, local authorities, travel agencies and other migration industries involved in the organisation of international movements – in order to persuade them that more information can improve their business, make it safer and more profitable).

- General media programmes in the local/national radio, press, television.

- Promotion and funding of cooperation between migrant organizations in the countries of settlement and local networks/organisations in the countries of origin.

- EU governments cannot combat the financial power of human smuggling networks but they can be more sophisticated in their communication and networking approaches, and provide for alternative benefits (institutional and financial support) other than crude cash paid by prospective irregular migrants for transport – we need to disrupt the link between criminal networks and semi-legal activities, by involving employment agencies, travel agencies, or the migrant press.

## **FIND OUT MORE ABOUT THE LINKS BETWEEN REGULAR AND IRREGULAR MIGRATION**

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Why do some countries need migrants to work in their informal labour markets? We propose the following ways to address the needs for irregular migration in member state economies:

- Respond to the needs of domestic labour markets and adopt more flexible arrangements (e.g. reduction of welfare contributions) for certain occupations; develop mechanisms to respond swiftly in labour market needs and simplify red tape when inviting foreign migrants.



■ Promote via trade unions and NGOs forms of self-organisation of the migrants (e.g. cooperatives) that help migrants to achieve and maintain legal status while working in sectors such as cleaning, caring or catering that are by nature difficult to regulate and where individual workers perform tasks for a variety of small employers.

■ Acknowledge and legalise the role of networks in finding employment for newcomers. Useful examples of such policies have been the “sponsorship” measure applied in Italy between 1998 and 2001, or the granting of residence permits to independent workers with individual business plans in the UK in the early 2000s. Such policy experiments need to be extended and tested in different member states – the idea that migrants have to secure a job before arriving at their destination has proven to be wishful thinking in many countries, and led to large numbers of unauthorised workers.

■ Study the link between legal opportunities and the reduction of irregular migration. Would actual or prospective migrants wait for a legal opportunity to move rather than risk the irregular journey, stay and employment? How long would they wait? What other incentives can affect the timing of their decision to migrate (e.g. longer permit duration, assistance for housing or allowances for children’s education)?

■ Study the reality of major sending countries and devise appropriate measures to discourage irregular migration. The motivations of a sub-Saharan African and the risks that s/he is willing to take to migrate illegally are different from those of a Russian, Chinese or Egyptian person. Different levels of economic need (ranging between absolute poverty to the wish to improve one’s living standard) and different perceptions of what is an acceptable standard of living impact on migrants’ decisions. While people who are motivated by the wish to improve their economic situation or help their children go to university or start a business may be persuaded to wait for a year or two to migrate legally through a points system platform, people who flee environmental disaster and dire poverty cannot be effectively discouraged by border controls. Here a different approach can be promoted, of seasonal migration, for instance, where return to the country of origin is rewarded through a bonus at the end of the seasonal employment.

■ Develop a points system that assigns points to individuals in relation to their education, skills, family ties with an EU member state, studies, prior living in that member state, and other facts. Such points would have a different weight factor for different sectors of occupation. The points system should have an EU dimension facilitating the mobility of workers across member states and contributing to common-market integration. This scheme could effectively combat illegal entry and employment if applied efficiently, so that migrants could see a real chance for getting into a European country where they have information that they can find employment. The scheme should be widely advertised in the main countries of origin.

■ The points scheme for high-skill migrants should encourage the return of these migrants to their countries of origin to avoid or at least reduce the effects of brain drain.

Receiving countries should provide for financial and institutional incentives for return, such as a lump-sum fund upon return to encourage starting a business in the country of origin, and a preferential path of re-migration to the EU after two years of work in the country of origin.

Alongside these initiatives, more traditional measures for combating irregular migration need to continue. There should be increased efforts for capacity building and transfer of human rights' standards for the treatment of irregular migrants in non-EU transit countries. This can be achieved with the renewal and extension of past programmes like AENEAS, ARGO and ODYSSEUS. Such programmes should involve both state and civil-society actors in the EU and in the third countries, with a view to training officials but also to raising awareness of the humanitarian dimension of irregular migration and people-trafficking among the populations of sending, transit and receiving countries.

Programmes for cooperation and development that reward countries of origin for trying to regulate the flows on their side of the border could focus on developing local self-help schemes, which promote sustainable growth and tackle basic needs such as clean water, food and education. A recent successful example is the Brazilian government's "bolsa familia" scheme that gives cash allowances to poor mothers (in this case not migrants but natives) who keep their children in schooling.

Fighting irregular migration while catering for the EU labour markets requires a change in direction of European migration policy. We need to rationalise the approach to border control and review the amounts spent on personnel and equipment. Is this the best way to use European citizens' money? Are we effectively curbing illegal migration or are we simply raising the death toll or the exploitation of irregular migrants? While catering to the needs of EU employers, we need to understand better the varied motivations and paths of irregular migration, and devise paths for legal migration that respond better to the needs and motivations of migrants. We need to approach migrants rather than their governments and make the best possible use of local networks and organisations.